

Model Licence Conditions for Dog Breeding Establishments

Licensing Committee

Date: 13 January 2016

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Wards: All

Locality Affected: All

Parishes Affected: All

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.

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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

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9. Appendices

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

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