

# Swindon Borough Council

## Licensing Committee

**Wednesday, 13 January 2016**

Committee Room 6, Civic Offices, Swindon (Anticipated meeting room)

**At 5.30 p.m.**

### **Conservative Councillors**

Alan Bishop  
Michael Bray  
Oliver Donachie  
John Haines (Vice-  
Chair)  
Maureen Penny  
Eric Shaw  
Caryl Sydney-Smith  
Vera Tomlinson  
(Chair)

### **Labour Councillors**

Junab Ali  
Abdul Amin  
John Ballman  
Fay Howard  
Derique Montaut  
Kevin Small  
Peter Watts

**Committee Officer:** Shaun Banks (Telephone: 01793 463606)

sbanks@swindon.gov.uk

Swindon Borough Council, Civic Offices, Euclid Street, Swindon, SN1 2JH  
(Telephone 01793 445500)

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## **AGENDA**

### **1. Apologies for Absence**

### **2. Declarations of Interest**

Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.

### **3. Minutes (Pages 3 - 6)**

To receive the minutes of the meetings held on 15<sup>th</sup> December 2105.

### **4. Public Question Time**

See explanatory note below. Please phone the Committee Officer whose name and number appears at the top of this agenda if you need further guidance.

### **5. Statement of Licensing Policy (Pages 7 - 48)**

### **6. Cumulative Impact Policy (Pages 49 - 58)**

**7. Model Licence Conditions for Dog Breeding Establishments** (Pages 59 - 124)

**Date of Despatch:** 05 January 2016

**Public Question Time** - Swindon Borough Council remains committed to increasing its accountability to the public and to promoting active citizenship. 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from the public about the work of the Committee (except for confidential matters, and matters relating to planning and licensing applications). We will give priority to those who submit questions in writing at least two days before the meeting. Questions must be relevant, clear, and concise. You may not use Public Question Time as an opportunity to make speeches or statements.

Questions in writing should be sent to the Committee Officer whose contact details appear on the agenda above or to the Director of Law and Democratic Services, we will publish it, along with the answer, alongside the Minutes. The process associated with asking a public question is set out in the "Public Question Time at Council Meetings Protocol and Guidance" available on the Council's Website.

(<http://ww5.swindon.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13338&path=0>) or from the Committee Officer named above.

**Access Arrangements** – *The Venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Clerk above, as soon as possible prior to the date of the meeting.*

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

**LICENSING COMMITTEE**

**TUESDAY, 15 DECEMBER 2015**

PRESENT:- Councillors Abdul Amin, John Ballman, Alan Bishop, Michael Bray, Fay Howard, John Haines, Derique Montaut, Kevin Small, Caryl Sydney-Smith, Vera Tomlinson and Peter Watts.

Councillor Emma Faramarzi (Cabinet Member for Housing and Public Safety) was also in attendance.

Apologies for absence were received from Councillors Junab Ali, Oliver Donachie, Maureen Penny and Eric Shaw and Eric Shaw.

**14. Declarations of Interest**

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. Councillor Vera Tomlinson made a non prejudicial declaration of interest in respect of Agenda Item No. 5 as her daughter-in-law was involved with dog breeding.

**15. Minutes**

Resolved – That the minutes of the meeting held on 17<sup>th</sup> September 2015, be confirmed and signed as a correct record.

**16. Public Question Time**

No public questions were received during the meeting.

**17. Model Licence Conditions for Dog Breeding Establishments**

Resolved – That consideration of the report be adjourned until a meeting to be held in January 2015.

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## **LICENSING COMMITTEE**

**TUESDAY, 15 DECEMBER 2015**

PRESENT:- Councillors Abdul Amin, John Ballman, Alan Bishop, Michael Bray, John Haines, Fay Howard, Derique Montaut, Kevin Small, Eric Shaw, Caryl Sydney-Smith, Vera Tomlinson and Peter Watts.

Councillor Emma Faramarzi (Cabinet Member for Housing and Public Safety) was also in attendance.

Apologies for absence were received from Councillors Junab Ali, Oliver Donachie and Maureen Penny.

### **18. Declarations of Interest**

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting.

Councillor Vera Tomlinson made a non prejudicial declaration of interest in respect of Agenda Item No. 5 as her Daughter-in Law as involved with Dog Breeding.

Councillor Mick Bray made a non prejudicial declaration of interest in respect of Agenda Item No. 6 as he used catteries situated with the Borough.

### **19. Public Question Time**

Mr Owen (Catery Owner) asked the Committee to consider the request from officers that his business inherit grandfather rights due to the he could not comply with the new regulations without substantially reducing the number of cats he could board. The Chair indicated that his comments would be considered as part of discussions during consideration of the agenda item.

### **20. Model Licence Conditions for Pet Shops**

Resolved – That consideration of this item be adjourned until a meeting of the Committee to be held on 30<sup>th</sup> December 2015.

### **21. Proposed Conditions for Dog Day Care**

Resolved – That consideration of this item be adjourned until a meeting of the Committee to be held on 30<sup>th</sup> December 2015.

### **22. Model Licence Conditions for Catteries**

Resolved – That consideration of this item be adjourned until a meeting of the Committee to be held on 30<sup>th</sup> December 2015.

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## Statement of Licensing Policy

**Licensing Committee**

**Date: 13 January 2016**

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Author:	Licensing Manager
Wards:	All
Locality Affected:	All
Parishes Affected:	All

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### **1. Purpose and Reasons**

- 1.1 Section 5(1) of the Licensing Act 2003 provides that each Licensing Authority must determine its policy with respect to the exercise of its licensing functions and publish a statement of that policy for each 5 year period. The policy must be kept under review and amendments made when considered necessary.
- 1.2 A draft policy was considered by the Licensing Committee on January 8 2015 which is attached as **Appendix A**.
- 1.3 The draft policy was subject to a full consultation with statutory stakeholders and revised Statement of Licensing Policy requires determination by the Licensing Committee and ratification by the full Council.

### **2. Recommendations**

- 2.1 It is recommended that the Committee:
  - 2.1.1 Take into account the comments received from the consultation process and to recommend approval of the Statement of Licensing Policy, as amended if considered necessary, to Full Council.

### **3. Detail**

- 3.1 Swindon Borough Council determined its first Statement of Licensing Policy (SLP) on 18 November 2004. This was reviewed in 2011 and the latest review being 2015 which has recently been subject of the consultation.
- 3.2 Section 5 of the Licensing 2003 Act (as amended by the Police Reform and Social Responsibility Act 2011) requires that the Council determines the policy at intervals of no greater than 5 years.
- 3.3 The Licensing Act 2003 has been amended by the Police Reform and Social Responsibility Act 2011, the Live Music Act 2012 and The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 since the policy was last determined.
- 3.4 The changes introduced are summarised in paragraphs 3.5-3.7 below.

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Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager, on 01793 466113, email: [kashton@swindon.gov.uk](mailto:kashton@swindon.gov.uk).

# Statement of Licensing Policy

**Licensing Committee**

**Date: 13 January 2016**

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- 3.5 On 25 April 2012, the Police Reform and Social Responsibility Act 2011 amended the Licensing Act 2003 as follows:
- 3.5.1 The Licensing Authority and Local Authority responsible for public health became responsible authorities;
  - 3.5.2 The vicinity test for those who make a representation was removed and 'interested parties' became 'other persons';
  - 3.5.3 The test which Licensing Authorities must apply when considering the steps taken for the promotion of the licensing objectives has changed so that it is no longer whether the steps are 'necessary' but rather whether they are 'appropriate' to the promotion of the licensing objectives;
  - 3.5.4 A Late Temporary Event Notice may now be accepted up to 5 working days prior to the event instead of 10 working days, and the Environmental Protection Team are now a consultee for all Temporary Event Notices received by Swindon Borough Council. The time limits for temporary event notices have also been relaxed such that an event may last for up to 168 hours instead of 96 hours and events may now take place on no more than 21 days in a calendar year, instead of 15 days;
  - 3.5.5 A Premises Licence or Club Premises Certificate must be suspended for non-payment of the statutory annual fee unless the amount payable is disputed, or non-payment is due to an administrative error in which case, a 21 day grace period is provided; and
  - 3.5.6 The Statement of Licensing Policy must now be reviewed at 5 yearly intervals instead of 3 yearly intervals.
  - 3.5.7 The Licensing Authority can determine a late night levy that applies to all premises or clubs that supply alcohol for consumption on the premises between a period that begins no earlier than midnight and ends no later than 6 am, as set by the Licensing Authority
  - 3.5.8 The Licensing Authority can determine that an early morning restriction order will apply to one or more areas of the Borough that requires premises to close no later than midnight and not reopen until no earlier than 6 am, with the time set by the Licensing Authority.
- 3.6 On 01 October 2012, the Live Music Act 2012 also amended the Licensing Act 2003 by changing the definition of regulated entertainment:
- 3.6.1 Entertainment consisting of a performance of live music is no longer considered regulated entertainment if it is performed between 8:00am and 11:00pm and:
    - 3.6.1.1 The live music is unamplified;
    - 3.6.1.2 The live music is amplified but the audience is no greater than 200 people and it is performed in a work place (as defined in

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Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager, on 01793 466113, email: [kashton@swindon.gov.uk](mailto:kashton@swindon.gov.uk).



# Statement of Licensing Policy

Licensing Committee

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regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations 1992) other than a premises that is licensed for the supply of alcohol or regulated entertainment;

3.6.1.3 The live music is amplified but the audience is no greater than 200 people and it is performed in a premises or club premises that is authorised by a premises licence or club premises certificate to supply alcohol for consumption on the premises and the premises or club is open for purposes of being used for the supply of alcohol for consumption on the premises at the time that the entertainment is provided.

3.6.2 Any condition attached to a premises licence that relates live music ceases to have effect until such time as the premises licence is reviewed and the condition varied to include a statement that section 177A of the Licensing Act 2003, which relates to the suspension of conditions relating to live music, does not apply.

3.7 The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 also changed the definition of regulated entertainment such that the following activities provided between 8:00am and 11:00pm are not considered regulated entertainment:

3.7.1 Performance of a play or performance of a dance where the maximum number of people who are in the audience does not exceed 500 people

3.7.2 Indoor sporting events (excluding boxing/wrestling or boxing/wrestling with one or more martial arts) where the audience consists of no more than 1000 people.

3.8 The Statement of Licensing Policy which has been subject to the consultation takes into account all the statutory changes summarised and also has included more detailed information to assist applicants and Premises Licence Holders.

3.9 Any revision to the Statement of Licensing Policy must undergo statutory consultation and as a result the statement was subject to 12 weeks consultation in accordance with the Government's Code of Practice on Consultation. This period was considered appropriate in view of the content of the policy and the potential impact on residents and business in the Borough of Swindon and also the length of time that the policy may be effective.

3.10 Responses have been received from Wiltshire Police who in principle are in agreement with the Policy. These comments are attached as **Appendix B**

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Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager, on 01793 466113, email: [kashton@swindon.gov.uk](mailto:kashton@swindon.gov.uk).

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- 3.11 Comments have been received from Trading Standards and these are attached as **Appendix C**.
- 3.12 Comments have been received from Public Health and these are attached as **Appendix D**
- 3.13 Comments have been received from Swindon Pubwatch and these are attached as **Appendix E**

## **4 Implications, Diversity Impact Assessment and Risk Management**

### Financial and Procurement Implications

- 4.1 There is a cost associated with any consultation. However, it is proposed to minimise expenditure by consulting via electronic means where possible.
- 3.2 As the consultation is a statutory requirement, it must be undertaken by Swindon Borough Council and will be done using existing resources.

### Legal and Human Rights Implications

- 4.3 The Secretary of State has certified that the Act is compatible with the European Convention on Human Rights.
- 4.4 Determining the Statement of Policy is a statutory function that must be carried by Swindon Borough Council and consultation must be undertaken prior to determining the final policy. Failure to determine the policy may lead to judicial challenges.

### All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 3.5 The consultation will be undertaken using existing staffing resources.
- 4.6 There are no other implications associated with this report.

### Diversity Impact Assessment

- 4.7 No diversity impact assessment has been undertaken at this stage.

### Risk Management

- 4.8 Failure to determine the policy or adequately consult may lead to judicial review proceedings. Commencing the consultation will avoid this.

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Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager, on 01793 466113, email: [kashton@swindon.gov.uk](mailto:kashton@swindon.gov.uk).

# Statement of Licensing Policy

Licensing Committee

Date: 13 January 2016

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## 5 Consultees

- 5.6 The Board Director Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

## 6 Background Papers

- 6.6 [Licensing Act 2003](#)
- 6.7 [Police Reform and Social Responsibility Act 2011](#)
- 6.8 [Live Music Act 2012](#)
- 6.9 [The Licensing Act 2003 \(Descriptions of Entertainment\) \(Amendment\) Order 2013](#)
- 6.4 [Revised Guidance issued under section 182 of the Licensing Act 2003 \(published October 2014\)](#)

## 7 Appendices

- Appendix A - Draft Statement of Licensing Policy
- Appendix B - Response from Wiltshire Police
- Appendix C - Response from Trading Standards
- Appendix D - Response from Public Health (to be reported orally)
- Appendix E - Response from Swindon Pubwatch

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Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager, on 01793 466113, email: [kashton@swindon.gov.uk](mailto:kashton@swindon.gov.uk).

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# **Statement of Licensing Policy**

**Consultation Draft**

**July 2015**

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# **SWINDON BOROUGH COUNCIL STATEMENT OF LICENSING POLICY: Consultation Draft**

## **PART 1**

### **Introduction**

#### **Background**

- 1.1 This Statement has been prepared in pursuance of section 5 of the Licensing Act 2003 ('the Act') and sets out Swindon Borough Council's policies in respect of the exercise of its licensing functions under the Act.
- 1.2 Swindon Borough Council as Licensing Authority, ('The Authority'), is committed to maintaining a safe, sustainable and thriving economy that can be enjoyed by persons of all ages and from all sections of the community.
- 1.3 The Authority recognises that it must consider the legitimate interests of owners, employees, customers and neighbours of licensed premises but that its determinations will be with a view to the promotion of the following four licensing objectives of the Act:
  - a) the prevention of crime and disorder;
  - b) public safety;
  - c) the prevention of public nuisance; and
  - d) the protection of children from harm.
- 1.4 The Authority acknowledges, however, that the licensing process can only seek to control those measures within the control of the licence holder, and in the immediate vicinity of licensed premises. The Licensing Act, 2003 is not a mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and beyond the direct control of the licence holder. Nonetheless, it is a key outcome of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy, particularly in town centres.
- 1.5 The policies set out in this Statement do not seek to undermine the right of any individual to apply under the Act for a variety of permissions and to have any such application considered on its individual merits, nor to override the right of any person under the Act to make representations about an application, or to seek a review of a licence or certificate issued by the Licensing Authority.

## **Format of this document**

- 1.6 The Consultation Draft 'Statement of Licensing Policy' is divided into 3 parts. Part 1 provides an introduction to the Statement, its purpose, the statutory framework in which it has been prepared and provides a Borough profile as background information. It also details consultation arrangements and the enactment of the policy. Part 2 highlights the factors and issues that the Authority will take into consideration in granting licences where representations are made. These considerations are clearly linked to the furtherance of the licensing objectives listed in paragraph 1.3. Part 3 deals with how the Authority will implement the Statement of Licensing Policy in its consideration of applications and undertaking of its licensing functions.

## **Profile**

- 1.7 Swindon is a large town and unitary authority located in the South West of England at its border with the South East. It is midway between Bristol, approximately 40 miles to the west and Reading, approximately 40 miles to the east. Swindon Railway Station is on the main line from London, Paddington to Bristol and South Wales, and sits between Junctions 15 and 16 of the M4.. Swindon Borough Council has been a unitary authority independent of the rest of Wiltshire since 1997. Swindon was named an Expanded Town under the Town Development Act 1952 and this led to a major increase in its population. Current population estimates show the urban area to be 174,000 with around 206,000 as the Borough as a whole, including the satellite towns of Highworth and Wroughton and a number of villages (Bishopstone, Blunsdon St Andrew, Castle Eaton, Chiseldon, Hannington, Inglesham, Liddington, South Marston, Stanton Fitzwarren and Wanborough).
- 1.8 There are approximately 750 premises and clubs licensed by the Authority which include pubs, nightclubs, restaurants, cinemas, theatres, takeaways, off-licences/supermarkets and members clubs. The Authority welcomes and encourages new and existing businesses that bring a range of diverse activities into the borough, but the Authority's primary consideration will always be the promotion of the licensing objectives.

## **Consultation**

- 1.9 In accordance with section 5(3) of the Act, consultation is being undertaken prior to the determination of this Statement of Licensing Policy.
- 1.10 Having regard to the Cabinet Office's 'Consultation Principles' document (revised 05 November 2013), the Licensing Authority consider that a 12-week consultation period is an appropriate timescale to undertake the statutory consultation process, in view of the nature of the policy, its potential impact on the residents & businesses of Swindon and the length of time that the policy may be effective.



1.11 The list of consultees, which includes those set out in section 5(3) of the Act, is included as Annex 1.

## **Commencement**

1.12 This Statement of Licensing Policy was determined on [DATE TO BE INSERTED FINAL DOCUMENT] and comes into force on [DATE TO BE INSERTED FINAL DOCUMENT]. It remains effective for a period of 5 years but will be kept under review by the Authority and revisions made, as and when it is considered appropriate.

## **Purpose and Scope of the Licensing Policy**

### **Licensing Objectives**

1.13 When carrying out its licensing functions, the Licensing Authority shall seek to promote the four licensing objectives set out in Section 4 of the Act. These objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Each objective has equal importance.

### **Licensable Activities**

1.14 The Act regulates the following licensable activities:

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club, or to the order of a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment

### **Authorisations**

1.15 These activities may be authorised by a premises licence, temporary event notice or, in the case of qualifying club activities, a club premises certificate.

1.16 The Authority is responsible for the administration and enforcement of these authorisations issued under the Act in respect of premises situated in Swindon. The authority also administers personal licences for those individuals who live in the Borough at the time that they apply for such a licence.

**1.17 Each application will be considered on its own merits in the context of the four licensing objectives. Unless relevant representations or**

**objection notices are received from responsible authorities or any other person, the application must be granted and where appropriate, the licence or certificate issued on the terms sought.**

**1.18 Where relevant representations or objections notices are received about an application for an authorisation, the authority shall determine if the application should be granted. This Statement of Licensing Policy shall be taken into account where such discretion is engaged.**

1.19 In exceptional circumstances, the Authority may deviate from any of the policies included in this statement where considered appropriate for the promotion of the licensing objectives. In deciding whether an exception to a policy should be made, the Licensing Authority shall consider the reasons underlying the policy and determine whether the objectives of that policy would be undermined by making an exception to it. Such an exception would, however, be unusual and in such circumstances reasons will be given.

1.20 Unless otherwise stated, the policies set out in this Statement apply to all applications for authorisations administered by Swindon Borough Council.

## **PART 2**

### **Licensing Policies**

#### ***Premises Licences and Club Premises Certificates***

- 2.1 *The policies set out in this section apply to applications made for premises licences and club premises certificates to be granted and applications to vary these authorisations.*

#### **General**

##### **POLICY G1 – Compliance with Licensing Objectives**

The Authority will normally expect applicants to address all four licensing objectives in their Operating Schedule when applying for a new authorisation or when varying an existing one.

When setting out the steps that the applicant proposes to take to promote the four licensing objectives, the applicant should have regard to the following matters.

- the activities to take place there;
- the time at which such activities will take place;
- the proposed hours of opening;
- the period of the licence where the applicant wishes it to take effect for a limited period;
- the steps to be taken to promote the licensing objectives; and,
- where the sale of alcohol is involved, whether supplies are proposed to be for consumption on or off the premises (or both) and the name of the designated premises supervisor.

##### ***Reason:***

- 2.2 To give responsible authorities and other persons a clear indication of how the applicant, or holder of the authorisation in the case of variation applications, proposes to ensure the promotion of the licensing objectives

##### ***Additional Information:***

- 2.3 *Operating Schedules are the key to ensuring compliance with the four licensing objectives. The terms of the Operating Schedule will translate into the licence conditions that set out how the business will be run. The Authority will endeavour to work in full co-operation with the applicant or holder of the authorisation to minimise the number of disputes that may otherwise arise in this area.*

- 2.4 *In this respect the Authority will expect that the Schedule will demonstrate how it is intended that the premises will be a 'good neighbour' both to residents and to other venues and businesses in the locality. The Authority further expects applicants to provide evidence within the Operating Schedule, of effective and responsible management of the premises, including the*

*effective instruction, training and supervision of staff being specifically addressed.*

## **POLICY G2 – Proof of Notification by advertisement**

**Where an application is required to be advertised in a local newspaper where circulation covers the premises, the applicant shall provide proof of the advertisement to the Authority.**

### ***Reason:***

- 2.5 To ensure that the legislation has been complied with and that the application is valid.

### ***Additional Information***

- 2.6 *The Authority considers that an advertisement in the Swindon Advertiser would be sufficient for this purpose.*

## **POLICY G3 - Conditions**

**The Authority will attach conditions to licences, which are tailored to the individual characteristics of the premises and the nature of the business. Any condition in addition to those set out in the applicants operating schedule will be formulated based on an individual case, and informed by this Statement of Licensing Policy**

### ***Reason:***

- 2.7 To ensure that only conditions which are appropriate are attached to the licence thus promoting the licensing objectives.

## **General – All Four Licensing Objectives**

### **POLICY PW1 – ‘Pub Watch’**

**The Authority will expect that licence holders will work with, and in support of other licence holders in the vicinity of their premises to develop schemes and initiatives that seek to promote the licensing objectives.**

### ***Reason:***

- 2.8 To promote the licensing objectives of preventing crime and disorder, ensuring public safety, the protection of children from harm and minimising or preventing public nuisance, in the vicinity of the premises.

## **The Prevention of Crime and Disorder**

### **POLICY CD1 – CCTV**

For premises or clubs that supply alcohol for consumption on or off the premises - and for premises that supply late night refreshment only -, the Authority will normally expect that CCTV shall be installed in the premises and that it shall be operational at all times that the premises is trading.

It is further expected that all CCTV recordings shall be retained for a minimum of 28 days and a copy of any such recordings made available to an authorised officer, within 24 hours of the request being made.

#### ***Reason:***

- 2.9 To promote the licensing objectives of preventing crime and disorder,

### **POLICY CD2 – Provision of Door Supervisors**

For premises or clubs that supply alcohol for consumption on the premises beyond 11.30pm on any day (other than New Year's Eve), the Authority will normally expect that from 10.00pm until the close of the premises:

- a) a minimum of two door supervisors shall be employed, be present and readily identifiable at the premises and
- b) where the capacity of the premises exceeds 200 people, door supervisors shall be employed be present and readily identifiable at the premises at a ratio of 1 door supervisor to up to 100 persons at the premises.

#### ***Reason:***

- 2.10 To promote the licensing objectives of preventing crime and disorder, ensuring public safety, the protection of children from harm and minimising or preventing public nuisance.

#### ***Additional Information:***

- 2.11 *The provision of door supervisors and security teams may be valuable in:*
- *preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;*
  - *keeping out excluded individuals (subject to court bans or imposed by the licence holder);*
  - *searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons;*
  - *maintaining orderly queuing outside of venues prone to such queuing;*
  - *ensuring that the premises are not overcrowded; and*
  - *generally promoting public safety.*

*This policy does not apply to restaurants supplying alcohol ancillary to a table meal.*

### **POLICY CD3 - Safer Glassware/Bottles**

**For premises or clubs that supply alcohol for consumption on the premises beyond 11.30pm on any day (other than New Year's Eve), the Authority will normally expect that from 10.00pm until the close of the premises only polycarbonate, shatter-to-safe, plastic, paper or other inherently safer types of container shall be used in the premises.**

***Reason:***

- 2.12 To promote the licensing objectives of preventing crime and disorder, ensuring public safety, the protection of children from harm and minimising or preventing public nuisance.

***Additional Information:***

- 2.13 This policy does not apply to restaurants supplying alcohol; ancillary to a table meal.

### **POLICY CD4 – Drugs**

**The Authority will normally expect applications for premises licences which provide regulated entertainment and/or provide alcohol after 11.30pm to include a written drugs policy in their Operating Schedule.**

***Reason:***

- 2.14 The Authority recognises that drug problems are not something which are relevant to all licensed premises. Many entertainment venues can, however, be popular both with drug users and suppliers. The production of a 'Drugs Policy' combined with effective professional management of a venue will assist in keeping incidents of drug abuse to a minimum. Such policies may address, amongst other things,:
- the installation of a drugs deposit box in all licensed premises providing entertainment beyond 11.30pm;
  - a Drugs Register to record confiscated drugs and drugs deposits;
  - Suitably qualified First Aiders at all premises which provide entertainment beyond 11.30pm;
  - the provision of cooler, quieter "chill out" areas for patrons.

## **POLICY CD5 – DPS (Designated Premises Supervisor)**

The Authority will normally expect that the designated premises supervisor (DPS), where applicable, shall be in day to day control of the licensed premises and to achieve this, they shall live no further than a 30-minute normal commuting distance from the licensed premises.

### ***Reason:***

- 2.15 To ensure the effective management of the licensed premises.

## **POLICY CD6 – Community Premises**

Where an application is made by the management committee of a community premises, the Authority will normally expect it to include the 'alternative licence condition' in a premises licence allowing the management committee to take on the responsibility of the sale of alcohol instead of a DPS.

### ***Reason:***

- 2.16 To ensure that if the management committee of a community premises are responsible for the sale by retail of alcohol that the licensing objectives of the prevention of crime & disorder and the protection of children from harm are not undermined.

### ***Additional information***

- 2.17 *The Authority accepts that community premises are used by a wide variety of people and may be hired by users of the premises for private events. However, where the management committee take on the role of being responsible for the sale by retail of alcohol, instead of a DPS, they must ensure that those running events are sufficiently briefed and understand the legal and social responsibilities associated with the supply of alcohol under the premises licence.*

## **Public Safety**

### **POLICY PS1 – Venue Capacity**

The Authority will normally expect that a licence holder or club will be aware of the safe permitted capacity of their premises and have appropriate systems in place to ensure that this capacity is not exceeded.

***Reason:***

- 2.18 To prevent overcrowding in the premises, or parts thereof, in the interests of promoting the public safety licensing objective.

**The Prevention of Public Nuisance**

**POLICY PN1 – Protecting Local Amenity**

The Authority will strike a fair balance between the benefits of a licensed premises to a community, and the risk of disturbance to local residents. Consequently in certain areas the Authority may restrict the hours of operation of licensable activities.

***Reason:***

- 2.19 To promote the licensing objective of preventing public nuisance.

***Additional information:***

- 2.20 ***The Government's view is that variable licensing hours may facilitate a more gradual dispersal of customers from premises. The Authority acknowledges this view but also considers that it is evident that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. For example the risk of residents' sleep being disturbed by patrons leaving licensed premises is greater at 2.00am than at 11.30pm.***

**POLICY PN2 – Permitted Hours**

The Authority will normally grant authorisations for a time period commencing no earlier than 10.00am and terminating no later than 11.30pm for those premises licensed to sell alcohol for consumption on the premises and which are located in primarily residential areas. However, hours beyond 11.30pm may be permitted:

- a) for premises located in predominantly commercial areas, such as Swindon Town Centre and Old Town where there is a high level of accessibility to public transport services; or
- b) the licensable activities would not be likely to cause adverse impact especially on local residents, and that, if there is a potential to cause adverse impact, appropriate measures will be put in place to prevent it; or
- c) there will not be any increase in the cumulative impact from these or similar activities, on any neighbouring residential area and the activity will not be likely to lead to a demonstrable increase in car parking demand in surrounding residential streets or on roads.



**Reason:**

- 2.21 To promote the licensing objective of protecting public nuisance, and secondarily preventing crime and disorder.

**Additional information:**

- 2.22 *This policy is concerned with whether a proposal is appropriate in a location with particular regard to the impact on any residential areas. In those parts of the Borough, which are predominantly residential, it is anticipated that the terminal hour of premises where alcohol is sold for consumption on the premises would normally be 11.30pm, unless there are exceptional circumstances.*
- 2.23 *The supply of alcohol before 10.00am and after 11.30pm may be considered to be acceptable in principle for premises in commercial areas with high levels of public transport accessibility. However, in all cases, the granting of a licence will depend on impact of an activity, particularly on local residents. It is necessary to consider, amongst other things, the level of impact that could arise from noise and vibration, litter, parking, people coming and going, crowds and queuing; and whether any impact is particularly unacceptable late at night or in the early hours of the morning.*

**POLICY PN3 – Opening Hours of Premises**

**The Authority will expect the Operating Schedule to indicate that patrons will vacate the premises no later than sixty minutes after cessation of any licensable activities.**

**Reason:**

- 2.24 Any activity involving regulated entertainment, or eating or drinking either on or off the premises, has the potential to impact adversely on the surrounding area due to noise, smells, or congestion on the highway. It may be exacerbated by patrons being noisy when leaving, leaving litter or taking up on-street car parking space. The impact of noise generated by these activities, especially patrons departing either on foot or in cars, is particularly intrusive at night when ambient noise levels are much lower.
- 2.25 Parts of the Borough are very sensitive to the impact of licensable activities because they are either residential in character or close to residential areas. The impact of traffic and parking related to licensed premises can be considerable. Even where a majority of patrons arrive on foot or by public transport, the additional parking demand may be significant, especially where there are already a number of licensed premises. The impact may be felt by local residents being prevented from parking close to their homes and by increasing the danger from traffic in residential streets.

## **POLICY PN4 – Outside Areas**

**For premises located in primarily residential areas:**

- a) The Authority will normally expect that the provision of regulated entertainment in any outside areas will cease no later than 8.00pm on any day.**
- b) The Authority will normally expect the use of any outside area to cease no later than 10:00pm on any day.**

***Reason:***

- 2.26 Noise generated by regulated entertainment provided in outside areas and/or patrons congregating in outside areas can have a detrimental effect on neighbouring residential properties. Restricting the use of such areas will prevent an unreasonable disturbance to these properties, preventing public nuisance.

## **POLICY PN5 – Noise Assessments**

**The Authority will expect applicants for premises licences to provide evidence, within their Operating Schedule, of any assessments made to minimise noise disturbance, both inside and outside of the premises, and to fully implement any measures identified as being required to prevent nuisance to patrons, local residents and local businesses.**

***Reason:***

- 2.27 One of the greatest causes of annoyance to residents at night to sleep is the sound of music escaping from licensed premises. Harmful escape of sound might preclude the grant of a licence or if one has already been granted might justify a review, with a view to possible revocation. It might also lead to a Noise Abatement Notice being issued under the Environmental Protection Act 1990. Responsible applicants and holders of authorisation will avoid the need for such action if they comply with the licensing objective of preventing public nuisance.
- 2.28 In addition, residents are frequently disturbed by patrons leaving entertainment venues in the early hours of the morning. While licence holders cannot be held solely responsible for the behaviour of their Patrons after they have left the premises, they have a duty to put in place measures that will assist in the quieter exiting and dispersal of such patrons, who may be less inhibited about their behaviour and be unaware of the noise and disturbance they are creating for residents. A responsible applicant or licensee will wish to further the licensing objective of preventing public nuisance.

## **Protection of Children from harm**

### **POLICY PCH1 – Protection of Children from harm**

**The Authority will take robust measures to protect children from harm and, where relevant representations are received, will normally impose conditions for limiting the access where it considers necessary to prevent harm to children.**

***Reason:***

- 2.29 This policy is designed to allow flexibility for the individual Licensee to ensure that where appropriate, licensed premises are suitable for children, whilst ensuring that they are adequately protected.
- 2.30 Whilst the prevention of children from harm is a key licensing objective, the Authority will not normally impose restrictions on admission of children to any premises as it considers that it is a matter for the holder of the authorisation to determine. However, premises that may require conditions covering access by children may include the following:
- a) Where there have been convictions for serving alcohol to minors.
  - b) Where entertainment of an adult or sexual nature is provided;
  - c) Where there is a strong element of gambling on the premises;
  - d) Premises with a known association with drug taking or dealing;
  - e) Where the supply of alcohol is the exclusive or primary purpose of services provided.
- 2.31 In such circumstances it may be necessary to impose a condition banning entry to those premises by children under the age of 18 years. Options other than a complete ban can include the following:
- a) Limitations on the hours when children may be present;
  - b) Proof of age arrangements for alcohol sales, for example the PASS scheme;
  - c) Age limitations [below 18];
  - d) Limitations on exclusions of the presence of children under certain age;
  - e) When particular activities are taking place;
  - f) Requirements for accompanying adults;
  - g) Full exclusion of people under 18 from the premises when certain licensable activities are taking place
  - h) Exclusion of children from certain parts of a premises..
- 2.32 Where there are large numbers of children expected to attend any licensable activities, or the entertainment is specifically provided for children, the Authority will, by way of suitable conditions, require the presence of visible and identifiable stewards to control the access and egress of the children and ensure their safety within the premises. Such stewards shall be over 18 years of age and have training in the means of escape arrangements and other facilities. The stewards will also be required to undergo a periodic PNC/DBS checks to the satisfaction of the Authority.

## **POLICY PCH2 – ‘Challenge 25’**

The Authority will normally expect that premises authorised to supply alcohol for either consumption on or off the premises will operate a Challenge 25 policy, such that all customers who appear to be under the age of 25 shall be challenged to prove that they are over 18 when attempting to purchase alcohol. The Authority would expect that the only acceptable forms of identification for proof of age would be a photo driving licence, passport, or home office approved identity card bearing the holographic "PASS" mark. It is further expected that where such a scheme is in operation, all staff working at the premises should be fully trained and aware of the scheme and appropriate training records maintained.

### ***Reason:***

- 2.34 The ‘Challenge 25’ policy is a nationally recognisable scheme that aids in the prevention of the supply of alcohol to children, thereby promoting the protection of children from harm licensing objective.

## **POLICY PCH3 – Film classification**

Where a premises licence or club premises certificate authorises the exhibition of a film, the Authority will normally specify that the admission of children to any exhibition shall be restricted in accordance with any recommendation made by the British Board of Film Classification (BBFC) or in the absence of such a recommendation, the Licensing Authority itself. Any recommendation by the Licensing Authority to restrict the admission of children to an exhibition of a film will normally be made in accordance with the current BBFC Classification Guidelines.

The Authority will normally expect that any request for a recommendation on the restriction of the admission of children to an exhibition of a film is made no later than 4 weeks prior to the proposed exhibition, or first exhibition as the case may be.

### ***Reason:***

- 2.34 To ensure that Children are not exposed to unsuitable material, promoting the protection of children from harm licensing objective. Also, to allow sufficient time to give appropriate consideration to an unrated film where the Authority is asked to give a recommendation on the restriction of the admission of children to the film.

## **POLICY PCH4 – Adult Entertainment**

**The Authority will not normally grant premises licences for entertainment which involves a sex related or adult element in any premises which are located in the vicinity of schools, youth clubs or any other premises where significant numbers of children are likely to attend.**

### ***Reason:***

- 2.35 To further the licensing objective of protection of children from harm by preventing them being exposed to unsuitable material or acts, and also to further the crime and prevention objective.
- 2.36 Where activities specified in an applicant's operating schedule include those of an adult or sexual nature, for example, male and/or female striptease, lap, table, or pole dancing, topless waitresses, entertainment involving strong and offensive language etc., the Authority will take into consideration the risk to the promotion of the licensing objectives particularly in respect of the protection of children and prevention of crime and disorder.
- 2.37 Where such applications are made, it will be for the applicant to demonstrate in their operating schedule all preventative measures which will be taken to ensure that there is no risk to the promotion of the licensing objectives. Where such licences are granted, the Authority will impose suitable conditions to prevent the admission of children and to prevent crime and disorder problems.
- 2.38 Where the Authority grants a premises licence that includes activities of an adult or sexual nature, it will impose conditions relating to the following;
- a) the location within the premises where activity takes place;
  - b) the absence of advertising the activities outside the premises;
  - c) the measures taken to ensure no person under 18 years of age enters the premises;
  - d) the position of the performers' dressing rooms in relation to the area in which they perform;
  - e) physical contact between performers and customers.

## **POLICY PCH5 – Designation of Responsible Authority**

**The Authority considers it appropriate to designate Swindon Borough Council's Head of Children, Families & Community Health as the Responsible Authority for the prevention of harm to children.**

### ***Reason:***

- 2.39 To promote the licensing objective of protecting children from harm.

## ***Personal Licenses***

### **POLICY PL1 – Personal Licenses**

**At a hearing in respect of an objection to the granting of a personal licence, or the revocation of an existing licence, the Authority will consider carefully whether the grant of, or continuation of, the licence will be in the interests of the crime prevention objective. It will consider the seriousness and relevance of any conviction(s), the period that has elapsed since the offence(s) was/were committed and any mitigating circumstances put forward by the applicant or licence holder (as appropriate). The Authority's determination will ensure the promotion of the prevention of crime objective.**

#### ***Reason:***

- 2.40 Prevention of crime is both an objective of the Licensing Act 2003 and a responsibility of the Authority under the Crime and Disorder Act 1998. A person holding a personal licence should be properly qualified and who will assist in the prevention of crime. Granting a licence to a person with a relevant criminal record could undermine rather than promote the crime prevention objective.

## **PART 3**

### **Implementation**

#### **Integrating Strategies and the avoidance of duplication**

- 3.1 By consultation and liaison, the Authority will secure the proper integration of this Statement of Licensing Policy with local crime prevention, planning, transport, tourism, race equality and equal opportunity schemes, cultural strategies and any other plans introduced for the management of the Borough and the night-time economy. Many of these strategies directly impact upon the four licensing objectives.
- 3.2 Where any protocols agreed with the police identify a particular need to disperse people swiftly and safely from a particular part of the Borough to avoid concentrations which could lead to disorder and disturbance, the Licensing Authority will aim to inform those responsible for providing local transportation so that arrangements can be made to reduce the potential for problems to occur.
- 3.3 So far as is possible, the policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators. In order to avoid duplication and to safeguard the rights of applicants the Authority will endeavour to avoid attaching conditions to licences or certificates that duplicate other regulatory regimes
- 3.4 Planning, building control and the licensing regimes will be separated to avoid duplication and inefficiency. Licensing applications will not be a re-run of a planning application and will not cut across decisions taken by the planning committee or following appeals against decisions taken by that committee. On the rare occasions when a terminal hour has been set as a condition of planning permission that is different from the licensing hours, the applicant must observe the earlier of the two closing times.
- 3.5 Applicants will be encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account, where appropriate, when formulating their operating schedule.

#### **Licence Reviews**

- 3.6 The Licensing Authority can consider a review of a premises licence where it is alleged by a Responsible Authority, such as the Police, Fire Authority or an Interested Party, that any of the licensing objectives are being undermined. It views particularly seriously applications for the review of any premises licence which involves the:
  - use of licensed premises for the sale and distribution of classified drugs and the laundering of the proceeds of drugs crimes;

- use of licensed premises for the sale and distribution of illegal firearms;
- evasion of copyright in respect of pirated films and music;
- underage purchase and consumption of alcohol;
- use of licensed premises for prostitution or the sale of unlawful pornography;
- use of licensed premises for unlawful gaming;
- use of licensed premises as a base for organised criminal activity;
- use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
- use of licensed premises for the sale of smuggled tobacco or goods;
- use of licensed premises for the sale of stolen goods;
- Police being frequently called to attend to incidents of disorder;
- prolonged and/or repeated instances of public nuisance;
- serious risk to public safety;
- serious risk to children.

3.7 The Police may also seek expedited reviews of Premises Licences that authorise the sale by retail of alcohol where they consider that the premises are associated with serious crime or serious disorder. The powers do not apply to Club Premises Certificates.

3.8 At a review hearing, the Authority may:

- add conditions to the licence
- modify conditions of the licence
- remove certain licensable activities from the licence
- reduce the hours during which licensable activities may take place
- remove the Designated Premises Supervisor
- suspend the licence for up to three months
- revoke the licence

### **Administration, Exercise and Delegations of Functions**

3.9 All functions of the Authority under the Act, save for the determination of the Statement of Licensing Policy, may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority.

3.10 Many of the decisions and functions are largely administrative in nature and in the interests of speed, efficiency and cost-effectiveness these are, for the most part, delegated to officers as set out in the Swindon Borough Council Scheme of Delegation.

3.11 In determining applications where the Authority has acted as a responsible authority, there will be a clear separation of responsibilities to ensure procedural fairness and eliminate conflicts of interest. This will be achieved by

Page 20 of 24



allocating distinct functions to different officials within the authority, so the Officer presenting the report to the Sub-Committee and advising the Members (for example) will be a different individual to the Officer who is acting as the responsible authority. The Officer acting as the responsible authority will not be involved in the decision making process.

## Delegation of Functions

Matter to be dealt with	Sub Committee	Officers
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a representation is irrelevant frivolous vexatious etc		All cases

Determination of an objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases

## Enforcement

3.12 The primary aim of enforcement is to achieve compliance. Though enforcement may be taken to mean the formal approach, it may also include advice and support to business to achieve compliance.

3.13 Compliance may be achieved through encouraging a sense of community, improved communication, and proactive work with licensees and businesses. Such proactive work may include training, giving advice and information, and initiatives that educate, inform and encourage partners and stakeholders to work together efficiently and effectively. The principal objective in taking a holistic approach to managing the night time economy is to prevent problems from occurring before they begin.

3.14 However, it is recognised that such aims cannot always be achieved, and that active enforcement of the law may be the only effective means of securing compliance. To this end the following enforcement options are available to the Authority:

- verbal or written advice
- verbal warning
- written warning
- mediation between licensees and residents
- simple caution
- prosecution

3.15 These actions are not mutually exclusive and it may be that one course of action follows another, depending on the individual circumstances. Additionally, responsible authorities and interested parties may seek a review of a Premises Licence if they feel the licensing objectives are not being

properly upheld, and the Police have the power to issue Closure Notices against certain problem premises.

3.16 Before deciding which course of action to take, the Authority may consider the following matters:

- the history of the premises
- the relevant history of the offender
- the offender's attitude
- the circumstances of the offence
- whether the offender has a statutory defence to the allegations
- the impact or potential impact of the breach on the public
- the quality of the evidence against the offender
- the likelihood of achieving success in a prosecution
- the likely punishment that will be incurred if the case goes to Court
- whether the course of action proposed is likely to act as a deterrent
- whether the course of action, if it is publicised, is likely to have a beneficial effect on the behaviour of others

3.17 Any enforcement action will be both proportionate and risk-based, targeting high risk premises which require greater attention, while applying a lighter touch approach in respect of low risk premises.

### **Promotion of Equality & Human Rights**

3.18 In accordance with the duty imposed by the Equality Act 2010, the Authority has due regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity, and to foster good relations, between persons with different protected characteristics, namely age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. A Diversity Impact Assessment has been completed in respect of this Statement of Licensing Policy.

3.19 The Authority will also have regard to the Human Rights Act 1998 when exercising its licensing functions, with particular reference to the following relevant provisions:

*ARTICLE 1* of the first protocol - everyone is entitled to the peaceful enjoyment of his/her possessions;

*ARTICLE 6* - in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;

*ARTICLE 8* - everyone has the right to respect for his/her home and family life.

## **Contact Details / Advice and Guidance**

- 3.20 Further information about the application processes, including application forms, fees levels, and the contact details for our responsible authorities is available from the Licensing Team and on the Authority's website. Electronic applications and payment may also be made through the website.
- 3.21 Applicants are strongly recommended to make early contact with the Licensing Authority and Responsible Authorities where possible before making an application. Informal discussions can invariably help to resolve potential problems and avoid unnecessary hearings and appeals.
- 3.22 For applicants who are arranging outdoor or special events, it is further recommended that an application is made to Swindon's Event & Safety Advisory Group.

The Licensing Authority  
Swindon Borough Council  
Wat Tyler House  
Beckhampton Street  
Swindon  
SN1 2JH  
E-mail: [licensing@swindon.gov.uk](mailto:licensing@swindon.gov.uk)  
Telephone: 01793 466331.

Sent: Thu 01/10/15

Hi Kathryn,

This is the second response as discussed, Supt Armstrong is happy with it.

Speak next week

Regards  
Bev

---

**From:** Chammings, Chris  
**Sent:** 29 September 2015 09:58  
**To:** Green, Julia  
**Subject:** RE: \*\*\*Response Required\*\*\*FW: Statement of Licensing Policy - SBC [NOT PROTECTIVELY MARKED/UNCLASSIFIED]

Hi Julia,



I have skim read this, and my only observation, and its probably something I have missed, is that in CD2 and CD3 there is an exception for NYE, so what are the expectations on NYE ?

Sorry if this isn't helpful, or that I have missed something,

Chamms

**Chris Chammings**  
Supt  
Central Wiltshire

---

Internal: MITEL 31178  
Direct Dial :01380 861178  
 [chris.chammings@wiltshire.pnn.police.uk](mailto:chris.chammings@wiltshire.pnn.police.uk)  
 Trowbridge Police Station, Polebarn Rd, Trowbridge, Wiltshire, BA14 7EP



[Supt Chris Chammings \(@chrischamms\)](#)

---

**From:** Green, Julia  
**Sent:** 28 September 2015 12:51  
**To:** Robbins, Sarah; Day, Richard; Holden, Craig; Luffman, Mark; Austin, Sue; Nuttall, Tim; Kalyinka, Sian; Thurman-Newell, Susan; Chammings, Chris  
**Cc:** Gill, Sarah; Innes, Sharon; Crook, Alison; Armstrong, Charlie; Carr, Andrew; Pitchford, Beverley  
**Subject:** FW: \*\*\*Response Required\*\*\*FW: Statement of Licensing Policy - SBC [NOT PROTECTIVELY MARKED/UNCLASSIFIED]  
**Importance:** High

Further to the email below and attached link to the Draft Statement of Licensing; please forward your responses to Beverley Pitchford by COP Thursday 1<sup>st</sup> October, in order that we can collate any feedback and send back to SBC by Friday 2<sup>nd</sup> October. The statement will then be ratified by the council later in October.

If we do not hear from you by this deadline, we will assume that you are happy with the content of the draft statement.

Kind regards,

Julia Green

PA to Superintendent Andrew Carr, Head of Crime Prevention

Dial 101 Extension: 38160

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**From:** Carr, Andrew

**Sent:** 28 July 2015 11:07

**To:** Armstrong, Charlie; Robbins, Sarah; Memory, Sean; Gallimore, Jacqueline; Day, Richard; Holden, Craig; Luffman, Mark; Austin, Sue; Nuttall, Tim; Kalynka, Sian; Thurman-Newell, Susan

**Cc:** Gill, Sarah; Innes, Sharon; Crook, Alison

**Subject:** \*\*\*Response Required\*\*\*FW: Statement of Licensing Policy - SBC [NOT PROTECTIVELY MARKED/UNCLASSIFIED]

Swindon Borough Council has published a Revised Draft Statement of Licensing Policy which sets out how the Licensing Authority will exercise its statutory licensing functions. The draft revised 'Statement of Licensing Policy' is intended to replace the existing policy adopted by Swindon Borough Council in 2011 and is subject to a period of formal consultation ending in October 2015. I ask that you review the draft document and feedback any comments to my PA, Julia Green for collation by the end of September. A single response from the Force will then be prepared and sent back to the Council.

Please see the attached link to the draft document below;

- [http://www.swindon.gov.uk/info/20019/consultations\\_and\\_surveys/187/consultation\\_on\\_new\\_licensing\\_policy](http://www.swindon.gov.uk/info/20019/consultations_and_surveys/187/consultation_on_new_licensing_policy) (PDF)

I look forward to receiving your feedback. Thank you for your attention to this matter.

Regards,

**Superintendent Andrew Carr**

**Crime Prevention**

**Wiltshire Police HQ, London Road, Devizes SN10 2DN**

☎ 01380 861997

☎ **Mobile:** 07929 404 668

💻 **Email** [andrew.carr@wiltshire.pnn.police.uk](mailto:andrew.carr@wiltshire.pnn.police.uk)

💻 **Web:** [www.wiltshire.police.uk](http://www.wiltshire.police.uk)

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\*\*\*\*\*

Sent: Thu 01/10/15

Hi Kathryn,

Please find Dick Day's observations re the policy.

Regards  
Bev

---

**From:** Day, Richard  
**Sent:** 28 September 2015 13:03  
**To:** Pitchford, Beverley  
**Subject:** FW: \*\*\*Response Required\*\*\*FW: Statement of Licensing Policy - SBC [NOT PROTECTIVELY MARKED/UNCLASSIFIED]  
**Importance:** High

Hi Bev

Did respond back in July however;

From my perspective the document is fine.

However one point.

2.14 They call it a drugs deposit box. Does this mean it gets returned surely amnesty would be the correct term?

Regards  
Dick

North Events Planner & Resource Co-ordinator  
Devizes/Swindon

☎ Phone: 101 (Wiltshire Police)  
77437028 (Direct Dial 01380 861028)

💻 E-mail: [Richard.Day@wiltshire.pnn.police.uk](mailto:Richard.Day@wiltshire.pnn.police.uk)

✉ Mail: Police Headquarters,  
London Road, Devizes, Wiltshire. SN10 2DN  
OR  
Swindon Police Station Gablecross, Shrivenham Road,  
South Marston, Swindon. SN3 4RB



Please consider the environment before printing this email.

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**From:** Green, Julia  
**Sent:** 28 September 2015 12:51  
**To:** Robbins, Sarah; Day, Richard; Holden, Craig; Luffman, Mark; Austin, Sue; Nuttall, Tim; Kalynka, Sian; Thurman-Newell, Susan; Chammings, Chris  
**Cc:** Gill, Sarah; Innes, Sharon; Crook, Alison; Armstrong, Charlie; Carr, Andrew; Pitchford, Beverley  
**Subject:** FW: \*\*\*Response Required\*\*\*FW: Statement of Licensing Policy - SBC [NOT PROTECTIVELY MARKED/UNCLASSIFIED]  
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If we do not hear from you by this deadline, we will assume that you are happy with the content of the draft statement.

Kind regards,

Julia Green  
PA to Superintendent Andrew Carr, Head of Crime Prevention  
Dial 101 Extension: 38160



Prevent Crime and Protect the Public

---

**From:** Carr, Andrew  
**Sent:** 28 July 2015 11:07  
**To:** Armstrong, Charlie; Robbins, Sarah; Memory, Sean; Gallimore, Jacqueline; Day, Richard; Holden, Craig; Luffman, Mark; Austin, Sue; Nuttall, Tim; Kalynka, Sian; Thurman-Newell, Susan  
**Cc:** Gill, Sarah; Innes, Sharon; Crook, Alison



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I look forward to receiving your feedback. Thank you for your attention to this matter.

Regards,

**Superintendent Andrew Carr**

**Crime Prevention**

**Wiltshire Police HQ, London Road, Devizes SN10 2DN**

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Policy as presented	Ammendments
<p><b><u>POLICY CD5 – DPS (Designated Premises Supervisor)</u></b></p> <p>The Authority will normally expect that the designated premises supervisor (DPS), where applicable, shall be in day to day control of the licensed premises and to achieve this, they shall live no further than a 30-minute normal commuting distance from the licensed premises.</p>	<p><b>They shall also be easily contactable when not on the premises.</b></p>
<p><b><i>Additional information</i></b></p> <p>2.17 <i>The Authority accepts that community premises are used by a wide variety of people and may be hired by users of the premises for private events. However, where the management committee take on the role of being responsible for the sale by retail of alcohol, instead of a DPS, they must ensure that those running events are sufficiently briefed and understand the legal and social responsibilities associated with the supply of alcohol under the premises licence.</i></p>	<p><b>Should this be documented, within the management committee's policy document or similar?</b></p>
<p><b>POLICY PCH2 – ‘Challenge 25’</b></p> <p>The Authority will normally expect that premises authorised to supply alcohol for either consumption on or off the premises will operated a Challenge 25 policy, such that all customers who appear to be under the age of 25 shall be challenged to prove that they are over 18 when attempting to purchase alcohol. The Authority would expect that the only acceptable forms of</p>	<p><b>Off-licences should maintain a refusals register</b></p>

<p>identification for proof of age would be a photo driving licence, passport, or home office approved identity card bearing the holographic "PASS" mark. It is further expected that where such a scheme is in operation, all staff working at the premises should be fully trained and aware of the scheme and appropriate training records maintained.</p>	
<p><b>POLICY PCH3 – Film classification</b></p> <p>Where a premises licence or club premises certificate authorises the exhibition of a film, the Authority will normally specify that the admission of children to any exhibition shall be restricted in accordance with any recommendation made by the British Board of Film Classification (BBFC) or in the absence of such a recommendation, the Licensing Authority itself. Any recommendation by the Licensing Authority to restrict the admission of children to an exhibition of a film will normally be made in accordance with the current BBFC Classification Guidelines.</p> <p>The Authority will normally expect that any request for a recommendation on the restriction of the admission of children to an exhibition of a film is made no later than 4 weeks prior to the proposed exhibition, or first exhibition as the case may be.</p>	<p><b>I believe that videogames, that are age rated should also be caught here.</b></p>

<p><b>Licence Reviews</b></p> <p>3.6 The Licensing Authority can consider a review of a premises licence where it is alleged by a Responsible Authority, such as the Police, Fire Authority or an Interested Party, that any of the licensing objectives are being undermined. It views particularly seriously applications for the review of any premises licence which involves the:</p> <p>□ use of licensed premises for the sale and distribution of classified drugs and the laundering of the proceeds of drugs crimes;</p>	<p>should this include NPS's (legal highs)?</p>

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Cumulative discussion points raised from Pub Watch members in response to Consultation draft of a statement of licensing policy – July 2015 – FAO Kathryn Ashton SBC

Before I list our thoughts on the draft the following statement has been made by a members legal counsell upon reading the draft:

‘Bear in mind that the over riding principle is that each application etc has to be considered on it’s merits, and the licensing committee’s discretion only kicks in if there has been a “relevant representation” to an application, or of course the matter concerns such as a review.

But of course the licensing authority itself has the power to make representations, which may be likely if its policies are not strictly adhered to and appropriate conditions adopted in an application. It will give a great deal of leverage to the Police.’ Does this not impose a catch 22 upon us all Kathryn? We should be considered on merit but by failing to comply we may make ourselves vulnerable to further action.

All points will be referred to by their Policy ref number as dictated in the draft:

- 2.3 – What exactly is expected to formally be a part of the ‘Operating Schedule’?
- 2.4 – This point is a bit ‘wooly’ – What exactly is ‘neighbour friendly’?
- 2.8 – Although we all have CCTV is this stringent policy not OTT? If a premises has no history of problems or is deemed ‘low risk’ why the blanket insistence? Although there is a pre-fix of ‘normally expect’ (as with many other areas in the draft!) there is an over riding feeling that the authorities will seize upon this and use it as a reason for the practice to become the ‘norm’
- CD2 – Door supervisors: We all felt this was completely OTT. Several of us are open until 00:00 and have no history of issue within the time frame specified. The proposed timeframe of 23:30 shows little regard or research into our specific opening times or indeed I would imagine correlations of those times with spikes in ASB or crime. Would the authority really expect us to provide two security staff between 22:00 and 00:00 on a Monday evening for example? We certainly don’t think we should.
- CD3 – Glasses/plastic: Again this is entirely unfair. This is a blanket policy regardless of individual merit or circumstance. Specific risks should be measured and managed accordingly and not imposed upon the whole group. Again the time of 23:30 is



unrealistic. How many venues close at this time or is this a stealthy way of pushing us towards this?

- CD4 – Drugs – Similar to above. Blanket policies are unfair. The police should provide evidence bags for drug finds and we may arrange to have them picked up. Imposing a drug register is also too broad as is the idea that everyone will actually have a 'chill out' area..
- CD5 - DPS: Would you be able, if this part of the license is passed, actually be able to hold up this policy in court? We find it unlikely. It is grossly unfair to suggest a DPS must live within 30 mins of their premises. How do you quantify 'normal' commuting distance? What factors affect this controlled range? How would you go about checking this if required to?
- PN3 – Opening hours: The following thought again came from legal council 'That is nonsense. In fact it can add to the problem by getting everyone to disperse at once. What about the persistent arguments that there would be less pressure on transport and less hot spots and nuisance if there was a gradual dispersal? An easy way round would be to offer late night refreshment, which is a licensable activity, for hours after the end of sale of alcohol/entertainment to achieve the required result. Not thought through properly!'
- PN4 – Outside areas: As many of us have outside areas this is entirely unacceptable. The policy states 'primarily residential areas' for business' affected but this is in no way a guarantee that anyone else will not be prohibited. It's sneaky to be frank. I was also under the impression that the new regime on live music for unregulated hours allowed for regulated entertainment until 23:00 hours inside or outside? The whole policy seems to be worded to affect the business' in residential areas but can clearly be applied to us all.
- PCH2 – Ch25 – Although many operators already use this policy many of us do not. We feel the wording should reflect a more neutral 'challenge age' approach so we can decide if we prefer to use ch21 or ch25 ourselves.

In closing there are a few points we would make: any new applicant should not be cowed by the new Policy as it will be possible for them to argue that under each relevant policy it should not apply, and we would remind the committee that they cannot impose blanket policies and that each application must be considered on its merits. We however worry that this will increase the risk of representations (notably from the police and/or licensing authority) if the policies are not offered as conditions, and it will require considered and careful preparation of each application.

Thanks and Kind regards – Swindon town Pub watch



## Cumulative Impact Policy

### Licensing Committee

Date: 13 January 2015

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Author:	Kathryn Ashton – Licensing Manager
Wards:	All
Locality Affected:	All
Parishes Affected:	All

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#### 1. Purpose and Reasons

- 1.1 To consider the proposal of introducing a Cumulative Impact Policy in respect of on and off licensed premises within the designated area. The proposed area to be designated is attached as Appendix 1.

#### 2. Recommendations

##### That Committee:

- 2.1 Notes the evidence provided within the previous application by Wiltshire Police albeit a much reduced area of concern, and agrees that it is sufficiently robust to enable a Cumulative Impact Policy to be drafted for public consultation with interested bodies including statutory bodies, licensees and the business community and that the draft policy is brought before Committee for consideration prior to the commencement of any such consultation, and
- 2.2 Approves the draft policy considerations at paragraph 3.6 as the basis for the content and direction of the draft policy.

#### 3. Detail

- 3.1 The Licensing Act 2003 gives local authorities the power to designate areas as Cumulative Impact Zones, where it is considered that the cumulative impact of new licences is leading to the area becoming saturated with premises making it harmful to amenity and quality of life.
- 3.2 Cumulative Impact Zones are spatial, covering defined areas in which their provisions of the policy would apply. Within those zones stipulations can be made as to the types of licences that would be covered, and exemptions such as important regenerative opportunities, or developments that could lift an area and in themselves reduce crime and improve amenity, can be made. The types of licence covered and exemptions in place would have to be clearly defined in any policy and would be bespoke to the circumstances around each zone.
- 3.3 In determining whether Cumulative Impact Zones are appropriate, the Licensing Authority must take into account sound evidence that these areas already experience anti social behaviour which has lead to denuded amenity and quality of life for those living and visiting them. Other evidence that can be taken into account includes the impact of licensed premises on health and wellbeing and also on environmental health.

## Cumulative Impact Policy

### Licensing Committee

Date: 13 January 2015

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- 3.4 The proposal for the introduction of a Cumulative Impact Zone within Swindon is from the Licensing Authority and supported by Wiltshire Police and Public Health.
- 3.5 The area proposed is a much reduced area than the previous proposal lead by Wiltshire Police and is as a result of increasing Off Licences opening within the Broad green area. There have been 3 new off licences within the last 8 months and a pending application. There are continuing complaints and intelligence in respect of these uses.
- 3.6 Additional evidence has been sought from the Council's public health Team and is attached as Appendix 2.
- 3.7 The evidence provided can be used to inform a draft Cumulative Impact Zone policy. It is envisaged that the policy would
- establish the spatial extent of any zone, and
  - stipulate the type of licence to be limited, and
  - clarify any exemptions.
- 3.8 The policy would not cover control through any other regulatory means such as Planning and would not necessarily mean that a licence application would be refused, particularly if it is acceptable in all other respects. It would, however, provide an additional means of control where the impact of a licence application would be likely to be create demonstrable harm.
- 3.9 If Committee considers that the evidence is sufficiently robust to base a policy around, officers will work up detailed wording and incorporate this into the Stament of Licensing Policy following appropriate consultation.
- 3.10 This will be subject to an 8 week period of public consultation, targeted at licence holders, businesses, statutory bodies and community representatives. The results of the consultation and any amendments required top the policy will then be brought to a future Committee with an appropriate recommendation.
- 3.11 Once in place the Cumulative Impact Policy would have Full Council endorsement. It would then become a material consideration in the determination of licence applications. It would not equate to a blanket ban on new licences as each application must be treated on its merits, but could be used to refuse applications, (or variations to existing applications) where their impact is considered to be harmful. As such it provides a useful additional tool to control the proliferation of types of licenced premises which are unlikely to improve the amenity or quality of an area where there is already an unacceptable concentration of them.

#### 4. Alternative Options

4.1 The Licensing Committee could choose not to proceed with a Cumulative Impact Policy, if they consider that the evidence presented does not support it, or is insufficiently robust. The Licensing Act 2003 and Secretary State's Guidance is clear that other action can be taken to mitigate the impact of concentrations of licensed premises, which includes:

- planning control;
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- the provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- the confiscation of alcohol from adults and children in designated areas;
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale);
- police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises in respect of which a TEN has effect on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a nuisance; and
- the power of the police, other responsible authorities or other persons to seek a review of a licence or certificate.
- Raising a contribution to policing the late night economy through the Late Night Levy.
- Early Morning Alcohol Restriction Orders.

## 5. Implications, Diversity Impact Assessment and Risk Management

### Financial and Procurement Implications

5.1 There are no direct financial implications arising from the report. Any future consultation will be undertaken within approved budgets.

### Legal and Human Rights Implications

5.2 Legal and Human Rights considerations have been taken fully into account in compiling this report. It is considered that the recommendations of this report are compatible with Convention Rights as they fully in accord with the requirements of relevant legislation. The Council is required to comply with the statutory provisions referred to in the report, which the adoption of this policy \ regime will ensure it does. All other legal and human rights implications have been considered in the preparation of this report.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

Diversity Impact Assessment

- 3.1 A DIA has not been undertaken at this stage as no policy has been consulted upon. This report seeks approval to draft a policy based on the evidence presented.

**4. Consultees**

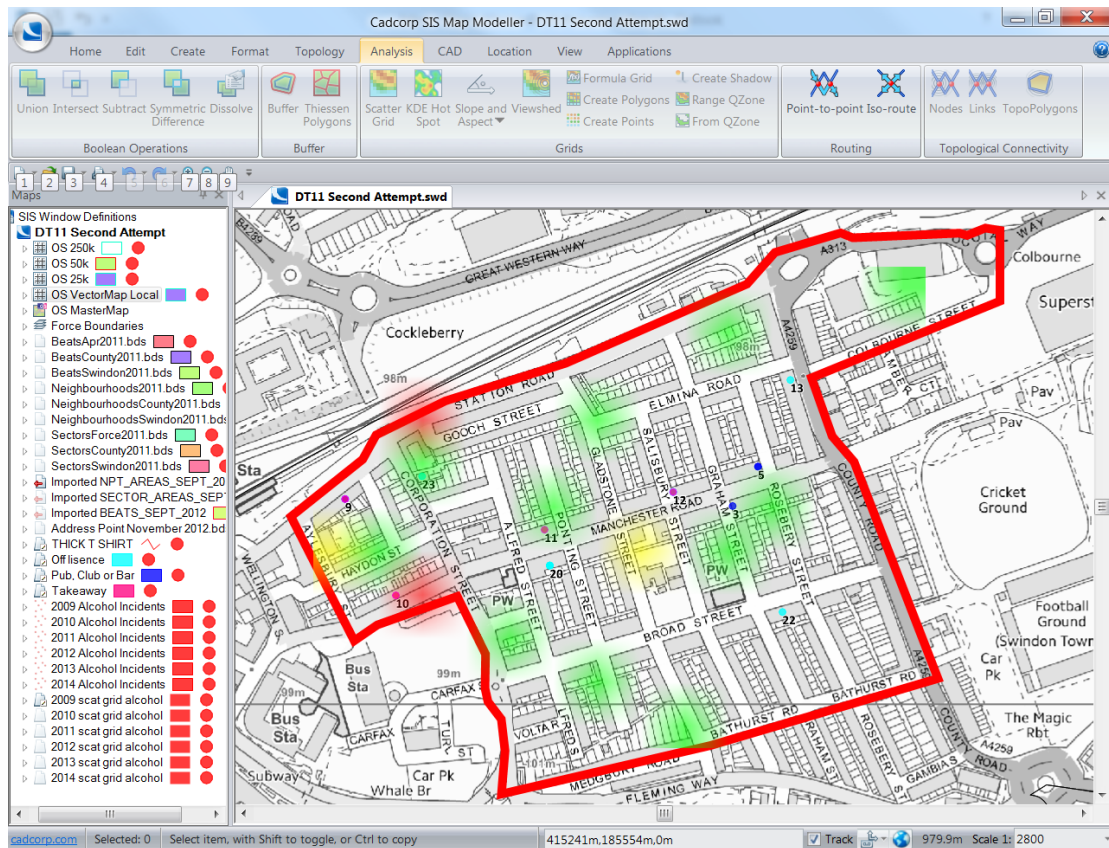
- 4.1 The Director of Law and Democratic Services (Monitoring Officer) is consulted in respect of all reports.

**5. Background Papers**

- 5.1 Licensing Act 2003  
5.2 Revised Section 182 Guidance issued under the Licensing Act 2003

**6. Appendices**

- 6.1 Appendix 1: Proposed location of ClZ  
6.2 Appendix 2 Public Health comments



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## Swindon small area alcohol analysis – February 2015

### Alcohol admissions

This analysis is based on inpatient admissions to hospital. It is based on the methodology used in the Public Health Outcomes Framework (PHOF) indicator “alcohol related admissions to hospital” (#2.18). The inpatient data and this indicator/methodology identifies mainly the effects of long term alcohol misuse in older people.

This method uses a probabilistic basis using alcohol attributable fraction. This means it does not ascertain whether alcohol is involved in each individual admission, instead it allocates a fraction of an admission based on the patient’s diagnosis and age. E.g. a 54 year old man admitted for hypertension may be counted as 0.20 of an admission.

Table 1 shows that Broad Street has low admission rates and costs per person but the admissions that do occur are relatively expensive. The opposite is true for the DT15 and DS12 areas where admission rates and costs per person are high but the cost of the admissions that occur are relatively low compared to Swindon overall.

**Table 1: Alcohol related admissions, 2013/14**

Area	Number of admissions	Estimated population	Admissions per 1,000 pop	Total estimated cost	Estimated cost per person	Estimated cost per admission
DT11 (Broad St)	17.5	5,418	3.2	£28,041	£5.18	£1,604
DT15 (Victoria Rd)	16.6	1,430	11.6	£15,720	£10.99	£948
DT18 (Town Centre)	4.0	1,177	3.4	£4,621	£3.93	£1,158
DS12 (Old Town)	13.0	1,830	7.1	£14,188	£7.75	£1,095
DT15/DT18/DS12	33.5	4,437	7.6	£34,529	£7.78	£1,030
Swindon total	1,159.2	209,156	5.5	£1,491,659	£7.13	£1,287

Notes:

- 2013/14 data for Swindon residents and registered patients from the Central Southern Commissioning Support Unit
- Data may include more than one admission for the same patient.
- Methodology is the “narrow” method, i.e. alcohol related primary diagnosis or alcohol related external cause as the secondary diagnosis. See PHOF 2.18
- Crude rates are shown, i.e. not standardised so they don’t account for differences in age structure between areas.
- Population data has been estimated from 2011 Census output areas which do not match Police areas. Therefore any rates based on these populations should be treated with extreme caution.
- Costs are based on the 2013/14 Payments by Results national tariff. This may not be the actual cost of the hospital stay. Costs have been allocated by Health Resource Group (HRG) and represent the cost of the hospital episode and do not directly relate to any alcohol-related activity.

## A&E Assault data

This analysis was based on A&E assault data for January 2011 – December 2014 from Great Western Hospital.

This was filtered to only include data where either the assailant or victim was recorded as having consumed alcohol (or alcohol and drugs) OR where the assault site was listed as “licensed premises”. This resulted in 796 incidents being included in the analysis.

The data included geographical information on the victim (postcode sector) and the assault site (exact location). This information was by no means comprehensive and this should be borne in mind when interpreting the analysis.

### Incident location<sup>1</sup>

241 out of the 796 incidents could be pinpointed to a postcode within Swindon (see caveats in footnotes).

**Table 2: Alcohol related assaults recorded by GWH, 2011-2014**

Area	Number of incidents
DT11 (Broad St)	7
DT15 (Victoria Rd)	48
DT18 (Town Centre)	85 (101)
DS12 (Old Town)	5
DT15/DT18/DS12	138 (154)
Swindon total	241 (256)

There were 16 incidents that were recorded as ‘town centre’ but couldn’t be assigned a postcode. These are included in table 2 as figures for DT18, DT15/DT18/DS12 and Swindon in brackets.

Incident rates have not been calculated because only resident populations are available and the majority of the assaults are likely to be linked to locations removed from where they live, e.g. licenced premises.

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<sup>1</sup> Location details have been entered into the assaults spreadsheet as free text and the data quality is poor. Postcodes have been allocated where possible but assumptions have been made about road names e.g. changing street to drive to enable as many to be matched as possible. Some locations were too vague, e.g. West Swindon to be allocated a postcode.



### Victim residence

Of the 796 alcohol related incidents, 280 occurred at identifiable locations within Swindon. Table 3 shows where the victims of these 280 incidents lived.

**Table 3: Alcohol related assaults by victim's home postcode 2011-2014**

Postcode Sector	Number of incidents	Incidents per 1,000 population
SN3	62	1.2
SN2	58	1.4
SN5	51	1.5
SN1	37	1.2
SN4	19	0.7
SN25	13	0.4
SN6	10	0.5
Other	30	N/A

### Cost of A&E attendances

The cost of A&E attendances, according to the 2014/15 NHS national tariff<sup>2</sup>, ranges from £57 to £235 depending on category of investigation and treatment. If attendances were evenly distributed between categories the average cost (at a type 1 or 2 dept.) is £127. This assumption produces the following costs for alcohol-related A&E attendances:

**Table 4: Estimated cost of A&E attendances**

Area/criteria	Attendances		Cost	
	Total (2011-14)	Annual Average (2011-14)	Total (2011-14)	Annual Average (2011-14)
Recorded by GWH	796	199	£101,092	£45,212
Identified as in Swindon UA	356	89	£25,273	£11,303
Incident location:				
Allocated to a Swindon UA postcode*	256	64	£35,212	£8,128
DT11 (Broad St) postcode	7	1.75	£889	£222
DT15 (Victoria Rd) postcode	48	12	£6,096	£1,524
DT18 (Town Centre) postcode*	101	25.25	£12,827	£3,207
DS12 (Old Town) postcode <sup>\$</sup>	5	1.25	£635	£159
DT15/DT18/DS12 combined*	138	34.5	£17,526	£4,382
Resident home postcode				
SN3	62	15.5	£7,874	£1,969
SN2	58	14.5	£7,366	£1,842
SN5	51	12.75	£6,477	£1,619
SN1	37	9.25	£4,699	£1,175
Other	72	18	£9,144	£2,286

Notes:

\* includes 16 allocated to Swindon Town Centre

\$ many areas that might be considered 'Old Town', e.g. Wood St are actually within the Victoria Rd (DT15) police beat

<sup>2</sup> A&E prices from: <https://www.gov.uk/government/publications/national-tariff-payment-system-2014-to-2015>

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## Model Licence Conditions for Dog Breeding Establishments

Licensing Committee

Date: 13 January 2016

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Author: Kathryn Ashton – Licensing Manager  
Wards: All  
Locality Affected: All  
Parishes Affected: All

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### 1. Purpose and Reasons

2. To consider the responses to the Dog Breeding Model Licence Conditions Consultation exercise and to recommend approval of licence conditions for adoption

### 3. Recommendations

#### That Committee:

- 3.1 Approve the recommended licence conditions for adoption as detailed in **Appendix 1**.

### 4. Detail

- 4.1 Local authorities in England, Scotland and Wales issue licences to proprietors of dog breeding establishments under Breeding of Dogs Act 1973
- 4.2 A breeding establishment is defined as any premises where the business of breeding dogs for sale is carried out. Breeders of dogs may consider themselves to be “Hobby” breeders and not require a licence. If five or more litters are bred each year then it shall be considered a business under this legislation.
- 4.3 There are currently no licensed breeding establishments within the Borough although we have recently received a recent application. It appears that Model Licence conditions were never formally adopted by Committee.
- 4.4 A set of conditions were drafted and tabled at the Licensing Committee meeting on the 17th September (Appendix 1). A request that a consultation exercise be carried out and that the results of the consultation exercise and proposed licence conditions be brought back for consideration, was granted by Members.
- 4.5 The consultation document was posted on the Council web site, and copies were also sent to a recent applicant for a dog breeding premises
- 4.6 No responses were received as part of the consultation
- 4.7 It is therefore recommended to adopt the conditions as set out in **Appendix 1**

Further information on the subject of this report can be obtained from Kathryn Ashton, 01793 466113, KAshton@swindon.gov.uk.

# Model Licence Conditions for Dog Breeding Establishments

Licensing Committee

Date: 13 January 2016

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## 5. Alternative Options

- 5.1 The Council could decide not to adopt the conditions; however, this would mean that there would be no consistent guidelines when undertaking inspections of proposed and existing establishments and attaching appropriate conditions.

## 6. Implications, Diversity Impact Assessment and Risk Management

### Financial and Procurement Implications

- 6.1 There are no direct financial implications arising from the report. All future consultation will be undertaken within existing budget.
- 6.2 Licensees can appeal to the Magistrates Court, where they are aggrieved by any condition subject to which such a licence is proposed to be granted

### Legal and Human Rights Implications

- 6.3 Legal and Human Rights considerations have been taken fully into account in compiling this report. It is considered that the recommendations of this report are compatible with Convention Rights. The Council is required to comply with the statutory provisions referred to in the report. All other legal and human rights implications have been considered in the preparation of this report.

### All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

### Diversity Impact Assessment

- 6.4 A DIA has been undertaken.

## 7. Consultees

- 7.1 The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.
- 7.2 Applicant for breeding establishment in the Borough

## 8. Background Papers

- 8.1 Breeding of Dogs Act 1973
- 8.2 Breeding and Sale of Dogs (Welfare) Act 1999
- 8.3 Animal Welfare Act 2006
- 8.4 Licensing Committee Paper- Thursday 17th September 2015 17:30

Further information on the subject of this report can be obtained from Kathryn Ashton, 01793 466113, KAshton@swindon.gov.uk.

# **Model Licence Conditions for Dog Breeding Establishments**

**Licensing Committee**

**Date: 13 January 2016**

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## **9. Appendices**

- 9.1 Appendix 1: Proposed Model Conditions for Dog Breeders
- 9.2 Appendix 2: List of consultees

Further information on the subject of this report can be obtained from Kathryn Ashton, 01793 466113, [KAshton@swindon.gov.uk](mailto:KAshton@swindon.gov.uk).

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# Model Licence Conditions for Dog Breeding Establishments

Licensing Committee

Date: 13 January 2016



## MODEL CONDITIONS FOR DOG BREEDING ESTABLISHMENTS

### 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

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Further information on the subject of this report can be obtained from Kathryn Ashton, 01793 466113, [KAshton@swindon.gov.uk](mailto:KAshton@swindon.gov.uk).

# **Model Licence Conditions for Dog Breeding Establishments**

**Licensing Committee**

**Date: 13 January 2016**

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

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Further information on the subject of this report can be obtained from Kathryn Ashton, 01793 466113, [KAshton@swindon.gov.uk](mailto:KAshton@swindon.gov.uk).



# **Model Licence Conditions for Dog Breeding Establishments**

**Licensing Committee**

**Date: 13 January 2016**

## **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.

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# **Model Licence Conditions for Dog Breeding Establishments**

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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**

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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)

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## **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.

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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.

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## **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, i.e. 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.

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## **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.

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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

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

(See column (v) – general orders)

Staff working from kennel to kennel further increases 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

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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.

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# **Model Licence Conditions for Dog Breeding Establishments**

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## **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.

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## **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.

### **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, and exercise and compatibility issues – especially where several dogs, or breeds of dogs, are involved.

### **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).

## **Environmental Enrichment and Exercise**

### **Condition**

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

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## **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.

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## **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.

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## **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 (e.g. 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.

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## **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 (i.e. window and door positions) should be taken into account because individual circumstances may significantly affect the recommended distance.

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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.

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## **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.

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Further information on the subject of this report can be obtained from Kathryn Ashton, 01793 466113, [KAshton@swindon.gov.uk](mailto:KAshton@swindon.gov.uk).

# **Model Licence Conditions for Dog Breeding Establishments**

**Licensing Committee**

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## **Condition**

Whenever dogs are transported they must be fit and healthy for the intended journey. Injured and/or 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.

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# **Model Licence Conditions for Dog Breeding Establishments**

**Licensing Committee**

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## **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)

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# **Model Licence Conditions for Dog Breeding Establishments**

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## **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.

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# **Model Licence Conditions for Dog Breeding Establishments**

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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.

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Further information on the subject of this report can be obtained from Kathryn Ashton, 01793 466113, KAshton@swindon.gov.uk.

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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, and 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 (i.e., 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;

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- 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 on-going medication, health insurance, socialisation history, and advice on on-going 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.

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The Health and Safety Executive ([hse.gov.uk](http://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 zoonosis (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](http://www.hse.gov.uk)

## **4. Waste – Environmental Protection Act 1990 and related legislation**

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Further information on the subject of this report can be obtained from Kathryn Ashton, 01793 466113, [KAshton@swindon.gov.uk](mailto:KAshton@swindon.gov.uk).

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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.

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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. 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 an 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.

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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,

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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/](http://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

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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.

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# **Model Licence Conditions for Dog Breeding Establishments**

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## **USEFUL CONTACTS**

Advisory Council on the Welfare Issues of Dog Breeding

Website: [www.dogadvisorycouncil.com](http://www.dogadvisorycouncil.com)

Email: [heather@drydraytonestate.com](mailto:heather@drydraytonestate.com)

Animal Health and Veterinary

Laboratories Agency

Website: [www.defra.gov.uk/ahvla-en](http://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](mailto: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](mailto: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](http://www.bsava.com)

Email [administration@www.bsava.com](mailto:administration@www.bsava.com)

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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](http://www.local.gov.uk)

Email: [info@local.gov.uk](mailto: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](http://www.defra.gov.uk)

Email: [defra.helpline@defra.gsi.gov.uk](mailto:defra.helpline@defra.gsi.gov.uk)

Dogs Trust

17 Wakley Street, London EC1V 7RQ Tel: 0207 837 0006

Website: [www.dogstrust.org.uk](http://www.dogstrust.org.uk)

Email: [info@dogstrust.org.uk](mailto:info@dogstrust.org.uk)

Health and Safety Executive

Website: [www.hse.gov.uk](http://www.hse.gov.uk)

Home Office

Direct Communications Unit

2 Marsham Street, London SW1P 4DF Tel: 020 7035 4848

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# **Model Licence Conditions for Dog Breeding Establishments**

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Fax: 020 7035 4745

Website: [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

Email: [public.enquiries@homeoffice.gsi.gov.uk](mailto: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](mailto: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](http://www.the-kennel-club.org.uk)

AWF/RSPCA Puppy Contract

[www.puppycontract.org.uk](http://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](mailto: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

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Further information on the subject of this report can be obtained from Kathryn Ashton, 01793 466113, [KAshton@swindon.gov.uk](mailto:KAshton@swindon.gov.uk).

# **Model Licence Conditions for Dog Breeding Establishments**

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Website: [www.rspca.org.uk](http://www.rspca.org.uk)

The Stationery Office

Tel: 0870 600 5522

Trading Standards

Please contact your local authority for details.

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Further information on the subject of this report can be obtained from Kathryn Ashton, 01793 466113, [KAshton@swindon.gov.uk](mailto:KAshton@swindon.gov.uk).

# **Model Licence Conditions for Dog Breeding Establishments**

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## **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.

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## BVA: 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

#### RESPIRATORY

Brachycephalic airway obstruction syndrome

- Stenotic nares
- Elongated soft palate
- Everted laryngeal sacculles

Laryngeal collapse

Tracheal collapse

Tracheal hypoplasia

Cleft palate

Hair lip

#### MUSCULOSKELETAL

Any joint replacement (other than for proven trauma)

Cruciate repair

Joint dysplasia

Patellar luxation

#### OPHTHALMIC

Adnexal problems

- Entropion
- Ectropion
- Other eyelid plastic surgery
- Distichiasis
- Trichiasis
- Incomplete eyelid closure
- Diamond eye
- Nictitating gland prolapse

Lens luxation

Cataract

Glaucoma

Retinal detachment

Keratoconjunctivitis sicca

Corneal ulceration that is breed associated

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## 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/](http://www.thepuppyplan.com/)

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## APPENDIX C – Record Keeping

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### STATUTORY INSTRUMENTS

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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

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(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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Name	Date of birth	Address where kept	Breed	Description*	Date of mating	Details of sire**	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.



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## 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 4m<sup>2</sup> for dogs less than 20kg, and 8m<sup>2</sup> 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 <sup>2</sup> )	Minimum floor area/animal (m <sup>2</sup> )	Minimum Height (m)
Up to 5	4	0.5	2
Over 5 to 10	4	1	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 drying 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.

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- 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 genders.
- 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).

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- 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.



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- 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.

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- 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.



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## 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

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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.

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## **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

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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

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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.

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## **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

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## **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

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## Fire and Evacuation Plan

<b>Planning Your Escape</b>	<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.</p> <p>Think of another way out in case the normal route is blocked.</p> <p>Know where door and window keys are kept. Know where spare leads/baskets/cages are stored.</p> <p>Know where the RVP/Holding areas are.</p>	
<b>If you discover a fire</b>		<p>Leave fire area immediately. Close all doors behind you.</p> <p>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.</p> <p>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.</p> <p>If it feels warm, do not open it and go another way.</p> <p>If there is a lot of smoke, crawl along floor where the air will be cleaner.</p> <p>If in doubt – Get out, Stay out and get the Fire &amp; Rescue Services out.</p>
<b>Contacts in an Emergency</b>	<p><b>(enter details here)</b></p> <ul style="list-style-type: none"> <li>• Proprietors name and Telephone Number(s)</li> <li>• Supervisors Name and Telephone Number(s)</li> <li>• Establishments Veterinary Surgeons Name(s) and Telephone Number(s)</li> </ul>	<p><b>(enter details here)</b></p> <ul style="list-style-type: none"> <li>• Telephone at (enter location)</li> <li>• Emergency equipment at (enter location)</li> <li>• RVP at (enter location)</li> <li>• Animal Holding area at (enter location)</li> <li>• Fire Extinguishers located at (enter location)</li> <li>• Keys kept at (enter location)</li> </ul>
<b>RVP = Rendezvous Point</b>		



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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.

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## 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.

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- 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.

# **Model Licence Conditions for Breeding of Dogs**

**Licensing Committee**

**Date: 17<sup>th</sup> September 2015**

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## **Committee Report Appendix 2   Consultees**

Mr David Dermott

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Moredon

Swindon