

ANIMAL DEALER LICENCING REGIME

1.0 EXECUTIVE SUMMARY

- 1.1 This report outlines the Councils' arrangements for the licensing of animal dealers including puppy farms and seeks Committee approval for the revised standards conditions. The licensing remit is a statutory duty on the Council under the Licensing of Animal Dealers (Young Cats and Young Dogs)(Scotland) Regulations 2009, and is consistent with the other animal related licensing regimes regulated by Regulatory Services.
- 1.2 The Regulations were introduced to help improve animal health and welfare in pet vending businesses that are not controlled by existing licence regimes and in response to rising incidences of illegal 'puppy farms' and importation of pet animals.
- 1.3 The mandatory and standard conditions which the Committee is asked to approve have been developed internally and are drawn from the legislation and relevant national guidance entitled Model Conditions for Pet Vending Licensing 2013 published by the Chartered Institute of Environmental Health. From a regulatory perspective, and to support businesses operating across local authority boundaries, there are benefits in applying national conditions, with the ability for local conditions where there are specific premise related issues.
- 1.4 The intention, through the charging regime, is that the license scheme will be self-financing from the income generated from the annual licensing regime.

1.5 Recommendations

Members are asked to consider this report and agree the following recommendations:

- a) That the licensing regime continues to be regulated by Regulatory Services, and more specifically environmental health, given their current involvement in other animal related licensing regimes.
- b) To endorse the use of the mandatory and standards conditions for use within the Councils licensing regime
- c) To agree the fee structure detailed in section 4.2 of this report and make the appropriate recommendation to Council.

ANIMAL DEALER LICENCING REGIME

2.0 INTRODUCTION

2.1 The Licensing of Animal Dealers (Young Cats and Young Dogs)(Scotland) Regulations 2009 S.I 2009/141 (thereafter referred to as 'the Regulations') came in to force 30th March 2009. The Regulations have been introduced to help improve animal health and welfare in pet vending businesses that are not controlled by existing licensing regimes and in response to rising incidences of illegal 'puppy farms' and importation of pet animals.

3.0 RECOMMENDATIONS

3.1 Members are asked to consider this report and agree the following recommendations:

- a) That the licensing regime continues to be regulated by Regulatory Services, and more specifically environmental health, given their current involvement in other animal related licensing regimes.
- b) To endorse the use of the mandatory and standards conditions for use within the Councils licensing regime
- c) To agree the fee structure detailed in section 4.2 of this report and make the appropriate recommendation to Council.

4.0 DETAIL

4.1 The Regulations make provision for the licensing of animal dealers who are persons who acquire and sell young cats and young dogs and are, therefore, engaged in animal dealing. Regulation 3 makes provision for those persons who are required to hold an animal dealing licence.

The definition of an "animal dealer" is someone who is responsible for a young cat or young dog with for the purpose of sale or who acquires and keeps a young cat or young dog with a view to sale and who is not already licenced as a dog breeder or pet shop. A young cat or young dog is less than 84 days old. No licence is required for animal sanctuaries or re-homing centres or for persons selling no more than 2 animals per year or a litter from their own pet. This licence would be required by a business that imports young cats or young dogs for the purpose of sale.

4.2 Provisions as to application for an annual licence and the charging of fees are set out in regulations 4 and 5, respectively. There is no guidance provided for the setting of a fee other than it must be reasonable and equivalent to the amount of costs and expenses incurred in processing an application or a renewal. It is therefore recommended that the fee is set at £323 (similar to the fees for an establishment that breeds dogs) plus any additional veterinary fees

should a veterinary visit be required. This amount is of a similar order to other animal welfare license fees. The application form is reproduced as Appendix 1.

	Proposed costs/annum	Additional cost	
New application	£323	Recover full costs of veterinary inspections	
Renewal	£323	Recover full costs of veterinary inspections	

- 4.3 Regulations 6 to 9 make provision as to the consideration of applications, their grant and renewal, conditions, and revocation, suspension and variation of licences. For Argyll and Bute Council this duty should be exercised by competent officers of Regulatory Services appointed as Inspectors under these regulations. It is proposed that the consultees for applications received for this type of licence would include the Planning Service, Police-Scotland, and Scottish Fire and Rescue.
- 4.4 There are mandatory conditions which are required to be attached to each licence (Appendix 2) and a proposal to attach further local conditions, these being contained in Appendix 3 to the report.
- 4.4 Regulation 10 provides for the licence to continue temporarily when a licence holder dies.
- 4.5 Regulation 11 provides for a local authority to appoint inspectors to exercise the powers conferred on them by these regulations. For Argyll and Bute Council this will be competent officers of Regulatory Services appointed as Inspectors under these regulations or a veterinary surgeon.
- 4.6 Provision for the local authority to keep a register of licence holders is contained in regulation 12.
- 4.7 Regulation 13 provides for the local authority to review its decisions at the request of an applicant or licence holder. This will be undertaken when necessary by the Regulatory Services Manager. Regulation 14 makes provision as to appeals.
- 4.8 Regulation 15 requires young cats and young dogs to be kept separate from other animals for a period of not less than 10 days. Regulation 16 provides that a young cat or young dog must be transported directly to its purchaser.
- 4.9 Regulation 17 provides for the powers of inspectors and regulation 18 provides the penalty for obstructing an inspector. Regulation 19 makes provision as to the offence of making a false statement. Regulation 20 provides for offences by bodies corporate and regulation 21 makes provision in relation to disqualifications. Regulation 22 provides for termination or variation of disqualification.
- 4.10 Enforcement by the local authority is provided for in regulation 23.

- 4.11 The Schedule sets out the information to be completed by an animal dealer to create the written record which accompanies a young cat or young dog when it is sold to a purchaser. Appendix 4

5.0 SPECIFIC IMPACT AND CONDITIONS

- 5.1 Mandatory and standard conditions are specified either in the Regulations or have been included from the Model Conditions for Pet Vending Licensing 2013 published by the Chartered Institute of Environmental Health to support this and similar licensing regimes. Having revised these, it is recommended that these be endorsed by the Committee and incorporated within the Councils licensing regime for animal dealers
- 5.2 From our knowledge there are no large animal dealers or puppy farms in our area, although there has been an enquiry from one small scale importer of working dogs.

6.0 CONCLUSION

- 6.1 The licencing of Animal Dealers who trade in young cats and young dogs is a statutory duty for the Council that is best executed by Regulatory Services because they already have similar licencing duties.
- 6.2 Endorsement of the recommendations in this report will enable the Council to respond and deal with situations where illegal puppy/kitten farming is suspected.

7.0 IMPLICATIONS

- 7.1 Policy : None
- 7.2 Financial : Fees recovered will allow scheme to be self-financing
- 7.3 Legal : Statutory duty receive, determine and regulate such licences.
- 7.4 HR : None
- 6.5 Equalities: None
- 6.6 Risk : None
- 6.7 Customer Service: Built into processes

**Executive Director of Development and Infrastructure
Policy Lead Councillor David Kinniburgh**

4th May 2018 (7615)

For further information contact: Jo Rains, Environmental Health Manager (East)/Alan Morrison, Regulatory Services Manager

APPENDICES

Appendix 1 – Licence Application/Renewal Form

Appendix 2 – Standard Licence Conditions

Appendix 3 – Written record to accompany sale of young dog or young cat

Appendix 1 – Licence Application/Renewal Form

The Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland)
Regulations 2009
APPLICATION FOR LICENCE



I hereby make application in terms of the above-mentioned Regulations for the Licence of the premises, of which the details are as shown below, for the purposes of an Animal Dealing Licence, commencing on:

[a] the day of issue

[b] 1st January

Name of Applicant	Name (block capitals):		
	Home Address:		
	Post Code:		
Address where animals kept if different from above	Address:		
	Post Code:		
Contact Details of Applicant	Contact Telephone Number		
	Mobile Telephone Number		
	Email address		
Type [cats/dogs] and maximum number of animals to be kept	Type	At any one time	Per calendar year
	Dogs		
	Cats		

Please return this form and fee to:

Regulatory Services, Development and Infrastructure
 Argyll and Bute Council
 Kilmory, Lochgilphead, Argyll PA31 8RT
 Tel: 01546 605519

Application received		Receipt issued	
Cheque/fee received		Licence issued	

FURTHER INFORMATION IN SUPPORT OF APPLICATION

Type of accommodation provided for the animal (Indoors/outdoors, size, construction)

Detail the isolation facilities provided

What provision will be made for the storage of food, drink, bedding.

What are your provisions for heating, lighting and ventilation

How will the animals be transported to and from the premises.

What is the name address and telephone number of your vet.

What is the name, address and telephone number of the breeder(s) of the young cat or young dog (including details of dog breeding licence registration number and local authority location.

Provide details of where the animals are advertised for sale.

Please give details of any qualifications/experience and knowledge in support of your application. (Please note you will be assessed as to your suitability to hold a licence at the time of the veterinary inspection).

Enclosures – written policies should be included with your application in relation to the following matters;

- Infection Control
- Fire Prevention and Evacuation

- Animal Exercise and Socialisation
- Emergency Veterinary Care
- Waste Disposal
- Worming and Vaccination
- Copy of Type 1 or Type 2 Transport Authorisation

I also enclose a letter from my Veterinary Surgeon stating that I have made suitable arrangements with them for the care of the young animals I am responsible for as detailed in my Licence.

DECLARATION

I declare that all animals for which I hold a licence will only be kept in my care or a named competent person(s) acting under my supervision. Any named competent person will be conversant with the licence conditions.

I understand that my licence relates to the premises detailed in this application and that I do not have a licence to operate any other premises.

I declare that I am not disqualified by reason of an order under one or more of the following:

- Section 5(3) of the Pet Animals Act 1951
- Section 1(1) of the Protection of Animals (Amendment) Act 1954
- Section 3(3) of the Animal Boarding Establishments Act 1963
- Section 3(3) (b) or (c) of the Breeding of Dogs Act 1973
- Section 28F(1) and (2) of the Animal Health Act 1981
- Section 34 (1) and (2) , (3) or (4) of the Animal Welfare Act 2006
- Section 40 (1) and (2) of the Animal Health and Welfare (Scotland) Act 2006
- Regulation 21(2) The Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009

Signed.....

Date.....

Information gathered on this form will be held by Argyll and Bute Council on electronic computer records to manage your licence application. Your information may be shared with our legal representatives or with other bodies who may be involved with the processing of your application; for example the Scottish Government.

All collection, use and storage of personal information will be in accordance with the Data Protection Act 1998.

Data matching involves comparing computer records held by Argyll and Bute Council against other computer records held by the Council or other body. This is usually personal information. Argyll and Bute Council may share the information that you have provided on this form with other bodies for the purpose of prevention and detection of fraud.

Further information is available on the website www.argyll-bute.gov.uk

Appendix 2 – Standard Licence Conditions



STANDARD LICENCE CONDITIONS

Animal Dealers

The Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009

30th April 2018

A - ANIMAL DEALER - MANDATORY LICENCE CONDITIONS

1.0 Licence

- 1.1 The licence holder must provide the number of the animal dealing licence which that person holds and the name and telephone number of the licensing authority in any advertisement or information issued by or on behalf of the licence holder; and
- 1.2 The licence holder must, prior to delivery of a young cat or young dog to a purchaser, exhibit the animal dealing licence (or a copy) to the purchaser.
- 1.3 This licence or a copy of this licence must be displayed in a prominent position on the premises.

2.0 Permitted Animals

- 2.1 The licence holder must not keep more than the maximum permitted number of animals.
- 2.2 The licence holder shall keep no more than **(number)** young dogs or/and **(number)** young cats at any time.
- 2.3 The licence holder shall keep no more than **(number)** young dogs or/and **(number)** young cats in any calendar year Jan/Dec.
- 2.4 The licence holder must not, without reasonable excuse keep a cat or dog which is less than 8 weeks of age at any time unless that cat or dog is accompanied by its mother.

3.0 Accommodation

- 3.1 The licence holder who acquires a young cat or young dog which is to be sold must keep the animal separately from any other animal kept by him or her for a period of not less than 10 days from the date of acquisition of the young cat or young dog.
- 3.2 A young cat or young dog acquired at the same time from the same source as another such animal may be kept with that animal during the period referred to in 3.1 above.

4.0 Welfare

- 4.1 The licence holder must ensure that all young cats and young dogs acquired by the licence holder
- (i) Receive a physical examination by a veterinary surgeon in the 24hr period immediately after they are acquired by the holder.
 - (ii) Have a unique number assigned to each of them to aid identification and be microchipped.
 - (iii) Are accompanied by a written record containing information as to the matters contained in the schedule
- 4.2 The licence holder must ensure that any disease or parasitic infection of a young cat or young dog is treated within 24 hrs of identification, whether after the physical examination by a veterinary surgeon or otherwise.
- 4.3 All young dogs and young cats received or consigned shall be transported by person(s) holding a valid **Type 1 or Type 2 Transporter Authorisation** as laid down by Council Regulation No (EC) 1/2005, implemented by the Welfare of Animals (Transport) (Scotland) Regulations 2006. (Further information can be found at www.defra.gov.uk/ahvla-en/)
- 5.0 **Records/Inspection**
- 5.1 The licence holder must retain for no less than 3 years from the date of sale of a young cat or young dog a copy of the written record referred to at 4.1(iii).
- 5.2 The licence holder must ensure that the licensing authority is permitted to inspect at any reasonable time any place or equipment used in, or in connection with, the acquisition, sale, transport or keeping of animals to which the licence relates and any documents held by or on behalf of the licence holder relating to such animals.
- 5.3 Authorised Officers of Argyll and Bute Council may make unannounced visits to licensed premises to assess compliance with the legislation or as a result of any complaint received.
- 5.4 The licence holder must accede to any reasonable request for information from the licensing authority relating to the undertaking by the licence holder of any activities referred to at 4.1.

B ANIMAL DEALER - LOCAL LICENCE CONDITIONS

6.0 Permitted animals

- 6.1 The licence holder must acquire any young dog from person(s) holding a dog breeding licence or relevant registration granted by the competent authority in which they reside and a copy of this document must accompany the young dogs.
- 6.2 Full details of the source(s) of all young dogs or young cats must be provided to the Local Authority including a copy of any licence registration held to enable relevant checks to be undertaken. Any changes in said source(s) must be notified to the Local Authority prior to any young dog or young cat being received to enable relevant checks to be undertaken.
- 6.3 All young animals must remain at the licensed premises for a minimum of three days before sale.

6.4 Any young dog or young cat acquired and kept by the licence holder with a view to sale should only be accommodated within the premises for which the licence has been issued.

7.0 Accommodation

7.1 The minimum kennel size for young dogs must be:

- (i) For a batch of small breed puppies – max 6 pups – 1.5m² for sleeping, plus 2m² for exercise
- (ii) For a batch of medium breed puppies – max 4 pups – 2m² for sleeping, plus 2m² for exercise
- (iii) For a batch of large breed puppies – max 2 pups – 2m² for sleeping, plus 2m² for exercise

These are minimum requirements, for larger batches the size of the pens should be adjusted pro-rata accordingly. Ideally the puppies should have free access to the exercise area at all times.

The minimum pen floor area for a batch of up to 4 kittens, up to 12 weeks of age, must be 1m², with a minimum height of 0.6m. No dimension must be less than 0.6m. Any shelving or platforms must be in addition to the minimum floor area. Each additional kitten must have 0.25m² additional floor space.

Any covered pens should have a minimum height of 1.8m or removable covers to allow adequate access by staff for cleaning.

7.2 Extreme temperatures must be avoided. Temperatures should not normally go below 12 degrees centigrade (for puppies), below 15 degrees centigrade (for kittens) or exceed 26 degrees centigrade (both). Appropriate heating and ventilation must be provided to ensure the temperature range is complied with.

7.3 All young animals must have access to natural daylight.

7.4 General bedding must include an adequate amount of absorbent material. Any soiled material must be removed at least four times a day or as required to ensure the young animal does not have to lie in a soiled area.

7.5 In isolation accommodation there shall be a means of maintaining the temperature at a level suitable for the conditions of the young cat or young dog dependent on veterinary advice.

7.6 All reasonable precautions shall be taken to prevent and control the spread of infections or contagious diseases amongst young dogs or young cats and a written policy must be submitted with the licence application.

8.0 Welfare

8.1 A young dog or young cat shall be fed at least four times daily at appropriate intervals.

8.2 To ensure proper socialisation with people any young dog or young cat must have frequent, quality contact time with the licence holder. It is recommended that this should be a minimum of four times per day with twenty minutes of interaction per group. A written

policy on socialisation must be provided with the licence application.

- 8.3 Adequate steps shall be taken to protect a young dog or young cat in the case of fire or other emergency. A written evacuation and fire prevention policy must be provided with the licence application and fire extinguishers/blankets must be on site.
- 8.4 All young animals must be adequately exercised and a written policy must be submitted with the licence application on how this will be achieved.
- 8.5 A written policy on worming, vaccination and emergency veterinary care must be submitted with the licence application.
- 8.6 A written policy on waste disposal must be provided with the application.

9.0 Records/Inspection

- 9.1 All written policies required to be submitted with the licence application must be reviewed and updated as necessary by the licence holder. Reviews should be undertaken at least annually and at any time when a change to the activities the policy covers occurs.

10.0 General

- 10.1 The transfer of the young animals once sold must take place on either the licensed premises or the premises of the purchaser. No transfer of young animals shall take place for example in Supermarket car parks or motorway service stations.
- 10.2 The telephone number used for the sale of young animals must be a landline registered for use at the licenced premises address.
- 10.3 Any young dog or cat imported to the UK must meet the conditions laid down by the Rabies (Importation of Dogs, Cats and other Mammals) Order 1974 (as amended). (Further information can be found at www.defra.gov.uk)
- 10.4 The licence holder must comply with all other legislation relevant to their business
- 10.5 The Licensee must ensure that the establishment is covered by suitable public liability insurance and, where necessary employers liability insurance

Appendix 3

Information to be completed by licence holder for each animal					
1	Name of Licence Holder				
2	Address of licence holder				
3	Address of premises where the young animal has been kept if different from 2 above				
4	Sex of the animal	Male		Female	
5	Breed of animal				
6	Date of Birth of the animal				
7	Identification number assigned to the animal				
8	Date animal acquired by licence holder				
9	Name and address of veterinary surgeon who conducted a physical examination of the animal in accordance with licence condition 3	Name: Address:			
10	Date of veterinary examination				
11	Details and dates of all medicines/treatments administered to the animal prior to date of sale by, or on behalf of the licence holder				
12	Date of sale of the animal by the licence holder				
13	Date of physical transfer of the animal from the licence holder to the purchaser (if different from 12 above)				
14	Name, address and contact details of the person to whom the animal is sold by the licence holder	Name: Address: Contact number:			
15	<p>DECLARATION: I hereby certify that the young animal sold has been kept separated from any other animals (apart from those of the same litter from the same source) for a period of not less than 10 days prior to the date of sale.</p> <p>Signed _____; date _____</p>				
16	<p>A copy of this record shall be retained by the licence holder for a period no less than 3 years.</p>				