

## LICENSING COMMITTEE

Date: Tuesday 31 October 2017  
Time: 5.30 pm  
Venue: Rennes Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Mark Devin, Democratic Services Officer (Committees) on 01392 265477 or email [mark.devin@exeter.gov.uk](mailto:mark.devin@exeter.gov.uk)

Entry to the Civic Centre can be gained through the Customer Services Centre, Paris Street.

### *Membership -*

Councillors Spackman (Chair), Sheldon (Deputy Chair), Branston, Brimble, Foale, Hannan, D Henson, Holland, Mitchell, Keen, Newby, Owen, Pearson and Sills

### Agenda

#### **Part I: Items suggested for discussion with the press and public present**

##### **1 Apologies**

To receive apologies from Committee members.

##### **2 Minutes**

To sign the minutes of the meeting held on 19 September 2017.

##### **3 Declarations of Interest**

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

##### **4 Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

It is not considered that the Committee would be likely to exclude the press and public during the consideration of any of the items on this agenda but, if it should wish to do so, then the following resolution should be passed: -

**RECOMMENDED** that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for particular item(s) on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part I of Schedule 12A of the Act.

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

### **5 Adoption of a new Animal Licensing Policy**

To consider the report of the Environmental Health and Licensing Manager.

(Pages 3 -  
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### **6 Skin Piercing Registration**

To consider the report of the Environmental Health and Licensing Manager.

(Pages 45  
- 50)

**Individual reports on this agenda can be produced in large print on request to Democratic Services (Committees) on 01392 265107.**

## REPORT TO LICENSING COMMITTEE, EXECUTIVE AND COUNCIL

Date of Meetings: 31 October 2017, 14 November 2017 and 19 December 2017

Report of: Environmental Health and Licensing Manager

Title: Adoption of a new Animal Licensing Policy

### Legislation:

- Animal Welfare Act 2006
- Animal Boarding Establishments Act 1963
- Pet Animals Act 1951 and Pet Animals Act 1951 (Amendment) Act 1983
- Riding Establishments Act 1964 and 1970
- Dangerous Wild Animals Act 1976
- Breeding of Dogs Act 1973 and 1991
- Breeding and Sale of Dogs (Welfare) Act 1999
- Zoo Licensing Act 1981

### Is this a Key Decision?

No

\* One that affects finances over £1m or significantly affects two or more wards. If this is a key decision then the item must be on the appropriate forward plan of key decisions.

### Is this an Executive or Council Function?

#### Council Function

#### 1. What is the report about?

- 1.1 This report details the responses to the consultation undertaken into the proposed animal licensing policy which was presented to the committee at the meeting on 18 July 2017. A full 12 week consultation period has been undertaken. The Licensing Committee is constituted with formulating new statements of licensing policy with the final Animal Licensing Policy going to Full Council for adoption.

#### 2. Recommendations:

- 2.1 The Licensing Committee are requested to approve the Animal Licensing Policy in order that it can be progressed through to full Council for adoption in December 2017.
- 2.2 That Executive supports the introduction of an Animal Licensing Policy.
- 2.3 That Council formally adopts Animal Licensing Policy.

#### 3. Reasons for the recommendation:

- 3.1 Recent years have seen several model licence conditions issued, and the launch of a major DEFRA consultation document on the future of animal licensing. In line with this increased focus on the need to maintain and improve standards of animal welfare, it is therefore proposed to introduce an animal licensing policy for Exeter, which consolidates the requirements for the various animal licences issued by the authority, and incorporates the good practise identified in the Chartered Institute of Environmental Health model

licence conditions for pet vending, dog boarding, cat boarding and dog breeding.

3.2 The Licensing Committee resolved on 18 July 2017 that a public consultation should begin on the proposed new policy. Following the Licensing Committee's decision, the Licensing Team undertook a full 12-week consultation with a wide range of stakeholders who may have an interest in this policy, including existing licence holders, numerous animal welfare charities, and local veterinary groups.

3.3 The authority received comments back in relation to the consultation exercise, which are summarised in Appendix A and presented in full in Appendix B.

#### **4. What are the resource implications including non financial resources.**

4.1 The legislative changes and proposed changes to policy do not give rise to any additional resource implications or have any revenue impact.

4.2 There are no reductions, restructuring and/or redundancy implications as the key changes identified in this report do not give rise to any additional resource requirements as changes are to existing processes. However, in delivering to the changed requirements there may be some training implications for existing staff.

4.3 Any future costs in relation to the production of the policy will be met by income from fees.

#### **5. Section 151 Officer Comments:**

There are no financial implications contained in this report.

#### **6. What are the legal aspects?**

6.1 The Council's licensing team are responsible for licensing a number of animal related businesses. These include kennels and catteries, riding establishments, pet shops, businesses involving the breeding of dogs, the keeping of 'dangerous wild animals' and zoos.

6.2 Although each type of licence is determined by its own legislative background there are similarities in the licensing regime for each. Furthermore the Animal Welfare Act 2006 also consolidates a common approach to all animal related businesses.

6.3 Although not a legal requirement in the same way as with alcohol licensing or the licensing of gambling premises, it is considered good practice and helpful to consolidate the current structures and procedures in relation to animal related licences. The opportunity has also been taken to update all standard conditions consistent with current Codes of Practice and industry standards and, of course acknowledge the current and future impact of the Animal Welfare Act 2006

6.4 As with all policies produced by the Council, it is necessary for it to be reasonable and workable in order to avoid any legal challenge by third parties.

**7. Monitoring Officer's comments:**

The attached draft Animal Licensing Policy consolidates the Council's requirements in relation to the various animal licences issued by the Council. The draft policy has been subject to consultation and changes have been made to the draft policy in light of those comments where they are relevant and add to the policy.

**8. Report details:**

- 8.1 This proposed policy sets out the general principles that the Council will follow in relation to the enforcement of animal welfare legislation. The policy also describes the types of animal licensing matters that are likely to occur and how the Council will deal with them.
- 8.2 The proposed policy and the conditions included represent guidance on details of the service provided and the general principles that the Council follows in relation to the enforcement of animal licensing legislation and the discretionary functions it undertakes.
- 8.3 The authority embraces the Department for Business Innovation and Skills' "Regulators Code." The authority embraces the principles of better regulation to promote efficient and effective approaches to regulatory activity without imposing unnecessary burdens on business. The Licensing Authority shall have regard to any plan agreed between a company and primary authority.

**9. How does the decision contribute to the Council's Corporate Plan?**

- 9.1 The proposed Animal Licensing Policy will contribute to improvements in animal welfare, help promote a healthy and safe city, and lend support to a robust, business friendly economy.

**10. What risks are there and how can they be reduced?**

- 10.1 There are risks that a poorly drafted policy that is neither proportionate nor reasonable, or is inadequately consulted upon, may give rise to legal challenge. These risks have been minimised by ensuring appropriate consultation has taken place.
- 10.2 The responses received to date have been accepted where they add to the policy. Those responses that may give rise to challenge will be rejected primarily because the proposals are not legal. Due regard has been given to the reasonableness and proportionality of policy tools.
- 10.3 As a result of a consultation response received from Rachel Williams (Senior Parliamentary Advisor RSPCA), the following amendments have been made to the policy:
- Section 5 of the policy has an additional line added (5.3): *Appendix C of the Environment Enforcement Policy provides more specific information on the Council's approach to enforcement of licensing legislation. A link to this document is provided below.*

- Section 12 of the policy has an additional line added (12.12): *The Council takes the view that Primates are not suitable companion animals as their welfare needs are unlikely to be met in a domestic environment. The Council's position is therefore to recommend refusal of any applications for licences to keep or sell primates.*
  
- 11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?**
- 11.1 Formulating a licensing policy that recognises the key aims of the council, responsible authorities and other stakeholders will make a positive impact on creating a vibrant city to live, work and visit.
  
- 12. Are there any other options?**
- 12.1 Members of the Committee may reject the proposed policy on the grounds that the policy requires amendment. However, significant amendment to the proposed policy would likely require a further consultation period.

## **Environmental Health and Licensing Manager**

### **Local Government (Access to Information) Act 1972 (as amended)**

#### **Background papers used in compiling this report:-**

- Draft Animal Licensing Policy
- CIEH Model Licence Conditions and Guidance for Dog Boarding Establishments 2016
- CIEH Model Licence Conditions and Guidance for Cat Boarding Establishments 2013
- CIEH Model Licence Conditions and Guidance for Dog Breeding Establishments 2014
- CIEH Model Conditions for Pet Vending Licensing 2013

Contact for enquires:  
Democratic Services (Committees)  
Room 2.3  
01392 265275

## Appendix A - Summary of Responses Received

Ref	Respondent	Comments	Response
01	Mrs A White Exeter	However, having looked through the document I note that dog kennels are only recommended to have appropriate insurance. I would have thought that insurance is absolutely essential and should be checked annually.	The model licence conditions for dog boarding <i>strongly recommends</i> that all proprietors of licenced boarding establishments have appropriate insurance. It is considered that the above wording is sufficient.
02	Ruth Lewin-Titt Exeter	No comments to make as I feel that the policy is kennel related rather than home boarding	This is noted
03	Rachel Williams Senior Parliamentary Advisor RSPCA	<p><u>General comments</u></p> <ul style="list-style-type: none"> <li>- This policy is clear and concise. It is easy for license holders, council officers and the public to understand what the processes and policies around animal licensing activity are.</li> <li>- There are clear policies around inspections, which demonstrate that the policy is enforceable and will be enforced.</li> </ul> <ol style="list-style-type: none"> <li>1. We would like to see a clearer section setting out the procedure by which complaints from members of the public will be addressed, including how these complaints will be assessed in a way which best protects the animals involved and how local authority staff will work with establishments/license holders to make improvements where necessary.</li> <li>2. This document is perhaps not the most appropriate place to put it, but there needs to be a procedure for training of licensing officers to ensure they can deliver their duties competently and have an understanding of the</li> </ol>	<p>Noted</p> <p>Noted</p> <p>Additional line added to Section 5.3 of the proposed policy (link to Environment Enforcement Policy).</p> <p>Noted – staff competency is dealt with under procedures and is evaluated as part of an annual review process. Annual</p>

		<p>requirements of the Model Licence Conditions (MLCs) and how they dovetail with the Animal Welfare Act 2006. Further training for licensing officers assessing dog breeding establishments should be included on the socialisation and behavioural needs of puppies and dogs. Licensing officers are not expected to be experts in every animal species and behaviour and so a list of experts, for example vets, behaviour experts and animal welfare organisations that can be consulted for advice on specific requirements, should be made available to licensing officers.</p> <p>3. The adoption of the most up to date MLCs, clear procedures for enforcement which include prosecution and the recognition that the authority has the power to set standards above the minimum are all things which you should be congratulated for including. The foregrounding of animal welfare generally in the policy is very heartening to see.</p> <p>4. It would be useful to see a link made within the policy to any work the council is doing to promote other animal welfare services, e.g. neutering and microchipping.</p> <p><u>Specific comments: pet vendors</u></p> <p>5. If possible, the term 'pet vendors' rather than 'pet shops' should be used.</p> <p>6. The policy would be stronger if it made a number of additional specific demands on pet vending licenses, including:</p> <p>a. Ensuring vendors only sell species they are equipped and sufficiently knowledgeable to care for;</p> <p>b. Specifying stocking density;</p> <p>c. Ensuring that new species/groups are not</p>	<p>inspections conducted by officers are in conjunction with an appointed vet who is authorised under delegated powers by the Environmental Health and Licensing Manager.</p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>This is assessed in conjunction with our appointed vets</p> <p>As above</p>
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		<p>added without prior consultation and inspection;</p> <p>d. Specifying that vendors must make appropriate care information available free of charge to customers for all species on sale prior to sale;</p> <p>e. Specifying that vendors must have a clear written protocol for a procedure that enables them to be confident that customers are able to meet an animal's welfare needs, and are fully aware of their responsibilities under the Animal Welfare Act 2006.</p> <p>f. Specifying that vendors must have a clear written procedure for ensuring they provide for the needs of animals kept for longer than the expected short, temporary, time-period.</p> <p>g. In addition, we would like to see the policy recognise that primates are not suitable companion animals, as their welfare needs cannot be met in a domestic environment, in the form of the adoption of a policy that recommends primates should not be kept or sold by pet vendors within the local authority area .</p> <p><u>Specific comments: dog breeding establishments</u></p> <p>7. The policy would be stronger if it made a number of additional specific demands on dog breeding establishment licenses, including:</p> <p>a. Specifying that vendors must make appropriate care information available free of charge to customers for all species on sale prior to sale;</p> <p>b. Specifying that vendors must have a clear written protocol for a procedure that enables them to be confident that customers are able to meet an animal's welfare needs, and are fully aware of their responsibilities under the Animal</p>	<p>This is already adequately addressed within the model licence conditions</p> <p>As above</p> <p>This is considered to be outside the scope of the proposed policy.</p> <p>Noted</p> <p>Policy amended in line with comments (see 12.12 of the Policy (outlined above)).</p> <p>This is already covered in the Model Licence Conditions</p> <p>This is considered good practise, and encouraged, but is not within the scope of the proposed</p>
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		Welfare Act 2006.	policy.
04	Paula Boyden Veterinary Director Dogs Trust	Supportive of policy which is welcome groundwork ahead of the repeal of the older legislation governing this area.  The remainder of the letter sets out the expected changes to be brought in via proposed new legislation due to be brought forward in October 2018.	Noted

## Appendix B - Responses received

**From:** Angela White [REDACTED]  
**Sent:** 28 July 2017 10:34  
**To:** Licensing Team <[licensing.team@exeter.gcsx.gov.uk](mailto:licensing.team@exeter.gcsx.gov.uk)>  
**Subject:** Draft animal licensing policy

In response to your request for comments about the proposed policy documents, I do not really feel qualified to comment because I only home board a maximum of two dogs at any time.

However, having looked through the document I note that dog kennels are only recommended to have appropriate insurance. I would have thought that insurance is absolutely essential and should be checked annually.

As a matter of interest, when my home is inspected for the annual licence, it seems to be a waste of the inspector's time (& thus the Council's finances) to go through the entire check list as set out for boarding kennels. I don't know how many other homes have to be inspected - is it not possible to have a reduced list of tick boxes, or even visit every 2 years instead of annually?

I hope these comments have been of use.  
Angela White

Mrs A White  
[REDACTED]

**From:** Ruth Lewin-Titt [REDACTED]  
**Sent:** 29 August 2017 17:59  
**To:** Licensing Team <[licensing.team@exeter.gcsx.gov.uk](mailto:licensing.team@exeter.gcsx.gov.uk)>  
**Subject:** Consultation on Exeter City Council's Draft Animal Licensing Policy

Dear Simon.

Thank you for your letter dated 19th July 2017 and for including me in your Draft Animal Licensing Policy Consultation. I have no comments to make as I feel that the policy is kennel related rather than home boarding.

Kind regards,

Ruth Lewin-Titt.

**From:** Rachel Williams [REDACTED]  
**Sent:** 05 October 2017 11:51  
**To:** Licensing Team <[licensing.team@exeter.gcsx.gov.uk](mailto:licensing.team@exeter.gcsx.gov.uk)>  
**Subject:** Response to animal licensing consultation

Dear Sir/Madam,

Thank you for including us in the consultation on your new animal licensing policy. Please find attached our response.

Additionally, I wanted to make you aware that the RSPCA includes an award for animal activity licensing in our annual [Community Animal Welfare Footprint](#) awards for local authorities. The awards for 2017 have closed but will open again for 2018 in the spring. If you are able to make (some of) the amendments suggested in our response to your consultation - particularly the more process driven ones around staff training, complaints and having a list of experts available to officers contained in the 'general comments' section - you would be eligible for at least a bronze award under the scheme. I will add you to my contact list for when the awards open for entries next year in case you do wish to enter.

If there's any more help I can give on this issue please do let me know.

Kind regards,  
Rachel

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Rachel Williams  
Senior Parliamentary Advisor  
RSPCA

#### General comments

- This policy is clear and concise. It is easy for license holders, council officers and the public to understand what the processes and policies around animal licensing activity are.
- There are clear policies around inspections, which demonstrate that the policy is enforceable and will be enforced.
- We would like to see a clearer section setting out the procedure by which complaints from members of the public will be addressed, including how these complaints will be assessed in a way which best protects the animals involved and how local authority staff will work with establishments/license holders to make improvements where necessary.
- This document is perhaps not the most appropriate place to put it, but there needs to be a procedure for training of licensing officers to ensure they can deliver their duties competently and have an understanding of the requirements of the Model Licence Conditions (MLCs) and how they dovetail with the Animal Welfare Act 2006. Further training for licensing officers assessing dog breeding establishments should be included on the socialisation and behavioural needs of puppies and dogs. Licensing officers are not expected to be experts in every animal species and behaviour and so

a list of experts, for example vets, behaviour experts and animal welfare organisations that can be consulted for advice on specific requirements, should be made available to licensing officers.

- The adoption of the most up to date MLCs, clear procedures for enforcement which include prosecution and the recognition that the authority has the power to set standards above the minimum are all things which you should be congratulated for including. The foregrounding of animal welfare generally in the policy is very heartening to see.
- It would be useful to see a link made within the policy to any work the council is doing to promote other animal welfare services, eg neutering and microchipping.

Specific comments: pet vendors

8. If possible, the term 'pet vendors' rather than 'pet shops' should be used.
9. The policy would be stronger if it made a number of additional specific demands on pet vending licenses, including:
  - a. Ensuring vendors only sell species they are equipped and sufficiently knowledgeable to care for;
  - b. Specifying stocking density;
  - c. Ensuring that new species/groups are not added without prior consultation and inspection;
  - d. Specifying that vendors must make appropriate care information available free of charge to customers for all species on sale prior to sale;
  - e. Specifying that vendors must have a clear written protocol for a procedure that enables them to be confident that customers are able to meet an animal's welfare needs, and are fully aware of their responsibilities under the Animal Welfare Act 2006.
  - f. Specifying that vendors must have a clear written procedure for ensuring they provide for the needs of animals kept for longer than the expected short, temporary, time-period.
10. In addition, we would like to see the policy recognise that primates are not suitable companion animals, as their welfare needs cannot be met in a domestic environment, in the form of the adoption of a policy that recommends primates should not be kept or sold by pet vendors within the local authority area .

Specific comments: dog breeding establishments

11. The policy would be stronger if it made a number of additional specific demands on dog breeding establishment licenses, including:
  - a. Specifying that vendors must make appropriate care information available free of charge to customers for all species on sale prior to sale;
  - b. Specifying that vendors must have a clear written protocol for a procedure that enables them to be confident that customers are able to meet an animal's welfare needs, and are fully aware of their responsibilities under the Animal Welfare Act 2006.

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**Exeter**  
City Council

**Animal Welfare Act 2006**  
**Animal Boarding Establishments Act 1963**  
**Pet Animals Act 1951 and Pet Animals Act 1951 (Amendment)**  
**Act 1983**  
**Riding Establishments Act 1964 and 1970**  
**Dangerous Wild Animals Act 1976**  
**Breeding of Dogs Act 1973 and 1991**  
**Breeding and Sale of Dogs (Welfare) Act 1999**  
**Zoo Licensing Act 1981**

## **Animal Licensing Policy**

**Environmental Health & Licensing Manager**  
**Civic Centre**  
**Paris Street**  
**Exeter**  
**EX1 1RQ**



**01392 265702**



**licensing@exeter.gov.uk**



**www.exeter.gov.uk/licensing**

**Issue Date:**

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10. Dog Breeding Establishments
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## Appendices

- Appendix A: Standard Conditions for Animal Boarding Establishment Licensing
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- Appendix E: Standard Conditions for Pet Shop Licensing



## Section 1 – Purpose

- 1.1. Exeter City Council (the Council) has statutory responsibilities for the licensing of a number of activities relating to the welfare of animals under a number of different Acts of Parliament. This legislation is aimed at protecting animals and makes it an offence for any person to possess, own or keep animals in order to carry out certain businesses, or have possession of certain animals within Exeter, without first being licensed by the Council.

## Section 2 – Scope of Policy

- 2.1 This policy sets out the general principles that the Council will follow in relation to the enforcement of animal welfare legislation. The Policy describes the types of animal licensing matters that are likely to occur and how the Council will deal with them.
- 2.2 This Policy and the conditions included represent guidance on details of the service provided and the general principles that the Council follows in relation to the enforcement of animal licensing legislation and the discretionary functions it undertakes.
- 2.3 Animal licensing related matters included within the scope of this policy are the licensing regulation and enforcement of licence conditions in respect of:
  - Animal boarding establishment licences
  - Horse riding establishment licences
  - Pet shop licences
  - Dangerous wild animal licences
  - Dog breeding establishment licences
  - Zoo licences
- 2.4 The above licences are regulated by the Council under the following Acts:
  - Animal Welfare Act 2006
  - Animal Boarding Establishments Act 1963
  - Pet Animals Act 1951 and Pet Animals Act 1951 (Amendment) Act 1983
  - Riding Establishments Act 1964 and 1970
  - Dangerous Wild Animals Act 1976
  - Breeding of Dogs Act 1973 and 1991
  - Breeding and Sale of Dogs (Welfare) Act 1999
  - Zoo Licensing Act 1981
- 2.5 These Acts are referred to in this policy as the “primary licensing Acts.” It should also be noted that the Performing of Animals (Regulation) Act 1925 is the responsibility of the Leicestershire County Council who maintain a register of animals involved in performances. Queries about animal performances should therefore be directed to them.

## Section 3 – Animal Welfare Act

- 3.1 The Animal Welfare Act 2006 (“the Act”) consolidated and updated a range of previous legislation to promote the welfare of animals. This Act is the primary piece of legislation controlling animal welfare in England and Wales and established set welfare standards that must be maintained by all people who are responsible for an animal. The Act also places responsibilities on to numerous enforcement agencies, including this Council.
- 3.2 The Act introduces a ‘duty of care’ on any person that is responsible for an animal to ensure that the needs of that animal are met. A person does not have to be the owner of the animal for the ‘duty of care’ to apply.
- 3.3 The Act creates an offence of failing to provide for the needs of an animal in a persons care and increases the penalties for animal abuse allowing the courts to disqualify a person from being in charge of animals. Any person disqualified under the Act will also be disqualified from holding a licence under any of the primary licensing Acts.
- 3.4 The Act permits the Department for the Environment, Food and Rural Affairs (DEFRA) to pass regulations that may repeal or amend any of the primary licensing Acts or create new forms of licences. DEFRA have not presently decided to pass any further regulations but this policy shall be reviewed and updated as soon as possible should DEFRA do so.
- 3.5 Section 9 of the Animal Welfare Act 2006 creates five overarching principles of animal welfare. The Act refers to these as the ‘five needs’ of all animals. It is the duty of any person responsible for an animal to ensure that each of these five needs are met.
- 3.6 The ‘five needs’ are:
- The need for a suitable environment;
  - The need for a suitable diet;
  - The need to be able to exhibit normal behaviour patterns;
  - Any need to be housed with, or apart from, other animals; and
  - The need to be protected from pain, suffering, injury and disease.

## Section 4 – Aims of the Policy

- 4.1. This Policy will ensure that the Council carries out its animal licensing responsibilities in a fair, equitable and consistent manner.
- 4.2 It will help ensure that the public, councillors and those engaged in animal licensing activities understand what the law requires and how the Council will approach its enforcement duties.

## Section 5 – Enforcement of the Policy

- 5.1 The Council will seek to ensure compliance with the legislation and will carry out its duty in an appropriate manner according to the following principles
- seek to achieve compliance in a fair, consistent, proportional, transparent and targeted manner;
  - seek to assist businesses and others in meeting their legal obligations through education and advice, and aim to be clear, open and helpful in its approach to enforcement;
  - focus on prevention rather than cure;
  - seek to target enforcement resources at areas of highest risk, including non-compliant businesses and individuals;
  - take firm action against those who knowingly contravene the law or act irresponsibly;
  - where appropriate work jointly with other regulatory or enforcement agencies to solve problems. Such bodies include the Police, RSPCA and Trading Standards.
- 5.2 Enforcement will be carried out in a firm and fair way. There are four principles that support this:
- a) **Proportionality:** this means relating enforcement activity to risk. When the law requires that risks should be controlled so far as is reasonably practicable the cost of the remedy as well as the degree of risk will be taken into account. In some cases there are specific requirements in the law to take account of the cost of the remedy.
  - b) **Consistency:** this does not mean uniformity of approach but rather that a similar approach is taken in similar circumstances to achieve similar ends. Officers will take account of many variables including; the scale of impact, the attitude and actions of management and the history of previous incidents or breaches. Decisions on enforcement action are a matter of professional judgment. Arrangements to deliver consistency are in place including supervised quality monitoring visits, agreed protocols between the district councils throughout Devon and arrangements for auditing of activity by officers from other authorities in Devon.
  - c) **Transparency:** this is important to maintain public confidence in the Council's ability to regulate. It means helping those regulated, and others, to understand what is expected of them and what they should expect from the Council. It also means making it clear why the Council intends to, or has taken, enforcement action. The Council will clearly distinguish between legal requirements and advice or guidance about what is desirable but not compulsory. A person having a legal duty will be advised of the rights of officers and the level of service that can be expected. All information and advice issued will be in plain language and the Council will provide information in a format that is available to the recipient.
  - d) **Targeted:** this means making sure that inspections or actions are directed primarily to those activities which give rise to the most serious risks or where hazards are least well controlled. Routine inspections of businesses are prioritised according to an

assessment of the risk they pose. The Council's policies provide a framework for assessing priority in non-planned areas of activity such as setting response times to complaints.

## **Section 6 – What the Council will do?**

- 6.1 The primary licensing Acts set out individual application requirements and standards that the Council must be satisfied of before it can grant a licence. Each of those primary Licensing Acts permits the Council to impose conditions on each licence it grants.
- 6.2 The purpose of requiring a licence is primarily to ensure the welfare of the animals. When considering applications and in undertaking enforcement duties the Council will have regard to its own Animal Licensing Objectives set out in this Policy.
- 6.3 The Council will inspect premises in accordance with legislative requirements, veterinary advice and any statutory codes of practice before issuing or renewing a licence.
- 6.4 Where appropriate, inspections will be carried out with a qualified vet. Each licence has conditions attached to it and should be renewed in accordance with legislative requirements. Where inspections identify areas of concern which cannot be addressed by the licence conditions, officers will consider the use of the Animal Welfare Act 2006 and / or liaise with other organisations such as the RSPCA.
- 6.5 The Council will investigate reports and intelligence relating to unlicensed establishments and/or breaches of conditions, respond to any issues, and when necessary take enforcement action. All enforcement action will be taken in accordance with the Office of the Assistant Director Environment's Enforcement Policy.

## **Section 7 – Policy Application**

- 7.1 When carrying out its functions under the primary licensing Acts the Council will seek to promote the following objectives:
  - Animal Welfare (the five needs)
  - Public safety
  - Integration with other relevant strategies and legal requirements
  - Positive relations with licence holders and proportionate regulation
- 7.2 In addition to the danger to the welfare of animals by unlicensed or irresponsible animal owners there is also a danger that may arise to members of the public. For instance the effect of diseases affecting animals, or harmful bacteria stemming from poor hygiene could spread and affect other members of the public and their animals. Additionally licence holders that permit members of the public onto their premises have a duty to ensure that they do not put them at risk of illness or injury. Public safety will therefore be a paramount consideration by the Council at all times.
- 7.3 There are a number of different areas that may affect or be affected by licence holders or potential licence holders under the primary licensing Acts and where necessary these will

be considered by the Council in carrying out its functions under the Animal Welfare Act 2006.

- 7.4 In addition to being licensed to carry out certain activities a licence holder and their premises may need to comply with other legislation such as planning and building regulations. Where the appropriate permissions or consents are not in place, or where they are being breached, the Council may take enforcement action which could lead the closure of such premises. The subsequent effect on the welfare of the animal(s) could be damaging.
- 7.5 Therefore, the Council will not grant a licence where the appropriate planning permissions or building control consents are not in place or may revoke a licence where such legislation, regulation or conditions are breached.
- 7.6 Under Section 17 of the Crime and Disorder Act 1998, local authorities must have regard to the likely effect of the exercise of their functions on, and do all that they can to prevent, crime and disorder in their area. The Council may therefore consider the implication of an application or existing licence in the context of local crime and disorder in the area.
- 7.7 This Policy should be read in conjunction with, and without prejudice to, other existing National and European Union legislation, such as the Human Rights Act 1998 and the Equality Act 2010.
- 7.8 Each licence type has its own application process and requirements that the Council need to take into consideration before granting a licence. Details on how to apply for a licence are contained in the relevant appendices attached to this policy.
- 7.9 Each of the primary licensing Acts states clearly the criteria which the Council must be satisfied of before any licence is granted. Where the relevant licensing officer is not satisfied that the relevant legal requirements are met, or where an Environmental Health Officer of the Council or Veterinary Surgeon has raised concerns that the legal requirements or standards are not met or unlikely to be met, the applicant for the licence will be notified.
- 7.10 The applicant will have the opportunity to address these matters in the hope of satisfying the relevant criteria.
- 7.11 If the relevant Licensing Officer feels that the application should be refused they will submit a report to a Licensing Sub Committee to determine the matter.
- 7.12 Each of the primary licensing Acts allows the Council to attach conditions to the licences it grants.
- 7.13 Within the relevant appendix for each licence type are standard or model conditions which will ordinarily be imposed on that licence type. These conditions are based on the relevant national standards devised by various bodies such as the Chartered Institute of Environmental Health. However these conditions may be varied by the Council to suit the individual merits of an application.

## Section 8 – Animal Boarding Establishments

- 8.1 Anyone boarding cats or dogs for financial gain must be licensed by the Council under the provisions of the Animal Boarding Establishments Act 1963. Officers inspect these premises to ensure compliance with licence conditions and, in particular, that the animals are in satisfactory accommodation and are properly cared for.
- 8.2 Establishments where the boarding of animals is being carried on as a business are subject to the 1963 Act, which requires such premises to be licensed by the local authority. For the purpose of this Act the keeping of such establishments is defined as the carrying on at any premises, including a private dwelling, of a business of providing accommodation for other people's cats and dogs. Boarding dogs at another person's home may require a licence, if payment is received and this occurs regularly, as do day care facilities, whether in a persons home or purpose built unit.
- 8.3 DEFRA has stated that the home boarding of cats should be discouraged and the Council supports that view.
- 8.4 The licence is granted at the discretion of the local authority which may take into account the suitability of the accommodation and whether the animals are well fed, exercised and protected from disease and fire. It is an annual licence which expires on 31 December each year, regardless of when it is issued.
- 8.5 An application for a licence must be made to the Council on its application form. The application form is available from the Council's website.
- 8.6 At the time of making the application the applicant must pay to the Council the application fee. The Council will then arrange an inspection with a vet. The purpose of the Council instructing the vet is to avoid any conflict of interest that may arise between the vet and the applicant.
- 8.7 An Environmental Health Officer and Licensing Officer of the Council may also visit the premises, either together, separately or with the Vet to assess the arrangements in place, the suitability of the premises and the individual licence holder.
- 8.8 Before granting a licence the Council must be satisfied:
- That the animals will be kept in suitable accommodation at all times. Suitable accommodation takes into account the construction and size of the accommodation, the number of animals to be housed in it, facilities for exercising the animals, cleanliness and temperature, lighting and ventilation provisions.
  - That suitable food, drink and bedding materials will be provided and that the animals are exercised and visited regularly.
  - That all reasonable precautions will be taken to prevent and control the spread of disease among the animals and that isolation facilities are in place.
  - That adequate protection is provided to the animals in the case of fire and other emergencies.
  - That a register is kept. The register should contain a description of all animals received, their arrival and departure date and the name and address of the owner. The register should be available to be inspected at any time by a local authority officer, veterinary surgeon or practitioner.

- 8.9 If the Council are satisfied that the requirements of the Animal Boarding Establishments Act 1963 are met, and there are no other concerns about the welfare of animals or the objectives of this policy being undermined, the licence will be granted.
- 8.10 The Council may attach any condition to the licence that it feels are necessary and expedient for securing the objectives above.
- 8.11 Officers of the Council may inspect the licensed premises at all reasonable times. If the Council have any concerns about the welfare of the animals kept under this licence it may request that a vet conducts a further visit to ascertain if the measures in place are acceptable which would be chargeable to the licence holder.
- 8.12 If a licence holder is not complying with their licence conditions the Council may take appropriate enforcement action. This may be to advise them that they no longer meet the licensing requirements and must cease the licensable activity or to prosecute them. The Council has the power to prosecute under the Animal Boarding Establishments Act 1963 and the Animal Welfare Act 2006.
- 8.13 The Council has adopted the Chartered Institute of Environmental Health “Model Licence Conditions and Guidance for Dog Boarding Establishments 2016”. The model conditions are split into a number of schedules including conditions relating to environment, diet, behaviour, company, and health & welfare. These conditions will be applied to each dog boarding licence issued. Applicants will also be referred to Annex C of the model conditions “Emergency Evacuation Plan”, and Officers will refer to Annex D “Kennel Unit/ Run Sizes” when assessing new licence applications.
- 8.14 The Council has also adopted the Chartered Institute of Environmental Health “Model Licence Conditions and Guidance for Cat Boarding Establishments 2013”. The model conditions are split into a number of schedules including conditions relating to environment, diet, behaviour, company, and health & welfare. These conditions will be applied to each cat boarding licence issued. Applicants will also be referred to Annex B of the model conditions “Emergency Evacuation Plan”.

## Section 9 – Riding Establishments

- 9.1 The Council licenses all riding schools under the provisions of the Riding Establishments Act 1964 and 1970 in order to ensure the suitability of the person in charge to undertake such a business.
- 9.2 The Act defines the keeping of a riding establishment as:
- The carrying on of a business of keeping horses for either the purpose of their being let out on hire for riding and/or the purpose of their being used in providing, in return for payment, instruction in riding.*
- 9.3 The licence is granted at the discretion of the local authority which may take into account the suitability of the accommodation and whether the animals are well fed, exercised and protected from disease and fire. It is an annual licence which expires on 31 December each year, regardless of when it is issued.
- 9.4 An application for a licence must be made to the Council on its application form. The application form is available from the Council's website.
- 9.5 At the time of making the application the applicant must pay to the Council the application fee. The Council will then arrange an inspection with a vet. The purpose of the Council instructing the vet is to avoid any conflict of interest that may arise between the vet and the applicant.
- 9.6 An Environmental Health Officer and Licensing Officer of the Council may also visit the premises, either together, separately or with the Vet to assess the arrangements in place, the suitability of the premises and the individual licence holder.
- 9.7 Additionally the Council will ensure that all employees and workers at the premises are adequately trained in all appropriate aspects of animal welfare. Suitably qualified vets are appointed to inspect all animals used in the business to ensure that the horses are fit and healthy and suitable for use and are adequately cared for.
- 9.8 The vet will also ensure that the tack, riding equipment and stalls used for the stabling of animals is fit for purpose, safe and the stalls for horses are a suitable size.
- 9.9 In determining whether to grant a licence for a riding establishment, the Council shall consider compliance with the following matters along with the model conditions:
- a) whether that person appears to them to be suitable and qualified, either by experience in the management of horses or by being the holder of an approved certificate or by employing in the management of the riding establishment a person so qualified to be the holder of such a licence; and
  - b) the need for securing:
    - i. that paramount consideration will be given to the condition of the horses and that they will be maintained in good health, and in all respects physically fit and that, in the case of a horse kept for the purpose of its being let out on hire for riding or a horse kept for the purpose of its being used in providing instruction in riding, the horse will be suitable for the purpose for which it is kept;
    - ii. that the feet of all animals are properly trimmed and that, if shod, their shoes are properly fitted and in good condition;



- iii. that there will be available at all times, accommodation for horses suitable as respects construction, size, number of occupants, lighting, ventilation, drainage and cleanliness and that these requirements be complied with not only in the case of new buildings but also in the case of buildings converted for use as stabling.
- iv. that in the case of horses maintained at grass there will be available for them at all times during which they are so maintained adequate pasture and shelter and water and that supplementary feeds will be provided as and when required;
- v. that horses will be adequately supplied with suitable food, drink and (except in the case of horses maintained at grass, so long as they are so maintained) bedding material, and will be adequately exercised, groomed and rested and visited at suitable intervals;
- vi. that all reasonable precautions will be taken to prevent and control the spread among horses of infectious or contagious disease and that veterinary first-aid equipment and medicines shall be provided and maintained in the premises;
- vii. that appropriate steps will be taken for the protection and extrication of horses in case of fire and, in particular, that the name, address and telephone number of the licence holder or some other responsible person will be kept displayed in a prominent position in the outside of the premises and that instructions as to action to be taken in the event of fire, with particular regard to the extrication of horses, will be kept displayed in a prominent position on the outside of the premises;
- viii. that adequate accommodation will be provided for forage, bedding, stable equipment and saddlery.

- 9.10 With the exception of those detailed below, any riding establishment that does not sufficiently meet the Council's licensing conditions will not be granted a licence.
- 9.11 Where the Licensing Authority is not satisfied that the establishment complies with the relevant legislation and conditions at a riding establishment, it may refuse the licence application.
- 9.12 The applicant will be informed in writing of the reasons for the refusal and of their right to appeal the decision to the Magistrates Court. Any decision to refuse a licence will be evidence-based and fully documented.
- 9.13 The Licensing Authority may use a Temporary Licence where it is satisfied that it would not be justified in issuing a full licence. A Temporary Licence lasts for 3 months from the date at which they are granted. The 3 month period can be extended to 6 months but cannot be used for more than 6 months in any one year.
- 9.14 Officers of the Council may inspect the licensed premises at all reasonable times. If the Council have any concerns about the welfare of the animals kept under this licence it may request that a vet conducts a further visit to ascertain if the measures in place are acceptable which would be chargeable to the licence holder.
- 9.15 If a licence holder is not complying with their licence conditions the Council may take appropriate enforcement action. This may be to advise them that they no longer meet the licensing requirements and must cease the licensable activity or to prosecute them. The Council has the power to prosecute under the Pet Animals Act 1951 (as amended) and the Animal Welfare Act 2006.

## Section 10 – Dog Breeding Establishments

- 10.1 These activities are controlled by the Breeding and Sales of Dogs (Welfare) Act 1999, which amended and extended the provisions of the Breeding of Dogs Act 1973.
- 10.2 A person keeps a breeding establishment for dogs if, at any premises, he or she carries on the business of breeding dogs for sale, whether or not the breeding is done by him or her.
- 10.3 Any person who keeps an establishment for the breeding of dogs commits an offence if they do so without the requisite licence from the Council.
- 10.4 The Breeding of Dogs Act 1973 (as amended), in conjunction with the Breeding of Dogs Act 1991 (as amended) and the Breeding and Sale of Dogs (Welfare) Act 1999 (as amended), governs the activities of dog breeders.
- 10.5 A person will not be treated as running a breeding establishment if they sell the offspring of any bitch kept by them at their premises, provided that the number of litters sold by them does not, when taken with any other litter produced by a bitch kept by that person, a relative of that person or at the same premises, exceed more than three in any one year.
- 10.6 Breeding records must be kept to ensure that these requirements are adhered to. Puppies that are produced at licensed breeding establishments can only be sold at those premises or a licensed pet shop.
- 10.7 Presently only the breeding of dogs requires a licence and not any other animal. However the breeding of any animal for sale may result in the breeder falling within the definition of a pet shop.
- 10.8 An application for a Dog Breeding Establishment licence must be made to the Council on its application form. The application form is available from the Council's website.
- 10.9 At the time of making the application the applicant must pay to the Council the application fee. The Council will then arrange an inspection with a vet. The purpose of the Council instructing the vet is to avoid any conflict of interest that may arise between the vet and the applicant.
- 10.10 An Environmental Health Officer and Licensing Officer of the Council may also visit the premises, either together, separately or with the Vet to assess the arrangements in place, the suitability of the premises and the individual licence holder.
- 10.11 Before granting a licence the Council must be satisfied:
  - a) that dogs will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;
  - b) that the dogs will be adequately supplied with suitable food, drink and bedding material, adequately exercised and visited at suitable intervals;
  - c) that all reasonable precautions will be taken to prevent and control the spread among dogs of infectious or contagious diseases;
  - d) that appropriate steps will be taken for the protection of the dogs in the case of fire or other emergency;

- e) that all appropriate steps will be taken to ensure that dogs will be provided with suitable food, drink and bedding material and adequately exercised when being transported to or from the breeding establishment.
- f) that bitches are not mated if they are less than one year old
- g) that bitches do not give birth to more than six litters each.
- h) that bitches do not give birth to puppies before the end of the period of 12 months beginning with the day on which they last gave birth to puppies
- i) that accurate records are kept at the premises and made available for inspection for any authorised officer of the local authority to examine. The particular records to be kept are listed in the Breeding of Dogs (Licensing Records) Regulations 1999 (section 1(4)).

10.12 Any licence granted will expire on December 31 of the year in which it is granted.

10.13 Officers of the Council may inspect the licensed premises at all reasonable times. If the Council have any concerns about the welfare of the animals kept under this licence it may request that a vet conducts a further visit to ascertain if the measures in place are acceptable which would be chargeable to the licence holder.

10.14 If a licence holder is not complying with their licence conditions the Council may take appropriate enforcement action. This may be to advise them that they no longer meet the licensing requirements and must cease the licensable activity or to prosecute them. The Council has the power to prosecute under the Breeding and Sales of Dogs (Welfare) Act 1999 and the Animal Welfare Act 2006.

10.15 The Council has adopted the Chartered Institute of Environmental Health "Model Licence Conditions and Guidance for Dog Breeding Establishments". The model conditions are split into a number of schedules including conditions relating to accommodation, management Etc. These conditions will be applied to each dog breeding licence issued.

## Section 11 - Dangerous Wild Animals

- 11.1 Anyone who keeps an animal scheduled as a dangerous wild animal must be licensed under the Dangerous Wild Animals Act 1976.
- 11.2 The Dangerous Wild Animals Act (DWA) of 1976 aims to ensure that where private individuals keep dangerous wild animals they do so in circumstances which create no risk to the public and, to a lesser extent, safeguard the welfare of the animals.
- 11.2 When applications for a licence are received, the Council seeks the appropriate advice of veterinary and/or other professionals to ensure that any special needs of the animal are fulfilled and the applicant is a suitable person to hold such a licence. The Council must also be satisfied that it would not be contrary to public interest on the grounds of safety or nuisance
- 11.3 Special needs in this context mean the suitability of accommodation, heating, lighting and appropriate foodstuffs for the species identified in the application.
- 11.4 An application for a Dangerous Wild Animal licence must be made to the Council on its application form. The application form is available from the Councils website.
- 11.5 At the time of making the application the applicant must pay to the Council the application fee. The Council will then arrange an inspection with a vet. The purpose of the Council instructing the vet is to avoid any conflict of interest that may arise between the vet and the applicant.
- 11.6 An Environmental Health Officer and Licensing Officer of the Council may also visit the premises, either together, separately or with the Vet to assess the arrangements in place, the suitability of the premises and the individual licence holder.
- 11.7 Before granting a licence the Council must be satisfied:
- that the animal will be kept only by a person or persons named on the licence;
  - that restrictions will be adhered to on the movement of the animal from the premises as specified on the licence; and
  - that the licence holder has a current insurance policy which insures both licence holders and others against any liability caused by the animal.
  - It is not contrary to the public interest on the grounds of safety, nuisance or otherwise to grant the licence;
  - The applicant for the licence is a suitable person to hold a licence under The Dangerous Wild Animals Act 1976 (as amended);
  - Any animal concerned will at all times of its being kept only under the authority of the licence—
    - be held in accommodation which secures that the animal will not escape, which is suitable as regards construction, size, temperature, lighting, ventilation, drainage and cleanliness and which is suitable for the number of animals proposed to be held in the accommodation, and
    - be supplied with adequate and suitable food, drink and bedding material and be visited at suitable intervals;
    - Appropriate steps will at all such times be taken for the protection of any animal concerned in case of fire or other emergency;
    - All reasonable precautions will be taken at all such times to prevent and control the spread of infectious diseases;

- While any animal concerned is at the premises where it will normally be held, its accommodation is such that it can take adequate exercise.

11.8 The licensing procedure does not apply to animals kept in:

- A zoo within the meaning of the Zoo Licensing Act 1981;
- A circus;
- Pet shops; and
- Places which are designated establishments under the Animal (Scientific Procedures) Act 1986.

11.9 A person is held to be the keeper of the animal if they have it in their possession. The assumption of possession continues even if the animal escapes or it is being transported. This removes the need for carriers or veterinary surgeons to be licensed.

11.10 Any licence granted will expire on December 31 of the year in which it is granted.

11.11 Officers of the Council may inspect the licensed premises at all reasonable times. If the Council have any concerns about the welfare of the animals kept under this licence it may request that a vet conducts a further visit to ascertain if the measures in place are acceptable which would be chargeable to the licence holder.

11.12 If a licence holder is not complying with their licence conditions the Council may take appropriate enforcement action. This may be to advise them that they no longer meet the licensing requirements and must cease the licensable activity or to prosecute them. The Council has the power to prosecute under the Dangerous Wild Animals Act 1976 (as amended) and the Animal Welfare Act 2006.

## Section 12 – Pet Shops

- 12.1 Under the Pet Animals Act 1951 (as amended), a licence is required where any person keeps animals at a premises for the purpose of being sold as pets. A licence is required even if the premises are not open to members of the public.
- 12.2 The Pet Animals Act 1951 (as amended) forbids the sale of animals as pets in any part of a street or public place or at a stall or barrow in a market.
- 12.3 The Pet Animals Act 1951 (as amended) exempts persons who sell the offspring of animal they own as a pet from requiring a licence as well as those who breed from a pedigree animal kept by them. However these exemptions are strict and with certain conditions. The onus is on any person who believes they are exempt from holding a licence to check this with the Licensing Team
- 12.4 An application for a Pet Shop licence must be made to the Council on its application form. The application form is available from the Councils website.
- 12.5 At the time of making the application the applicant must pay to the Council the application fee. The Council will then arrange an inspection with a vet. The purpose of the Council instructing the vet is to avoid any conflict of interest that may arise between the vet and the applicant.
- 12.6 An Environmental Health Officer and Licensing Officer of the Council may also visit the premises, either together, separately or with the Vet to assess the arrangements in place, the suitability of the premises and the individual licence holder.
- 12.7 Before granting a licence the Council must be satisfied:
- That the animals are kept in accommodation that is suitable as respects size, temperature, lighting, ventilation and cleanliness;
  - That animals are adequately supplied with appropriate food and drink and (so far as necessary) visited at suitable intervals;
  - That animals, being mammals, will not be sold at too early an age;
  - That all reasonable precautions will be taken to prevent the spread among animals of infectious diseases;
  - That appropriate steps will be taken in case of fire or other emergency.
  - If the Council are satisfied that the requirements of the Pet Animals Act 1951 (as amended) are met, and there are no other concerns about the welfare of animals or the objectives of this policy being undermined, the licence will be granted.
  - The Council may attach any condition to the licence that it feels necessary and expedient for securing the objectives above.
- 12.8 Any licence granted will expire on December 31 of the year in which it is granted.
- 12.9 Officers of the Council may inspect the licensed premises at all reasonable times. If the Council have any concerns about the welfare of the animals kept under this licence it may request that a vet conducts a further visit to ascertain if the measures in place are acceptable which would be chargeable to the licence holder.
- 12.10 If a licence holder is not complying with their licence conditions the Council may take appropriate enforcement action. This may be to advise them that they no longer meet the licensing requirements and must cease the licensable activity or to prosecute them. The

Council has the power to prosecute under the Pet Animals Act 1951 (as amended) and the Animal Welfare Act 2006.

- 12.11 The Council has adopted the Chartered Institute of Environmental Health “Model Conditions for Pet vending Licensing 2013”. The model conditions are split into a number of schedules including a general conditions schedule applicable to all Pet Shop licences (Schedule A), and also specific schedules for different types of animals. The remaining schedules (B to I), will be applied to the licence on a case by case basis depending on the types of animals kept.

## Section 13 – Fees and Charges

- 13.1 The Assistant Director Environment will arrange for the setting of Animal Welfare Licensing fees through the Council and will annually review the fee structure.

## Section 14 - General

- 14.1 This policy will be the subject of periodic monitoring and review and will be applied in a manner which is consistent with the Council's equalities and diversity policies. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The revised statement must be then re-published.
- 14.2 Before publishing this policy the Council consulted widely upon this statement before finalising and publishing.
- 14.3 The consultation included:
- The Chief Officer of Police;
  - Those current licensed by the Council
  - Those who appear to the authority to represent the interests of persons carrying on animal licensing businesses in the authority's area;
  - Devon County Council Trading Standards;
  - Devon and Somerset Fire and Rescue Service
  - Environmental Health
  - Veterinary Surgeons
- 14.4 The full list of comments made and the consideration by the Council of those comments will then be published with the final version of the policy which needs to be approved at a meeting of the Full Council.
- 14.5 Any comments relating to this policy statement please should be submitted to the Licensing Authority via e-mail or letter to the following contact:

Environmental Health and Licensing Manager, Licensing Team, Civic Centre Paris Street  
Exeter EX1 1RQ E-mail: [licensing.team@exeter.gov.uk](mailto:licensing.team@exeter.gov.uk)



## Appendix A – Standard Conditions for Animal Boarding Establishment Licence

- A.1 A copy of the licence must be suitably displayed to the public in a prominent position in the boarding establishment.
- A.2 The Council has adopted the Chartered Institute of Environmental Health “Model Licence Conditions and Guidance for Dog Boarding Establishments 2016”. The model conditions are split into a number of schedules including conditions relating to environment, diet, behaviour, company, and health & welfare. These conditions will be applied to each dog boarding licence issued. Applicants will also be referred to Annex C of the model conditions “Emergency Evacuation Plan”, and Officers will refer to Annex D “Kennel Unit/ Run Sizes” when assessing new licence applications.

A free copy of the model conditions can be downloaded via the link below:

<http://www.cieh.org/policy/dog-guidance-2016.html>

The Council has also adopted the Chartered Institute of Environmental Health “Model Licence Conditions and Guidance for Cat Boarding Establishments 2013”. The model conditions are split into a number of schedules including conditions relating to environment, diet, behaviour, company, and health & welfare. These conditions will be applied to each cat boarding licence issued. Applicants will also be referred to Annex B of the model conditions “Emergency Evacuation Plan”.

A free copy of the model conditions can be downloaded via the link below:

<http://www.cieh.org/policy/model-licence-conditions-and-guidance-for-cat-boarding-establishments.html>

## Conditions for Home Boarding

### A.24 Number of Dogs Permitted

- 1.1 The maximum number of dogs to be boarded at any one time is **XX**. Numbers to be agreed by Veterinary Surgeon on inspection.
- 1.2 All dogs boarded must be from the same household. No mixed families of dogs are permitted.

### A.25 General Conditions

- 1.3 Any dog-boarding activities should be in accordance with appropriate planning consents for the property.
- 1.4 Each dog shall wear a visible tag bearing the name, address and telephone number of the Licensee for the duration of the stay.
- 1.5 Dogs and equipment shall not be placed or kept in such a position to cause obstruction in case of fire or other emergency.
- 1.6 Any vehicles used by the establishment for the transportation of dogs must be regularly serviced and kept clean. During transportation, dogs should be carried in cages of adequate size. All vehicles must be secure.
- 1.7 Measures must be taken to keep the establishment free of rodents, insects and other pests.

### A.26 Accommodation

- 1.8 Dogs will at all times be kept in accommodation that is adequate in size. Where dogs are kept in cages within the house these must be of sufficient size for the dog to lie down, stand up and turn around comfortably, and allow the dog to defecate away from the sleeping area. These size guidelines are adequate for short periods only and should not be regarded as suitable for permanent accommodation. Such cages should be used principally for sleeping quarters and animals should not be confined to them for long periods of the day.
- 1.9 Accommodation provided for dogs must be to the satisfaction of the Licensing Authority with particular regard to construction, size, fixtures and fittings, temperature, ventilation and cleanliness.
- 1.10 All excreta and soiled material shall be removed as often as necessary and at least daily from all living and exercise areas. Waste materials must be disposed of as per current regulations to the satisfaction of Head of Environmental Health
- 1.11 The accommodation and ancillary establishment shall be maintained so as to prevent odour or nuisance to occupiers and users of adjacent premises.
- 1.12 Suitable bedding equipment must be provided which allows the dogs to be comfortable and which is capable of being easily and adequately cleaned and sanitised. Such equipment must be sited out of draughts. All bedding must be maintained in a clean, parasite-free and dry condition.

- 1.13 Suitable cleansing between boarding must be achieved, a protocol for which must be drawn up and approved at the time of inspection by the Veterinary Surgeon.
- 1.14 All areas in which the dogs run freely must have a suitable and adequate fence to secure the site from possible escape and to prevent unauthorised access. Doors, gates and fencing must not have any projections liable to cause injury to dogs

#### **A.27 Food and Water Supplies**

- 1.15 All animals shall have an adequate supply of wholesome drinking water available at all times.
- 1.16 All animals shall be adequately supplied with suitable food.
- 1.17 Eating and drinking vessels must be cleaned or disposed of after each feed and re-usable vessels must be capable of being easily cleaned and disinfected.

#### **A.28 Exercise**

- 1.18 All dogs must be given adequate exercise and walked at least daily or as agreed by the dog owner.
- 1.19 Where exercise is provided off the premises all dogs must remain strictly on leads.
- 1.20 Where exercise is provided off the premises, arrangements must be made to immediately clean up any faeces deposited by the dogs and to dispose of any matter appropriately.
- 1.21 It is recommended that muzzles of varying sizes are made available.

#### **A.29 Disease Control and Vaccination**

- 1.22 Proof must be provided that dogs boarded have current vaccinations against Canine Distemper, Infectious Canine Hepatitis (Canine adenovirus), Leptospirosis (*L.canicola* and *L.Icterohaemorrhagiae*) and Canine Parvovirus and other relevant diseases. The course of vaccination must have been completed at least four weeks before the first date of boarding or in accordance with manufacturer's instructions. A record that this proof has been supplied must be kept on site throughout the period that the dog is boarded.
- 1.23 Advice from a Veterinary Surgeon must be sought in case of signs of disease, injury or illness. Where a dog is sick or injured, any instructions for its treatment, which have been given by a Veterinary Surgeon, must be strictly followed. No fees arising from the consultation with the Veterinary Surgeon will be borne by Exeter City Council.
- 1.24 Evidence of recent broad spectrum de-worming, flea and tick control, must be provided for dogs being cared for.
- 1.25 Dogs showing signs of disease or illness shall be isolated from any other dogs until veterinary advice is obtained.
- 1.26 Any medication prescribed by a Veterinary Surgeon must be stored appropriately and administered according to their instructions.

- 1.27 A well stocked first aid kit suitable for use on dogs must be available and accessible on site.

### **A.30 Register**

- 1.28 A register must be kept of all dogs boarded at the premises and the information kept must include the following:
- Date of arrival.
  - Name of dog, and any other identification mark such as microchip number, tattoo or tag.
  - Description, breed, age and gender of dog.
  - Name, address and telephone number of owner or keeper.
  - Name, address and telephone number of contact person whilst cared for.
  - Name, address and telephone number of dog's Veterinary Surgeon.
  - Anticipated and actual date of arrival and departure.
  - Health, welfare and nutrition requirements.
  - Vaccination and worming details.
  - Date of last season if a bitch.
- 1.29 The register and associated records must be kept available for a minimum of **24** months and be kept in such a manner as to enable an authorised officer to easily access such information.

### **A.31 Supervision**

- 1.30 A fit and proper/responsible person aged 18 or over shall at all times be present or within reasonable distance from the premises to give advice, exercise, supervision and deal with emergencies whenever dogs are being cared for at the premises. Proper care shall be afforded to the dogs in order to protect their health, safety and welfare.
- 1.31 Anyone supervising the care of the animals must have knowledge in animal welfare, cleanliness and hygiene, feeding and food preparation, disease control, health and safety, emergency procedures and the recognition and treatment of sick animals.

### **A.32 Fire Precautions**

- 1.32 All electrical installations and appliances must be maintained in a safe condition. There must be a residual current circuit breaker system fitted.
- 1.33 Heating appliances must not be sited in a location or manner where they may present a risk of fire, or risk to dogs. Dogs must not have direct access to open flame heating devices.
- 1.34 The licensee shall ensure that a responsible person shall at all times be in, or within a reasonable distance from, the premises for the purpose of giving warning and

taking other necessary steps in the event of fire or other emergency. An adequate and accessible supply of water and sand/or an efficient fire extinguisher must always be available on the premises and the positions clearly marked.

- 1.35 Precautions must be taken to prevent any accumulation which may present a risk of fire.

### **A.33 Liability Insurance**

- 1.36 Provide adequate and suitable public liability insurance (and where appropriate Employees Liability Insurance). A copy of the current certificate must be displayed.

### **A.34 Licence Display**

- 1.37 A copy of the licence and its conditions must be suitably displayed to the customers in a prominent position.

### **A.35 Powers of Entry**

- 12.1 The authorised officer of the Licensing Authority can, at any reasonable time, have a right of entry onto the premises for the purpose of carrying into effect any of the relevant statutory provisions. To enable these provisions to be carried out, the appointed officer may take any other person authorised by the Council that may be considered necessary.

## **Appendix B – Standard Conditions for Riding Establishment Licence**

- B.1 A horse found on inspection of the premises by an authorised officer to be in need of veterinary attention shall not be returned to work until the holder of the licence has obtained at his own expense and has lodged with the Exeter City Council a veterinary certificate that the horse is fit for work.
- B.2 Before any horse or pony additional to those named in the attached schedule 'A' is taken into work at the establishment you shall lodge with Exeter City Council a veterinary declaration that the animal was found to be sound and suitable for use. It shall be on the form attached.
- B.3 No horse will be let out on hire for riding or used for providing instruction for riding without supervision by a responsible person of the age of 16 years or over unless (in the case of horse let out for hire for riding) the holder of the licence is satisfied that the hirer of the horse is competent to ride without supervision.
- B.4 The carrying on of the business of a riding establishment shall at no time be left in the charge of any person under the age of 16 years.
- B.5 The licence holder shall hold a current insurance policy which insures him against any liability for any injury sustained by those who hire a horse from him for riding and those who use a horse in the course of receiving from him, in return for payment, instruction in riding and arising out of the hire or use of a horse as aforesaid and which also insures such persons in respect of any liability which may be incurred by them in respect of injury to any person caused by or arising out of the hire or use of a horse as aforesaid.
- B.6 A register shall be kept by the licence holder of all horses in his possession aged three and under and usually kept on the premises which shall be available for inspection by an authorised officer at all reasonable times.
- B.7 Horses must be maintained in good health and in all respects physically fit and, in the case of a horse kept for the purpose of its being let out on hire for riding or a horse kept for the purpose of its being used in providing instruction in riding, the horse must be suitable for the purpose for which it is kept.
- B.8 No horse aged three years or under nor any mare heavy with foal nor any mare within three months after foaling may be let out on hire for riding or used, in return for payment, for instruction or in demonstrating riding.
- B.9 Any riding equipment supplied for a horse let out on hire must be free from visible defect which is likely to cause suffering to the horse or accident to the rider.
- B.10 The feet of all animals must be properly trimmed and, if shod, their shoes must be properly fitted and in good condition.
- B.11 In the case of horses maintained at grass there must be available for them at all times during which they are so maintained adequate pasture and shelter and water and supplementary feeds must be provided as and when required.

- B.12 Horses must be adequately supplied with suitable food, drink and (except in the case of horses maintained at grass, so long as they are so maintained) bedding material, and must be adequately exercised, groomed and rested and visited at suitable intervals.
- B.13 All reasonable precautions must be taken to prevent and control the spread among horses of infectious or contagious diseases and veterinary first aid equipment and medicines must be provided and maintained on the premises.
- B.14 The construction of the riding establishment must be substantial, adequate to contain the animals, and provide with warmth and shelter in clean and hygienic conditions. There must be convenient and safe access to stalls and boxes. Stalls must be large enough to allow the animal to lie down and get up without risk of injury. Boxes must be large enough to allow the animal to turn round.
- B.15 Yards must provide enough space for every animal kept there.
- B.16 Lighting must be adequate to render the use of artificial light unnecessary in daylight.
- B.17 Ventilation must provide fresh air without draughts.
- B.18 Drainage must be adequate to carry away liquid voided by the horses and keep the standings dry.
- B.19 There must be provision for storage and disposal of manure and spoiled straw.
- B.20 Adequate accommodation must be provided for forage bedding, stable equipment and saddlery.
- B.21 The Licence Holder must ensure that appropriate steps will be taken for the protection and extrication of horses in case of fire and in particular, that the name, address and telephone number of the Licence Holder or some other responsible person are kept displayed in a prominent position at the outside of the premises and that instructions as to action to be taken in the event of fire, with particular regard to the extrication of horses, are kept displayed in a prominent position on the outside of the premises.
- B.22 A register must be kept by the Licence Holder of all horses in his possession aged three years and under and usually kept on the premises which shall be available for inspection by an authorised officer.
- B.23 The Licensee must ensure that:
- a) escorts allocated to a particular ride are competent to supervise that ride;
  - b) the number of riders per escort in a ride do not exceed safe limits and that adequate control is exercised over the mounts at the paces that will be employed;
  - c) a horse allocated to a rider is capable of carrying the rider in safety.

## **Appendix C – Standard Conditions for Dog Breeding Establishment Licence**

C.1 The Council has adopted the Chartered Institute of Environmental Health “Model Licence Conditions and Guidance for Dog Breeding Establishments”. The model conditions are split into a number of schedules including conditions relating to accommodation, management Etc. These conditions will be applied to each dog breeding licence issued.

C.2 A free copy of the model conditions can be downloaded via the link below:

[http://www.cieh.org/CIEH-Model\\_Licence-Conditions-Guidance-Dog-Breeding-Establishments.html](http://www.cieh.org/CIEH-Model_Licence-Conditions-Guidance-Dog-Breeding-Establishments.html)



## Appendix D – Standard Conditions for Dangerous Wild Animals Licence

- D.1 These Standard Conditions will apply to all licences unless disapplied or varied by the the Council.
- D.2 The granting of a licence for a Dangerous Wild Animal shall not be deemed to convey any approval or consent which may be required under any enactment by law, order or regulation other than the Dangerous Wild Animals Act 1976 (as amended).
- D.3 While any animals are being kept under the authority of this licence;
- (i) the animal shall be kept by no person other than the person specified in the licence,
  - (ii) the animal shall normally be held at such premises as specified in the licence,
  - (iii) the animal shall not be moved from those premises except for veterinary treatment or with the written consent of the Council,
  - (iv) the licence holder shall hold a current insurance policy which insures him/her, and any other person entitled to keep the animal under the authority of this licence, against liability for any damage which may be caused by the animal, the terms of such policy being satisfactory in the opinion of the Council,
  - (v) the public liability insurance required in (iv) above shall provide cover to a minimum of ten million pounds. This figure may be reduced according to the number and species of animals, however, a minimum cover of £10,000,000.00 is required unless stated otherwise on the licence.
- D.4 The species and number of animals of each species which may be kept under the authority of this licence shall be restricted to those specified in the Schedule of Animals attached to the licence.
- D.5 The licence holder shall, at all reasonable times, make available the licence to any person entitled to keep any animal under the authority of the licence.
- D.6 Any change in species, or increase in numbers of a species, will only be permitted if written consent of the Council is first obtained and the Schedule of Animals attached to the licence is amended by the Council.
- D.7 **Special Conditions**

Given the unique nature of these establishments, the Council may impose specific special conditions relating to the individual premises and/or person based on the species and number of each species kept.

These conditions would be imposed in consultation with a specialist veterinary surgeon, or other recognised expert, and attached to the licence as a Schedule of Special Conditions.

## Appendix E – Standard Conditions for Pet Shop Licence

### Application for a Licence

- E.1 Although not provided for in that Act, it is recommended that applicants consult their local authority prior to submitting an application.

### Trade Associations

- E.2 Licensees are recommended to apply for membership of an appropriate trade organisation which might act as a point of reference should any disputes over the licence conditions arise.

### Categories of Animals which a Pet Shop may be Licensed to Keep

1. Dogs and Cats (puppies and kittens).
2. Smaller domesticated mammals e.g. rabbits, cavies, gerbils, hamsters, rats, mice.
3. Larger domesticated mammals, e.g. goats, pot bellied pigs.
4. Primates, e.g. marmosets.
5. Other mammals.
6. Parrots, parakeets and macaws.
7. Other birds
8. Reptiles
9. Amphibians
10. Fish
11. Other Species

### RSPCA

- E.3 Permission to inspect the licensed premises shall be granted at all reasonable times to a duly authorised officer of the licensing authority and facilities to examine any animal shall be given to any veterinary practitioner (or officer of the RSPCA) who has been called in to carry out such examination by a duly authorised officer.
- E.4 The Council has adopted the Chartered Institute of Environmental Health “Model Conditions for Pet vending Licensing 2013”. The model conditions are split into a number of schedules including a general conditions schedule applicable to all Pet Shop licences (Schedule A), and also specific schedules for different types of animals. The remaining schedules (B to I), will be applied to the licence on a case by case basis depending on the types of animals kept.
- E.5 A free copy of the model conditions can be downloaded via the link below:

[http://www.cieh.org/policy/Model\\_Conditions\\_for\\_Pet\\_Vending\\_Licensing\\_2013.aspx](http://www.cieh.org/policy/Model_Conditions_for_Pet_Vending_Licensing_2013.aspx)

Environmental Health and Licensing Manager  
Civic Centre  
Paris Street  
Exeter  
EX1 1RQ

Wednesday 11<sup>th</sup> October 2017

Dear Sir/Madam,

## **R.E. Animal Licensing Policy**

Dogs Trust is pleased to be able to respond to your consultation on Animal Licensing Policy, which is welcome groundwork ahead of the upcoming repeal of the older legislation governing this area and its replacement with new Regulations under the Animal Welfare Act 2006.

The new Regulations (Licensing of Activities Involving Animals) are currently expected to come into effect in October 2018, but with some transitional provisions. As much of the new Regulations are based on the current Model Licence Conditions for dog breeding, boarding and pet vending, we are encouraged to see you will be using these until the new Regulations come into force. As you will be aware the Model Licence Conditions are being reviewed and included in the Schedules of the new Regulations.

Going forwards, the new Regulations will bring in some additional requirements. These include:

- All sales of puppies below the age of eight weeks will be prohibited via the removal of the exemption that currently exists in the Breeding and Sale of Dogs (Welfare) Act 1999
- The statutory licensing threshold for dog breeders will be reduced from five to three or more litters per year
- Licensed sellers of pets will be required to display their licence number when advertising
- A proposal to legally require pet sales to provide written information when selling animals, as a part of licence conditions. The information will be required to cover the five freedoms as set out in the Animal Welfare Act 2006

### **Dogs Trust**

Clarissa Baldwin House  
17 Wakley Street  
London EC1V 7RQ

T 020 7837 0006

F 020 7833 2701

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

Patron: Her Majesty The Queen

Registered Charity Numbers: 227523 & 5037843

Changes to the licensing system itself will see the introduction of:

- Licences issued for a fixed term set at any point in the year (they currently are restricted to run from January – December only)
- Licences may be issued for up to three years; this will be linked to a requirement for local authorities to use a standard risk-based assessment system

In addition, we work with local authorities to help improve responsible dog ownership standards within the community. If you would like to find out more about how we can work together, please do not hesitate to contact our Campaigns Team via [campaigns@dogstrust.org.uk](mailto:campaigns@dogstrust.org.uk).

Yours faithfully,



Paula Boyden  
Veterinary Director

**Dogs Trust**

Clarissa Baldwin House  
17 Wakley Street  
London EC1V 7RQ

T 020 7837 0006  
F 020 7833 2701  
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## REPORT TO LICENSING COMMITTEE

Date of Meeting: 31 October 2017

Report of: Environmental Health and Licensing Manager

Title: Skin Piercing Registration

### Is this a Key Decision?

No

\* One that affects finances over £1m or significantly affects two or more wards. If this is a key decision then the item must be on the appropriate forward plan of key decisions.

### Is this an Executive or Council Function?

Licensing is a Council function delegated to the Licensing Committee

#### 1. What is the report about?

- 1.1 Every premises in Exeter where the business of tattooing, cosmetic piercing, acupuncture, electrolysis and/or semi-permanent skin-colouring (hereafter referred to collectively as skin piercing) takes place must be registered with the City Council under the Local Government (Miscellaneous Provisions) Act 1982.
- 1.2 Registration is only granted if the premises complies with the Council's byelaws for skin piercing. These cover standards for hygiene, cleanliness and infection control, there being a number of hazards associated with this activity, including bacterial infection and the transmission of blood-borne viruses such as hepatitis B/C and HIV.
- 1.3 Individuals carrying out skin piercing activities at these premises must also be registered with the City Council. Currently registration allows piercers to practice *only* at the premises named on their certificate of registration. This means that a piercer registered at premises X in the city could not pierce at premises Y unless they applied for, and were granted, registration there.
- 1.4 There is a fee (currently £90) to register a premises and one individual piercer. The fee covers the cost of a Council Officer visiting the premises to assess compliance with the byelaws plus the associated input from an Environmental Support Officer to update the piercing database and issue a registration certificate.
- 1.5 Additional piercers can be registered at an existing registered premises for a fee of £45. An application to register an additional piercer does not generally require a visit from a Council Officer but needs input from an Environmental Support Officer to update the piercing database and issue a certificate or registration.
- 1.6 This report seeks approval of the Licensing Committee to remove the current practice of issuing premises-specific skin piercing registrations to individuals and replace them with a personal registration which would allow the individual to carry out specified skin-piercing activities at *any* premises in the city registered for that activity which is registered for that activity.
- 1.7 This would make it far easier for registered skin-piercers to practice in more than one premises and would remove the need for the Environmental Support Team to issue new certificates every time a registered piercer moved premises in the city.
- 1.8 All registered premises will still be inspected by Environmental Health Officers to ensure that standards of hygiene, cleanliness and infection control are maintained.

## **2. Recommendations:**

- 2.1 From 1 April 2018, registration for **persons** to carry out skin piercing is granted on a personal, rather than premises-specific basis. Existing (premises-specific) registrations are re-issued as personal registrations, meaning that persons may practice specified skin-piercing activities at *any* registered premises within the city of Exeter, provided that the premises is registered for that particular activity.
- 2.2 Existing and future registrations for skin piercing **premises** are (re)issued as premises-only certificates.

## **3. Reasons for the recommendation:**

- 3.1 The reasons are explained in section 1, above but, to summarise, personal skin-piercing registration certificates makes it far easier for individuals to carry out specified activities at more than one location (provided that premises is registered for those activities) and there is less burden on the Environmental Support Team having to issue registrations every time a piercer moves.
- 3.2 It should also be noted that Plymouth City and Torbay Councils (both local authorities with a considerable number of skin piercers) issue separate premises and persons registrations (rather than combining them as Exeter currently does).

## **4. What are the resource implications including non financial resources.**

- 4.1 There are 74 premises registered for skin piercing in the city and 239 individuals registered to practice within them. All will require a new certificate of registration and covering letter to explain the changes. These can be generated from within the existing Environmental Health database system.

## **5. Section 151 Officer comments:**

The move from premises-specific to personal registration for skin piercing activities has no significant financial implications. If approved, the changes will be reflected in the Council's fees and charges with effect from 1 April 2018.

## **6. What are the legal aspects?**

- 6.1 The Licensing Committee's responsibilities are set out in the Council's Constitution and include determining any matter of licensing policy referred to it by the Environmental Health and Licensing Manager.
- 6.2 Sections 14 and 15 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Local Government Act 2003) require that persons shall not carry on the practice of acupuncture, tattooing, cosmetic piercing, semi-permanent skin-colouring and electrolysis unless they and the premises in which those activities are carried on, are registered with the local authority.
- 6.3 Persons registered in accordance with the statutory provisions and carrying out the business of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing or acupuncture shall only carry on that business in the area of the local authority. The statutory provisions also set out the position in relation to registered persons and the circumstances in which they are able to provide those services:

Section 14(2): A person shall only carry on the practice of acupuncture in any area in which this section is in force in premises registered by the local authority for the area under this section; but a person who is registered under this section does not contravene this subsection merely because he sometimes visits people to give them treatment at their request.

Section 15(2): A person shall only carry on a business... [of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis]...in any area in which this section is in force in premises registered under this section for the carrying on of that business; but a person who carries on the business of tattooing, semi-permanent skin-colouring and cosmetic piercing or electrolysis and is registered under this section as carrying on that business does not contravene this subsection merely because he sometimes visits people at their request to tattoo them or, as the case may be, to [carry out semi-permanent skin-colouring on them, pierce their bodies] or give them electrolysis.

Accordingly persons carrying on the services set out above are required to be registered with the local authority and are able to practise from a registered premises or to visit premises at the request of customers (so-called 'mobile operators').

- 6.4 Section 14(6) and 15(6) of the Local Government (Miscellaneous Provisions) Act 1982 permits a local authority to charge such reasonable fees as they may determine for registration.

## **7. Monitoring Officer's comments:**

On the basis that the Council has resolved that the provisions of the Local Government (Miscellaneous Provisions) Act 1982 apply to its area, persons carrying on the practice of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis are required to register with the local authority. Persons providing the services set out above are able to provide those services in accordance with the provisions of section 14(2) and 15(2).

## **8. Report details:**

- 8.1 Exeter City Council has a considerable number of premises and persons registered for skin piercing under the Local Government (Miscellaneous Provisions) Act 1982. A breakdown of these figures is available at Appendix A.
- 8.2 Registration of these premises, based upon compliance with the requirements of Exeter City Council's Skin Piercing Byelaws, provides assurance to members of the public that appropriate procedures are in place to prevent the usual risks associated with skin piercing.
- 8.3 The registration of individual piercers is generally an administrative function, premises themselves being inspected and registered separately.
- 8.4 It is not unusual to find piercers wishing to work in more than one registered premises (a semi-permanent skin-colouring practitioner visiting different salons on different days of the week, for example). Under the current scheme, there could be a considerable cost for that practitioner to be registered at each premises they visit; this could be prohibitively expensive if they visit many different locations.
- 8.5 The proposed changes allow registered individuals to practice at any registered premises in the city; they allow piercers (who are often self-employed) to grow their

business and give studios & salons the flexibility to employ registered piercers without having to wait for registration at that address.

**9. How does the decision contribute to the Council's Corporate Plan?**

9.1 The issue of personal skin piercing registration certificates, whilst maintaining an inspection regime for skin piercing establishments, will contribute to a healthy and safe city, and lend support to a robust, business friendly economy.

**10. What risks are there and how can they be reduced?**

10.1 There are few risks associated with the proposal. Once granted, registration does not expire or require renewal so the biggest risk is around data becoming obsolete (as is also the case with the existing registration scheme). A rolling programme of data checking (a phone call/questionnaire to all registered piercing establishments on an annual basis) by the Environment Support Team would keep this data up to date. The explanatory letter sent out with the registration certificate will remind piercers that they must tell the City Council of any changes in circumstances.

**11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?**

11.1 The existing registration scheme protects the health of people undergoing any skin piercing activities by ensuring that only businesses which meet the city council's byelaws for hygiene and cleanliness are able to trade. The inspection and registration of skin piercing premises will remain under the proposed new scheme.

11.2 The Tattooing of Minors Act prohibits the tattooing of anybody under the age of 18. The Act is enforced by the police.

11.3 Whilst there is no specific age limit for cosmetic piercing, most piercers will not pierce anybody under the age of 16 without parental consent.

11.3 There are no identified equality concerns arising from this report.

**12. Are there any other options?**

12.1 The issue of individual registration certificates could remain linked to specific premises however, this would limit the ability of piercers to work elsewhere in the city without further financial outlay. The scheme would also be at odds with those registration procedures in place in Plymouth and Torbay, where personal registrations are issued.

**Environmental Health and Licensing Manager**

**Local Government (Access to Information) Act 1972 (as amended)**

**Background papers used in compiling this report:-**

Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Local Government Act 2003)  
Exeter City Council Byelaws for the Regulation of Acupuncture, Tattooing, Semi-Permanent Skin-Colouring, Cosmetic Piercing and Electrolysis 2007



Contact for enquires:  
Democratic Services (Committees)  
Room 2.3  
01392 265275

## Appendix A – Skin Piercers Registered with Exeter City Council

<b>Skin Piercing Activity</b>	<b>Number of Registered Premises</b>	<b>Number of Registered Practitioners</b>
Acupuncture	21	41
Cosmetic Piercing	19	93
Tattooing	16	66
Electrolysis	13	22
Semi-permanent skin-colouring	13	17

*(September 2017 data)*