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DATE: 15 September 2010

## **GENERAL PURPOSES AND LICENSING COMMITTEE**

**Meeting on Monday 27 September 2010**

### **EXECUTIVE**

**Meeting on Wednesday 29 September 2010**

**Please see the attached reports marked as to be circulated under separate cover on the agendas. Members should bring these reports to both meetings.**

- 7 LICENSING OF SEX ESTABLISHMENTS - NUMBER IN THE RELEVANT LOCALITY, STANDARD CONDITIONS AND FEES**  
(Pages 3 - 26)
  
- 8 REVISED STANDARD CONDITIONS FOR ANIMAL WELFARE LICENCES**  
(Pages 27 - 90)

*Copies of the documents referred to below can be obtained from*  
[www.bromley.gov.uk/meetings](http://www.bromley.gov.uk/meetings)

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# Agenda Item 7

Report No.  
ES 10145

London Borough of Bromley

Agenda  
Item No.

PART 1 - PUBLIC

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**Decision Maker:**      **General Purposes and Licensing Committee  
Executive**

**Date:**                      **27 September 2010  
29 September 2010**

**Decision Type:**      Non-Urgent                      Non-Executive                      Non-Key

**Title:**                      **LICENSING OF SEX ESTABLISHMENTS - NUMBER IN THE  
RELEVANT LOCALITY, STANDARD CONDITIONS AND FEES**

**Contact Officer:**      Paul Lehane, Head of Food Safety, Occupational Safety & Licesning  
Tel: 020 8313 4216    E-mail: paul.lehane@bromley.gov.uk

**Chief Officer:**              Nigel Davies - Director of Environmental Services

**Ward:**                      All

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1.    Reason for report

Members agreed at the meeting on 28 July 2010 to recommend to Council the adoption of the provisions relating to the licensing of Sex Entertainment Venues under the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009.

Members also agreed to a further report setting out

- a. A policy for determining the number of sex establishments in the 'relevant locality'
  - b. Standard licensing conditions
  - c. Fees for sex establishments
- 

2.    **RECOMMENDATION(S)**

**Members are asked to approve**

1.    **The Policy for determining the number of sex establishments**
2.    **Standard Licensing conditions**
3.    **Fees for Sex establishments**

**and refer the matter to the Executive and Council for adoption with effect 1 January 2011.**

### Corporate Policy

1. Policy Status: Existing policy. Members agreed an approach to determining the 'relevant number of sex establishments in the locality ' in May 2005
  2. BBB Priority: Safer Bromley. children and young people, vibrant and thriving town centres
- 

### Financial

1. Cost of proposal: No cost
  2. Ongoing costs: N/A.
  3. Budget head/performance centre: Public Protection
  4. Total current budget for this head: £4.5m
  5. Source of funding: Existing Revenue Budget 2010 - 2011
- 

### Staff

1. Number of staff (current and additional): 66 (Licensing Service 8)
  2. If from existing staff resources, number of staff hours: N/A
- 

### Legal

1. Legal Requirement: Statutory requirement. Local Government (Miscellaneous Provisions) Act 1982 (as amended)
  2. Call-in: Call-in is not applicable.
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): all residents and businesses
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments: N/A

### 3. COMMENTARY

#### **Determining the number of Sex Establishments in the 'Relevant Locality'**

- 3.1 Members agreed in July 2010 to recommend that the Council adopt the new provisions relating to the licensing of Sex Entertainment Venues with effect from 1 January 2011(Report ES 10102).
- 3.2 The need to formally adopt the new category of Sex Establishment affords the opportunity to review the approach to the licensing of sex establishments agreed by members in 2005, whilst establishing standard licensing conditions and setting appropriate fee sex establishments.
- 3.3 Sex Establishments (sex shop, sex cinemas and sex entertainment venues) are licensable where the Council has adopted the provisions of section 2 and schedule 3 Local Government (Miscellaneous Provisions) Act 1982. This has been adopted in respect of sex shops and sex cinemas already.
- 3.4 Section 12 of the Act sets out grounds for the refusal of an application, and this includes circumstances where 'the number of sex establishments in the relevant locality at the time of the application is made (determined) is equal to or exceeds the number which the authority consider is appropriate for that locality'. In addition the Council can take in to account
- i. the character of the relevant locality
  - ii. the use to which any premises in the vicinity are put
  - iii. the layout, character or condition of the premises vehicle vessel or stall in respect of which the application is made.
- And 'Nil' may be the appropriate number.
- 3.5 The Council cannot impose a blanket ban on licences for sex establishments within its area, and has to treat each application on its merits having regard to the Human Rights Act 1998 and in particular
- Article 8 – Right to respect for private and family life
  - Article 1 of the First Protocol – Protection of Property
  - Article 6(1) - Right to a Fair Hearing
  - Article 10 - Freedom of expression
- 3.6 The approach previously adopted by this Committee in 2005 is set out in Appendix 1. This remains relevant and appropriate to be re-endorsed in respect of all categories of Sex Establishments (sex shops, sex cinemas and Sex Entertainment Venues)

## Standard Licensing Conditions

- 3.7 The Council has the powers under Section 13 Local Government (Miscellaneous Provisions) Act 1982, to make regulations prescribing standard conditions applicable to all licences for sex establishments. Different conditions may be specified for different types of establishments.

Suggested standard conditions are set out in appendix 2

## Fees

- 3.8 The European Services Directive (effective from 28 December 2009) places certain requirements on the Council when setting fees for licences.

- 3.9 The guidance for Local Authorities states

“Local Authorities must set fees that are proportionate to the effective cost of the procedure dealt with. As costs vary from region to region, central advice on the level of fees will not be appropriate. Local Authorities will need to bear in mind the threat of a legal challenge should a service provider feel that the levels of fee are being used as an economic deterrent or to raise funds for Local Authorities. Enforcement costs should not be assimilated with the application fee. This is to forestall the possibility of an unsuccessful applicant seeking legal remedy due to part of his fees having been used to subsidise his successful competitors”

- 3.10 The current fee for a sex establishment is £9789. We have no sex establishments and therefore no income from them.

- 3.11 In light of the requirements under the European Services Directive the likely costs of dealing with an application for a sex establishment has been reviewed and is felt that the current fee is reasonable and justifiable

## 4.0 FINANCIAL IMPLICATIONS

None as we currently have no licensed sex establishments.

## 5.0 LEGAL IMPLICATIONS

The Council has the powers under the Act to establish the number of licences sex establishments in an area, fees and standard licensing conditions

<b>Non-Applicable Sections:</b>	<b>POLICY IMPLICATIONS, PERSONNEL IMPLICATIONS</b>
Background Documents: (Access via Contact Officer)	Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act. Report to GP & L 2005 on Sex Establishments Licence Policy Rpert No ELS05114 May 2005

**Sex Establishments Policy on Determining the Number for the Relevant Locality**

1. The licensing of Sex Establishments i.e. sex shops ,sex cinemas and sex entertainment venues, is governed by the Local Government (Miscellaneous Provisions Act 1982 Section 2 and Schedule 3 ( as amended by Section 27 Policing and Crime Act 2009

2. This policy presents guidelines for Members of Licensing Sub Committees when determining the appropriate number of sex establishments in the 'Relevant Locality when considering an application for a sex establishment licence.

3. Section 12 of the Act sets out statutory and discretionary grounds for the refusal of a licence

**4. Statutory Grounds for refusals are**

- The applicant is under 18
- The applicant has been disqualified from holding a licence following revocation of a licence
- The applicant is not a Body Incorporated in the United Kingdom
- The applicant has been refused a licence in the last 12 months for the same site

**5. Discretionary Grounds for Refusal**

- The applicant is unsuitable by virtue of having been convicted of an offence or any other reason
- The licence would be managed by or operated for the benefit of someone other than the applicant
- The number of sex establishments in the relevant locality at the time the application is made (determined) is equal to or exceeds the number the authority considers appropriate
- The grant or renewal would be inappropriate having regard to
  - i the character of the relevant locality
  - ii the use to which any premises in the vicinity are put
  - iii to the layout, character or condition of the premises, vehicle vessel or stall in respect of which the application is made

6. In considering the locality/vicinity aspects Members must be clear that:

- A local authority does not have the right to have regard to the morality of sex establishments. Its approval or disapproval of sex establishments is not a matter that can be considered
- Objections on the ground that sex establishments should not be allowed to exist have no part to play in a local authority consideration of policy regarding these premises

7. The policy will focus on the three grounds for refusal outlined in the Act that may be used when refusing an application:

- the character of the relevant locality is inappropriate;
- the use to which any premises in the vicinity are put is inappropriate;
- Paragraph 12(1) of Schedule 3 also states that a licence may be refused if the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality (this may be nil).

8. The policy guidelines regarding these three areas are given at paragraphs 10-16 below.

9. Each application must be considered on its own merits. An applicant has a legal right to argue that in their particular case there are no good and sufficient reasons to refuse a licence. The details outlined in this policy, would however guide applicants when considering the siting of Sex Establishments, and Members when determining licence applications.

## **10. Policy Guidelines**

### **11. Character of Relevant Locality**

12. Locality is to be defined by Members of a Licensing Subcommittee as an area around the premises capable of being affected by the operation of a sex establishment.

13. A locality whose character falls predominantly into one of the following categories would generally be considered unsuitable as a site for a licensed Sex establishment.

- Family and child oriented leisure and shopping areas, including markets and covered markets
- Predominantly residential areas i.e. consisting of substantial amounts of residential accommodation and not forming part of a local retail centre
- Areas containing a large student population
- Main tourist areas



#### **14. Inappropriate Premises Use within the vicinity**

15. The presence of the following premises in the vicinity (defined as the area close to the premises) of the proposed premises would generally warrant refusal of the application:

- Places of worship
- Community facilities or public buildings including but not limited to, swimming pools, leisure centres, public parks, youth centres/clubs, sheltered housing
- Educational establishments including schools and nurseries
- Premises particularly attractive to young people and children e.g. retail shops such as toyshops, confectionary (sweet) shops etc.

#### **16. Limiting the number of Sex Establishments in pre-defined localities**

17. Where an application is referred to a Licensing Sub Committee for determination Members will define the relevant locality in relation to the proposed establishment.

18. Members will then consider the appropriate number of Sex Establishments for this locality based on the policy guidelines (this may be nil) and determine the application having regard to this.

19. Future applications, which were considered to fall within the same locality, may then be determined having regard to this limit.

#### **20. Specific Decisions**

21. In 2005 a Nil limit was set for Bromley Town Centre following an application for a sex shop at 24/24a London Road

22. (Note: for the purposes of this policy 'Bromley Town Centre' is the same area currently covered by the Alcohol Consumption in designated public places order and the Special Policy of Cumulative Impact under the Licensing Act 2003).

23. Reasons for limit

It is considered an inappropriate locality for licensed Sex Establishments for the following reasons:

- It is a family oriented shopping and entertainment locality which has a natural attraction for and is therefore frequented by families, children and young people
- A large number of school children use the locality as a thoroughfare, gathering place and social centre
- The presence of an Open-air market, Theatre, Library, Seating Areas, Fast Food outlets including MacDonaldis within the locality contribute to the community oriented character of the locality

## **24. REVIEW OF POLICY**

25. Substantial changes in the character and use of premises within the locality may necessitate the number recommended being reviewed.

26. Whilst this may be taken into account within the context of an individual application, Members will review this policy generally and specifically regarding limits for pre-defined localities at least every three years.

## **27. LEGAL IMPLICATIONS**

28. The licensing of Sex Establishments i.e. sex shops and sex cinemas, is governed by the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3. The determination of sex establishment licence applications is a statutory duty of the Council.

29. Each application will be considered on its merits and exceptions to the policy may be considered if the circumstances justify this. It should be noted that the legislation only indicates that an application may be refused if the policy adopted allows for this. Members should note that if they were minded to refuse to grant a licence, they should only do so if they are satisfied that this represents a fair balance between controlling the use of the property in the general public interest and the applicants right to carry on a business subject to reasonable controls.

### **30. Human Rights**

While all Convention Rights must be considered, those of particular relevance are:

- Article 8 - Right to respect for private and family life
- Article 1 of the First Protocol - Protection of Property
- Article 6(1) - Right to Fair Hearing
- Article 10 – Freedom of Expression

31. All Rights must be delivered without discrimination (Article 14), emphasising the need for the formulation and application of any guidelines to avoid "moral judgements". Each party must be given a fair hearing and the decision itself must represent a fair and proportionate balance between the competing interests of the applicant and objectors.

32. Any Sex Establishment Licence may be granted subject to Conditions imposed by the Council. Therefore an application should not be refused if conditions could adequately address any area of concern.

33. The decision of the Council in respect of an application to grant, renew, transfer or revoke a licence can be appealed against within 21 days of the date of the decision. Appeals must be made to Bromley Magistrates Court.

The Court House  
London Road  
Bromley Kent  
England  
BR1 1RA

Tel 0845 6013600

**London Borough of Bromley**

**Standard conditions relating to sex shops, sex cinemas and sex entertainment venues.**

**Regulations Prescribing Standard made by the London Borough of Bromley under Section 13 Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009**

**Effective from 1 January 2011**

**Definitions**

1. 'Approval of the Council' or 'Consent of the Council' means the approval or consent of the council as licensing authority in writing. "Approved", "Accepted", "Permitted", means approved, accepted or permitted by the Council in writing or electronic form
2. "Council" means London Borough of Bromley as the appropriate licensing authority
3. 'Licence' means a Sex shop Licence, Sex Cinema Licence or Sex Entertainment Venue Licence.
4. Sex Establishment means premises licensed under the provisions of Part 2 and Schedule Local Government (Miscellaneous Provisions) Act 1982 as amended.
5. 'Officer' means any person authorised by the Borough Council in writing. (This may include Officers of the London Fire and Civil Defence Authority)
6. 'Premises' means any premise within the Councils area licensed as a sex shop, sex cinemas or sex entertainment venues and includes all installations, fittings and other items connected with the business.
7. 'The Act' means the Local Government (miscellaneous provisions) Act 1982 as amended
8. The Licensing of a premises as a sex establishment relates only to the provisions under the Local Government (Miscellaneous Provisions Act) 1982 as amended. It does not convey any approval or consent which may be required under any other legislation, byelaw, order or regulation.

**Modification of Regulations**

9. These Regulations may be dispensed with or modified by the Council at its discretion

10. Where in these Regulations there is any reference to the consent of the Council being required, such consent may be subject to specific conditions or restrictions.

11. If the Licensee wishes any of the terms of the licence to be varied an application must be made to the Council and if the Council requires, the application must be advertised.

12. In the event of any conflict between the Regulations and the conditions contained in the Licence, the conditions in the licence take precedence.

13. In addition to any general conditions there are specific conditions

- i) Sex Shops
- ii) Sex Cinemas
- iii) Sex Entertainment venues

General Conditions:

#### **14. Terms of the licence**

Licences are granted for a period of twelve months.

15. Any breach of legislation or failure to comply with the Conditions attached to this Licence may result prosecution or in the revocation of the Licence

#### **16. Renewal of the Licence**

Application for renewal shall be made to the Council before the expiry date of the current licence. This must include the appropriate fee.

#### **17. Display of licence**

The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.

#### **18. Transfer or cancellation of licence**

The licence is not transferable by the Licensee other than through the formal application process to the Licensing Authority.

The Licensee shall immediately notify the Council he/she intends ceasing to carry on the business

#### **19. Age Policy**

No person under 18 years of age shall be permitted to enter the premises.

All customers appearing to be under the age of 25 to be required to provide photographic proof of their age before being allowed access to the premises.

No person under 18 years of age is to be employed in the business of the establishment.

At all entrances there shall be prominently displayed so as to be visible at all times to persons approaching the premises a notice prohibiting entry to all persons under 18 years of age.

The Licensee of the premises shall ensure that all persons employed on the premises are aware of the age restriction on clients and ensure that no one under the age of 18 remains on the premises.

## **20. Licensee and staff responsibilities**

The licensee shall take all reasonable precautions for the safety of the public and employees and except with the consent of the Council, shall retain control over all portions of the premises.

The licensee or some responsible person over 18 years of age nominated by him in writing for the purpose shall be in charge of, and on, the licensed premises during the whole time that they are open to the public. Such written nomination shall be continuously available for inspection by a police officer or an officer authorised in writing by the Council.

The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision. The person in charge should be conversant with these conditions, a copy of which should be held on the premises.

A notice showing the name of the person in charge of the premises at the time they are open under the licence shall be conspicuously exhibited in a position where it can be easily seen by customers.

All members of staff shall be easily identifiable as such. If required by the Council in writing the licensee shall ensure that during the hours the premises are open for business every employee or person (apart from, where employed, hostesses or other companions) working in the licensed premises wears a badge of a type approved by the Council indicating his name and that he is an employee or person working in the premises.

The licensee shall maintain good order on the premises and in particular shall ensure that none of the following shall take place:

1. Unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971;
2. Indecent behaviour, including sexual intercourse;
3. The offer of any sexual or other indecent service for reward
4. Acts of violence against person or property and/or the attempt or threat of such acts.
5. The licensee shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the Council.

6. The licensee or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation\* or touting from the premises, immediately outside the premises or in the vicinity of the premises, nor allow the premises to be used by prostitutes.
7. No person under the age of 18 shall be admitted to any part of the premises which is used as a sex establishment or be employed in the business of the sex establishment.

## **21. Advertisements**

No poster, photograph, sketch, painting or any form of advertisement or display shall be displayed by or on behalf of the licensee on, outside or within the premises in a position where it is visible to the public if the Council regards it as unsuitable for exhibition to the public. If the licensee is notified in writing that the Council objects under this rule to a poster, photograph, sketch, painting, and advertisement or display such poster, photograph, sketch, painting, advertisement or display shall be removed or completely obscured from sight.

The use of loudspeakers and displays on business vehicles is strictly prohibited.

The Licensee or their nominated representative shall ensure that no employee or other person shall seek to obtain custom for the premises by means of personal solicitation\* outside or in the vicinity of the premises

The only exceptions are

- Any notice displaying the name or trading title of the Licensee,
- Any Notice indicating the name of the premises, times of opening of the premises for business,
- Any Notice required by any statute, regulation or bylaw applicable to the premises or business carried thereon or any notice prescribed by these conditions

**\*Note:** Soliciting includes the distribution of leaflets unless authorised by consent under section 4 of the London Local Authorities Act 1994

## **22. Windows and doors**

The entrances to the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers by.

The external doors shall be fitted with automatic closing devices which shall be maintained in good working order.

Windows and openings to the premises other than entrances shall either be obscured or with the consent of the Council shall have suspended behind them, in a position and at an height approved by the Council, opaque screens or blinds of a type and size approved by the Council.

## **23. WC Facilities**

The Licensee shall ensure that there is adequate free use of WC facilities for both staff and public and they must be Maintained in good order and kept clean. Each WC has easy access to washing facilities with the provision of hot and cold running water, soap and towels.

#### **24. Lighting**

Lighting must be suitable and sufficient to ensure safe operation of the premises.

#### **25. Heating**

The licensee must ensure that suitable and sufficient heating is provided and maintained throughout the premises.

#### **26. General Waste**

Waste and other refuse must not be allowed to accumulate in the premises, except so far as is unavoidable for the proper functioning of the business.

Adequate provision must be made for the removal and storage of waste and other refuse.

Closable containers must be provided for this purpose, which are appropriately constructed, kept in sound condition, and where necessary easy to clean and disinfect.

#### **27. Structure and Cleanliness**

All internal walls, doors, windows, partitions, floors and floor coverings, ceilings, heating lighting and ventilation, in any part of the premises used by the customer and operator must be kept clean and be maintained in good repair and condition.

#### **28. Cleanliness of Furniture and Fittings**

All furniture and fittings shall be kept clean and in such good repair as to enable them to be cleaned effectively.

#### **29. Electrical Safety**

The electrical installation for the premises shall be inspected, tested and maintained in accordance with the British Standard 7671. A Periodic Inspection Report shall be obtained from a "competent person" at the appropriate intervals (e.g. up to a maximum of five years or a shorter period as specified on the Report) and submitted to the Council.

The inspection certificate shall be signed by a person who shall be one of the following: -

- (i) a professionally qualified Electrical Engineer;
- (ii) a member of the Electrical Contractors' Association;
- (iii) an approved contractor of the National Inspection Council for Electrical Installation Contracting, or
- (iv) a qualified person acting on behalf of one of the above (in which event it shall be stated for whom he/she is acting).

#### **30. Electrical Appliances**

An inspection and test shall be carried out on all portable electrical appliances within the premises in order to comply with the Electricity at Work Regulations 1989. The inspection shall also include fixed appliances used for treatment of the

public .The tests shall ensure that the electrical appliances comply with these Regulations and the relevant parts of British Standard 7671.

A certificate shall be submitted to the Council at the time of application by a competent person described under the Electrical Safety section.

### **31. Gas Appliances**

(a). All gas appliances and installations at the premises shall be inspected for safety at intervals not exceeding 12 months by a registered Gas Safe engineer.

(b). The inspection certificate shall be kept at the premises and made available for inspecting officers of the council.

### **32. Fire Safety**

The establishment must comply with any requirements of the Council or Fire Authority in respect of fire, including proper means of escape in case of fire and fire-fighting equipment. A fire risk assessment must be carried out in accordance with the Regulatory Reform (Fire Safety) order 2005.

The means of escape in case of fire shall be maintained and free from obstruction at all times when the public or staff are present on the premises.



**London Borough of Bromley**  
**CONDITIONS APPLYING TO SEX SHOPS**

**1. The Law**

Premises licensed as a Sex Shop under the provisions of Schedule III of the Local Government (Miscellaneous Provisions) Act, 1982, shall be used only for the purpose of a Sex Shop as defined in Paragraph 4 of the said Schedule 3 and shall not be used, wholly or in part, for any other purpose during the period the premises are licensed as a Sex Shop.

**2. Sale of Items**

All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show to persons who are inside the sex shop the respective prices being charged.

All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the sex establishment.

All goods to be discreetly wrapped before leaving the premises.

**3. Film classification**

No film or video shall be sold or supplied unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the licensee by the Council, and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.

No part of the premises is to be used for the showing of recorded videos, DVDs or other moving pictures.

**4. Food and Drink**

The Licensee shall not supply or permit to be supplied to any person, other than a person employed to work on the premises, any article of food or drink whether for consumption on or off the premises.

**5. Refuse storage**

All refuse produced on the premises and materials, goods or articles discarded for any reason shall be securely stored within the premises and delivered in sealed containers to the refuse collection service.

**6. Delivery of goods**

The Licensee shall make such provision for the reception of goods and articles for sale, hire, exchange, loan, demonstration or display on the premises so that they are received directly into the premises and are not subject to storage for any period of time on any pavement, footpath, forecourt or yard nor in any vessel or vehicle, etc. where they may be seen by members of the public.

**7. Layout of premises**

The external appearance of the premises must be as approved by the Council and neither the interior nor the exterior of the premises shall be altered without the approval of the Council.

No advertisements, other than advertisements relating to other licensed sex establishments or relating to goods sold from the premises, shall be displayed in the premises.

#### **8. Mail Order**

A record shall be kept of all mail order transactions (if any) in such form as agreed by the Council.

#### **9. Convictions and Revocations**

The Licensee shall inform the Council if he/she is convicted under the Obscene Publications Act, 1959, Protection of Children Act, 1978, Customs and Excise Management Act, 1979 or if an order for forfeiture is made under the Obscene Publications Act, 1959 following the service of a summons on the Licensee.

The Council will take into consideration any such conviction or orders for possible revocation or non-renewal of the licence.

The Licensee shall not in the conduct of the business employ any person:- Whose application for a licence to carry on a sex establishment, or renewal thereof, has been refused by the Council or any other licensing authority. Whose licence to carry on the business of a sex establishment has been revoked by the Council or any other licensing authority;

#### **10. Staff details**

The name, address, date of birth and details of any criminal convictions of all individuals who will have responsibility for the operation or management of the store in the absence of the licence holder are to be provided to the Licensing Authority prior to such persons commencing their role at the premises.

The Licensee shall not, in the conduct of the business, employ any person who has a criminal conviction or simple caution under:

- The Obscene Publications Act, 1959,
- The Protection of Children Act, 1978, or
- The Customs and Excise Management Act, 1979

#### **11. CCTV**

CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises internally and externally to a standard specification following consultation with the Metropolitan Police.

Such CCTV footage will be stored for a minimum of 28 days, and the Licence Holder or Person in Charge of the Premises will give full and immediate cooperation ( including providing copies of CCTV images ) and technical assistance to the Licensing Authority or Police when required for the prevention and detection of suspected or alleged crime.

The premises will not open unless and until written confirmation has been supplied to the Council Licensing Authority by the Police that they are satisfied that the installation, operation and coverage of the CCTV system meets the required standard.

**London Borough of Bromley**  
**CONDITIONS APPLYING TO SEX CINEMA**

**1. Tariff**

There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position as to obscure the notice.

**2. Lighting**

The level of normal lighting in the auditorium shall be as great as possible consistent with the effective presentation or exhibition of the pictures.

**3. Seating**

The premises shall not be used for a closely-seated audience, except in accordance with plans approved by the Council.

No article shall be attached to the back of any seat which would either reduce the clear width of seatways or cause a tripping hazard or obstruction.

A copy of the approved seating plan(s) shall be kept available at the premises and shall be shown to Council officers on request.

In no circumstances shall persons be permitted to:-

- Sit in any gangway; or
- Stand in any gangway which intersects the seating; or
- Stand or sit in front of any exits.

**4. Film Classification**

The categories U, PG, 12, 15 and 18 have the following effect:-

- U                                      Universal - suitable for all
- PG                                      Parental Guidance. Some scenes may be unsuitable for young children.
- Passed only for persons of 12 years and over.
- Passed only for persons of 15 years and over.
- Passed only for persons of 18 years and over.
- Restricted (18)                      Passed only for persons of 18 or over who are members (or their guests) of a properly constituted club.

No film shall be exhibited at the premises unless:

- it is a current news-reel; or

- It has been passed by the British Board of Film Classification as a U, PG, 12, 15, 18 or RESTRICTED (18) film and no notice of objection to its exhibition has been given by the Council; or
- it has been passed by the Council as a U, PG, 12, 15, 18 or RESTRICTED (18)
- Films in the RESTRICTED (18) category may be shown at the premises only with the Council's prior written consent and in accordance with the terms of any such consent.

## **5. Age restriction Notice**

When the programme includes a film in the 12, 15 or 18 category no person appearing to be under the age of 12, 15 or 18 as appropriate shall be admitted to any part of the programme. The licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms: PERSONS UNDER THE AGE OF (insert 12, 15 or 18 as appropriate) CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME.

## **6. Objection to a film**

No film shall be exhibited at the premises:-

which is likely:-

- to encourage or to incite to crime; or
- to lead to disorder; or
- to stir up hatred against any section of the public in Great Britain on grounds of colour, race or ethnic or national origins, sexual orientation or sex; or
- to promote sexual humiliation or degradation of or violence towards women.
- the effect of which is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely to see it; or
- which contains a grossly indecent performance thereby outraging the standards of public decency.

If the licensee is notified by the Council in writing that it objects to the exhibition of a film on any ground, such film shall not be exhibited.

## **7. Posters, Advertisements etc**

Every poster, advertisement, photograph, sketch, synopsis or programme of, or relating to a film (other than a current news-reel) exhibited or to be exhibited at the premises, which is displayed, sold or supplied anywhere by or on behalf of the licensee shall indicate clearly the category in which the film has been passed for exhibition.

## **8. “Club” Cinemas**

“Club” Cinemas are for members and bona fide guests. No persons under the age of shall be admitted to this cinema for any part of the programme.

No club showing films in the ‘restricted 18’ category may operate in a multi-screen complex whilst persons under 18 are being admitted to any performance in the complex unless the Council’s written consent has first been obtained.

All registers of members and all visitors’ books of their guests shall be available for immediate inspection by the Council’s Officers during any performance, or at any other reasonable time.

Tickets shall only be sold to members.

No persons under 18 years of age shall be employed in any capacity at licensed premises which are operating as cinema clubs.

## **9. Membership rules for club cinemas**

The membership rules for club cinemas where restricted 18 films are to be shown should include the following:

The club rules must be submitted to the Council 14 days before the club commences operations and notice of all rule changes shall be given to the Council within 14 days of the change.

Only members and their guests shall attend exhibitions of moving pictures classified in the restricted (18) classification.

Membership shall be open to persons of both sexes of not less than 18 years of age. Applications for membership, including both name and address, shall be in writing, signed by the applicant, and if deemed necessary such applicants shall provide satisfactory references and proof of age.

No person shall be admitted to membership until the expiration of at least 24 hours after such written application has been approved by the licensed proprietors.

New members shall be supplied with a personal copy of the club rules before being admitted to membership and be given a copy of any rule changes within 14 days of the change.

An annual subscription shall be fixed for the club and shall run for 12 months from the date of registration. Membership may be renewed annually at the subscription for the time being in force, but the licensed proprietors may refuse to renew any membership without assigning reason for such refusal.

Members shall be entitled on any day to bring not more than one guest to accompany the member, and the name of the guest shall be entered in the visitors’ book and counter-signed by the member.

On admission a member and his guest shall be bound by the rules of the club and by any by-laws and regulations made there under.

Tickets shall be sold only to members on the production of a membership card, and members shall, if required, sign an acknowledgement for the ticket or tickets issued.

Membership cards shall be personal to the member and shall not be transferable to any other person.

Neither membership tickets nor guest tickets shall be transferable

Proof of identify, or of age, or of any particulars of any guest shall be produced by any member or guest if demanded by the licensed proprietors.

Members shall undertake to behave in a proper and orderly manner. Any member or guest acting in a manner which is offensive, or a nuisance or annoyance to others may be refused admission or expelled from the premises. A member may also be deprived of membership.

No member shall introduce as a guest any persons under the age of 18 or any persons whose application for membership has been refused. The licensed proprietors will reserve the right to refuse admission to any person.

**London Borough of Bromley**  
**CONDITIONS APPLYING TO SEX ENTERTAINMENT VENUES**  
**Including lap dancing, pole dancing**

**1. Tariff of Charges**

There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises.

No employee shall stand in such a position as to obscure the notice. Where a charge is to be made for the company of a hostess or other companion this shall be identified on the tariff of charges to the satisfaction of the Council.

No order shall be accepted unless the customer has been provided with a copy of the said tariff and has been given sufficient time and opportunity to read it.

No charge shall be made to the customer for any drink provided for the hostess or companion unless that customer has specifically ordered it having first been made aware of the cost.

**2. SIA Door Supervisors**

All personnel working in the capacity of a door supervisor must hold an SIA (Security Industry Authority) badge.

**Entrance Doors**

There will at all times be a minimum of 2 SIA door supervisors at the main entrance to the premises for the first 100 patrons and thereafter an additional SIA Door Supervisor per 100 patrons or part thereof.

**On Each Floor**

There will be a further two SIA door supervisors deployed as directed by the Licensee or person in charge on each floor whilst that floor is in operation,

Additional door supervisors must be provided on each floor at a ratio of 1 to 100 or part thereof on any occasion when the capacity on that floor exceeds 200 customers. The door supervisors operating at the entrance to the premises will be excluded from this calculation.

Records shall be maintained at the premises containing the full name, badge number, date and hours of employment of every Door Supervisor

**3. CCTV**

CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises internally and externally to a standard specification following consultation with the Metropolitan Police.

Such CCTV footage will be stored for a minimum of 28 days, and the Licence Holder or Person in Charge of the Premises will give full and immediate cooperation ( including providing copies of CCTV images ) and technical assistance to the Licensing Authority or Police when required for the prevention and detection of suspected or alleged crime.

The premises will not open unless and until written confirmation has been supplied to the Council Licensing Authority by the Police that they are satisfied that the installation, operation and coverage of the CCTV system meets the required standard.

#### **4. Security**

Security arrangements for the dressing rooms in the form of a combination lock with deadlocking latch and a discreet panic alarm within the dressing rooms, linked to the club reception, shall be maintained at all times whilst the premises are open. No member of the audience shall be admitted to this room under any circumstances and a notice to this effect will be displayed on the door.

#### **5. Drugs**

The management and premises will have an absolute zero tolerance policy towards drugs and drug misuse. Any illegal drugs seized will be stored in a secure 'drugs box', and periodically the management will request the Police to come and remove all drugs in the 'drugs box' for Destruction.

#### **6. Public Safety**

Capacity limits. The number of persons on the premises shall not exceed XXXX or that as stated by the Fire Officer. Such a figure will include staff and performers.

Crime prevention and security measures shall be instigated throughout the premises following consultation with the Metropolitan Police. Crime Prevention Design Advisor or their nominated representative, as reasonably required.

Shatterproof drinking receptacles will be used throughout the site where practicable.

#### **7. Age Restrictions**

Whilst striptease entertainment is taking place, no customer under 18 shall be on the premises and clear notices shall be displayed at the entrance to the premises in a prominent position so that it can easily be read by persons entering the premises.

No under 18s events will be hosted anywhere on the premises at any time.

#### **8. Conditions of Performance**

The only form of entertainment which is approved and may be provided at the premises is striptease entertainment in the form of pole dancing by club dancers only, in the following format:

Fully nudity is not permitted. The dancer/performers should at all times wear a G-string or similar piece of clothing which is not transparent on the appropriate part of the body in order to cover the groin/genital area.

The approved striptease/pole dance entertainment shall be given only by the performers or entertainers and no audience participation shall be permitted.

There shall be no physical contact between the customer and the dancer before, during or after the performance or when the performance is complete. All monetary transactions will take place at the reception/entrance area and shall be lieu of a ticket, covering the cost of the performance of pole dancing only.



Notices outlining this shall be clearly displayed at every table and be on display at the entrance of the premises and in each bar area.

Dancers shall only perform within a designated area to seated customers. No booth seating or performances shall be permitted at any time.

All areas will have adequate lighting to ensure the safety of the dancer and to ensure that both the member/guest/audience and the performer are adhering to the Club rules at all times.

There shall be no simulated sex acts or use of props, save for the pole, as part of the performance.

There shall be no physical contact between dancers whilst performing.

There will be a minimum distance of one metre between the dancer and the seated customers at all times.

Dancers may not give out any personal information, including telephone numbers, email addresses or other contact details to audience members. Dancers may not accept any telephone number, address, business card or any other information from any customer.

All dancers/performers will be aged over 18 years of age and legally entitled to work in the UK before they perform at the Club.

Copies of all dancers files will be made available to Licensing Authority for inspection upon request.

At no time will members or their guests be permitted into the performers changing room(s).

Members and their guests may not at any time take photographs, film, video or mobile phone photographs or footage of performers. This will be an express written condition of membership.

Both floors will be dedicated to table and/or pole dancing on design. The premises will not permit one floor to be used for table and/or pole dancing or other forms of adult entertainment, whilst permitting the other floor to be used for other types of function (whether open to the public or via private booking) without first receiving prior written confirmation and approval for the specific event from the Police and the Council Licensing Department.

There shall be no mixed gender performance at any time.

#### **9. Advertising including internet**

There should be no display outside of the premises of photographs or other images that indicate or suggest that pole dancing striptease or similar entertainment takes place on the premises.

No photographs or other images or words of a sexually explicit nature shall be displayed on the outside of the premises.

Any promotional website for the premises will not display photographs or other images of topless or nude performers, or show photographs or other images that may be reasonably construed as sexually explicit. The website will include clear statements as to the 48 hour prior membership application requirement and the over 18 age requirement for members and guests.

Promotional literature. Any promotional literature circulated outside of the premises will not display photographs or other images of topless or nude performers, or show photographs or other images or words that may reasonably be construed as offensive. All promotional literature will include clear statements as to the 48 hour prior membership requirement and the over 18 age requirements for members and guests.

# Agenda Item 8

Report No.  
ES 10144

London Borough of Bromley

PART 1 - PUBLIC

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**Decision Maker:** **General Purposes and Licensing Committee Executive**

**Date:** **27 September 2010**  
**29 September 2010**

**Decision Type:** Non-Urgent                      Non-Executive                      Non-Key

**Title:** **REVISED STANDARD CONDITIONS FOR ANIMAL WELFARE LICENCES**

**Contact Officer:** Paul Lehane, Head of Food Safety, Occupational Safety & Licensing  
Tel: 020 8313 4216 E-mail: paul.lehane@bromley.gov.uk

**Chief Officer:** Nigel Davies - Director of Environmental Services

**Ward:** All

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## Reason for Report

1. To seek approval of revised standard conditions for animal welfare licences with effect from 1 January 2011

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## Recommendation(s)

**Members are asked to approve the standard conditions / guidance for use in relation to**

**Appendix 1. Riding Establishments**

**Appendix 2. Pet Shops**

**Appendix 3. Dangerous Wild Animals**

**Appendix 4. Animal Boarding Establishment (Home Boarding)**

**Appendix 5. Animal Boarding Establishment (Cats)**

**Appendix 6. Animal Boarding Establishment (Dogs)**

**Appendix 7 Breeding Establishments**

**And refer the matter to the Executive and Full Council for approval and adoption with effect from 1 January 2011.**

### Corporate Policy

1. Policy Status: Existing policy. Existing Licensing conditions established under various statutes
  2. BBB Priority: Excellent Council.
- 

### Financial

1. Cost of proposal: No cost
  2. Ongoing costs: Non-recurring cost.
  3. Budget head/performance centre: Public Protection
  4. Total current budget for this head: £4.5m
  5. Source of funding: Existing Revenue Budget 2010 / 11
- 

### Staff

1. Number of staff (current and additional): 66 (Licensing Service 8)
  2. If from existing staff resources, number of staff hours: N/A
- 

### Legal

1. Legal Requirement: Statutory requirement. Animal Health and Welfare Acts see descriptions below
  2. Call-in: Call-in is not applicable.
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Businesses - 78 currently licenced under various animal health and welfare provisions and an unknown number of customers who use these businesses
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments: N/A

## Commentary

1.0 The work plan for the Licensing Team approved by this Committee on 27 May 2010 included a review of the standard conditions for animal welfare licences.

1.1 The review has been undertaken in partnership with the Animal Health Inspectors of the City of London Veterinary Service who provide us with expert advice and undertake some work on our behalf. The proposed conditions reflect current good practice and standards.

A brief description of the activity under each act is as follows.

- **Riding Establishment Acts 1964 & 1970**

A licence is required where horse riding or instruction is provided for payment. Horses must be inspected by an approved Veterinary Surgeon. 8 premises are licensed in Bromley

- **Pet Animals Act 1951**

Pet Shops selling animals require a licence. 17 premises are licensed in Bromley

- **Dangerous Wild Animals Act 1976**

Keeping certain listed dangerous animals require a licence. None currently licensed in Bromley

- **Animal Boarding Establishment Act 1963**

Boarding Kennels for cats and dogs must be licensed by the local council. 20 premises are licensed in Bromley.

- **Dog Breeding ( Breeding & Sales of Dogs Acts 1973, 1991 and (Welfare) 1999**

Anyone who breeds from a bitch / bitches and has 5 or more litters in a year requires a licence. None currently licensed in Bromley

## Information

2.0 The seven new sets of conditions are contained in the following appendices.

Appendix 1. Riding Establishments

Appendix 2. Pet Shops

Appendix 3. Dangerous Wild Animals

Appendix 4. Animal Boarding Establishment (Home Boarding)

Appendix 5. Animal Boarding Establishment (Cats)

Appendix 6. Animal Boarding Establishment (Dogs)

Appendix 7 Breeding Establishments

Legal Implications

3.0 The Council is the Licensing Authority under the various Acts and has the power to set standard conditions which are applied to each licence type.

<b>Non-Applicable Sections:</b>	PERSONNEL IMPLICATIONS POLICY IMPLICATIONS FINANCIAL IMPLICATIONS
Background Documents: (Access via Contact Officer)	



THE LONDON BOROUGH  
www.bromley.gov.uk

APPENDIX 1

# **RIDING ESTABLISHMENT ACTS 1964 and 1970**

# **LICENCE CONDITIONS FOR RIDING ESTABLISHMENTS**

**London Borough of Bromley  
Public Protection  
Civic Centre  
Stockwell Close  
Bromley  
Kent  
BR1 3UH**

**Approved General Purposes and Licensing Committee on 27 September  
2010**

## **Riding Establishments – Licence Conditions**

1. Horses must be maintained in good health, and in all respects physically fit, for the purpose for which it is being kept.
2. No horse
  - i) aged three years or under or
  - ii) any mare heavy with foal or
  - iii) any mare within three months after foaling
  - iv) may be let out on hire for riding or used, in return for payment, for instruction in or demonstrating riding.
3. Any riding equipment supplied for a horse let out on hire must be in serviceable condition and free from visible defect which is likely to cause suffering to the horse or accident to the rider.
4. A horse found on examination by an authorised officer to be in need of veterinary attention must not be returned to work until the holder of the licence has obtained at this own expense and has lodged with the local authority a veterinary certificate that the horse is fit for work.
5. No horse may be let out on hire for riding or used for providing instruction in riding without supervision by a responsible person of the age of 16 years or over unless (in the case of a 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.
6. 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.
7. Horses must be adequately supplied with suitable food, drink and bedding material (except in the case of horses while maintained at grass, and must be adequately exercised, groomed and rested and visited at suitable intervals.
8. 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 in the premises.
9. The construction of the riding establishment must be substantial, adequate to contain the animals, and provide them with warmth and shelter in clean and hygienic conditions.
10. All necessary precautions must be taken to prevent the escape of the animal from the establishment.
11. 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.
12. Yards must provide enough space for every animal kept there.



13. Natural lighting must be adequate to render the use of artificial light unnecessary in daylight.
14. Ventilation must provide fresh air without draughts.
15. Drainage must be adequate to carry away liquid voided by the horses and keep the standings dry.
16. There must be appropriate and adequate provision for storage and disposal of manure and disposal of manure and spoiled straw.
17. Adequate accommodation must be provided for forage bedding, stable equipment and saddlery.
18. 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
  - i) 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
  - ii) 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.
19. No person under the age of 16 can be left in charge of the establishment at any time
20. The licence holder must hold a current insurance policy which insures him/her against liability
  - i) For any injury sustained by those who hire a horse from him/her for riding and
  - ii) For those who use a horse in the course of receiving from him/her, in return for payment, instruction in riding and
  - iii) 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..
21. A register must be kept by the licence holder of all horses in his/her possession aged three years and under and usually kept on the premises which shall be available for inspection by an authorised officer at all reasonable times.
22. The only horses permitted to be used in connection with this licence are those listed in the schedule to the licence. If the licence holder wishes to introduce different horses into the establishment they shall first obtain a certificate from an approved veterinary practitioner stating that the horse is fit for the intended purpose and then obtain the approval, in writing, from The Licensing Authority of the intended changes.
23. All horses used in the riding establishment must have a valid Horse Passport at the time of licensing.

24. The licence holder or any person in charge of the premises must permit any inspector or Veterinary Surgeon or Veterinary Practitioner duly authorised by the Council to enter the Riding Establishment premises at all reasonable times and inspect them and any horses found thereon or anything therein for the purpose of ascertaining whether an offence has been or is being committed under the licence or the Riding Establishment Acts 1964 and 1970.

## **PET ANIMALS ACT 1951**

# **PET SHOP LICENCE CONDITIONS**

**London Borough of Bromley  
Public Protection  
Civic Centre  
Stockwell Close  
Bromley  
Kent  
BR1 3UH**

**Approved General Purposes and Licensing Committee on zzzxccc**

## **A. The Standard Licence Conditions**

### **1. Accommodation**

- 1.1 Animals shall at all times be kept in accommodation that is suitable with respect to construction, size, temperature, lighting, ventilation and cleanliness.
- 1.2 Where animals are kept in cages, hutches, boxes or other receptacles which are placed on top of other accommodation, effective means should be provided for preventing water, food or droppings falling onto or contaminating the animals' food or other surroundings which are underneath.
- 1.3 Housing must be constructed of non-porous materials or be appropriately treated.
- 1.4 Animals must not be exposed to draughts and must be kept in an environment suitable to the species. If animals are displayed outdoors, they should have protection appropriate to their needs. Animals shall not be displayed outside the premises during unsuitable weather.
- 1.5 Animals must not be kept in accommodation in such a way that they can be interfered with by other animals or the public. All accommodation shall be secure to prevent escape of any animal from the premises.
- 1.6 Animals accommodation shall be cleaned on a daily basis or as often as is necessary to maintain good hygiene standards, consistent with the rate of stock turnover.
- 1.7 All accessories provided in the accommodation must be suitable for the species.
- 1.8 All livestock, for sale must be readily accessible and easy to inspect. Inspections i.e. handling both in and out of the cage or housing shall only be for the purpose of:
  - (a) cleaning, routine care and observation of health, undertaken only by staff members suitably trained and
  - (b) ensuring suitability for purchase immediately prior to sale by prospective vendors supervised by staff members in such a manner so as to prevent escape or unnecessary stress.

### **2. Exercise Facilities**

- 2.1 Facilities must be available where appropriate.

N.B. For example, in the case of puppies, if they are kept longer than five days an exercise pen should be provided.

### **3. Register of Animals**

- 3.1 A register of animals obtained by the proprietor for sale in the Pet Shop shall be maintained which will include the name, address and contact telephone number of the supplier. The register shall indicate the type of animals, quantity, age, sex, colour/distinguishing marks and purchase date.
- 3.2 A livestock sale register shall be maintained which will include the description of the animal sold, age, sex, purchase date and details of the purchaser to include name, address and contact telephone number.
- 3.3 Pet Shops selling animals on the schedule to the Dangerous Wild Animals Act should ascertain that the buyer is licensed or duly authorised to keep such animals.
- 3.4 All registers of animals shall be kept by the proprietor of the Pet Shop which must be produced on demand by Authorised Inspectors.

### **4. Health, Disease and Acclimatisation**

- 4.1 All stock sold must be in good health as far as can be reasonably determined without Veterinary Inspection.
- 4.2 Any sick or injured animal must receive appropriate veterinary care and treatment without delay. Veterinary advice should be sought whenever necessary.
- 4.3 No animal which is suffering from, or could reasonably be suspected of having come into contact with any other animal suffering from any infectious or contagious disease or which is infested with parasites shall be brought into or kept on the premises unless effectively isolated.
- 4.4 Any animal with any abnormality which would or is likely to affect its quality of life must not be offered for sale.
- 4.5 A facility to isolate sick animals must be provided and all sick animals removed from sale immediately and isolated. Isolation facilities must be suitable depending on the types and numbers of animals. Quarantine facilities must be carefully controlled both in terms of staffing and design to prevent the spread of disease to other animals, staff and general public. Staff in charge of caring for quarantined animals must be properly trained and be able to demonstrate competency in their responsibilities. This provision must be in force at all times animals are in residence in the quarantine facility, or under treatment for any reason. Suitably trained staff must always be available to care for such animals especially at weekends and holiday periods.

- 4.6 All reasonable precautions must be taken to prevent the outbreak and spread of disease. Reasonable precautions will include the above isolation requirements, staff training in good hygiene practices, sanitisation of feeding/water bowls, daily cleaning and sanitisation of animal accommodation or as often as is necessary. A written policy document must be prepared and staff trained with regards to its provision and implementation.
- 4.7 All necessary precautions shall be taken to prevent the introduction or harbourage of rodents, insects and any other pests to the premises.
- 4.8 All live food must be kept suitably contained so as to prevent their escape and the possible infestation of the premises and surrounding area.
- 4.9 All puppies and kittens must be kept in the litter groups they were weaned in and must not be mixed with other litters or with animals of different ages or origins.
- 4.10 All animals must be allowed a suitable acclimatisation period before sale, ideally away from the public.

## **5. Food and Drink**

- 5.1 Animals must be supplied with adequate amounts of food and drink, appropriate to their needs and at suitable intervals.
- 5.2 All food must be suitable for the species concerned in all respects and training must be given to staff to ensure that animals receive and benefit from the correct nutrition offered.
- 5.3 Food and drink receptacles must be constructed and positioned so as to prevent faecal contamination.
- 5.4 A sufficient number of food and drink receptacles must be provided and cleaned at regular intervals.

## **6. Food Storage**

- 6.1 All animal foods shall be stored in suitable covered metal or other impervious closed containers so that the quality of the food can be preserved. These containers should be of such design as to allow easy cleaning.
- 6.2 The containers and equipment used for feeding must be kept in a clean condition. Food storage containers and equipment must be regularly inspected to prevent the build up of contamination, insect infestation or dirt.
- 6.3 Fridges and Freezers must be kept in a clean condition and be correctly maintained and monitored so that temperatures do not fall outside recommended values.
- 6.4 Regular stock rotation is vital to avoid deterioration or wastage.

## **7. Observation**

- 7.1 All livestock must be attended to and their health surveyed at regular intervals appropriate to the species, and in no circumstances less than daily.
- 7.2 Health surveillance of the livestock may require more than visual inspection dependent on the species of animal. This must be carried out by a suitably trained member of staff able to identify sick animals.

## **8. Excreta and Soiled Bedding**

- 8.1 All excreta and soiled bedding should be removed from contact with animals as often as is necessary.
- 8.2 All excreta and soiled bedding must be stored in impervious containers with close fitting lids.
- 8.3 All containers should be maintained in a condition that prevents the build up of smell or possibility of the spread of disease from the premises.
- 8.4 Excreta and soiled bedding should be removed from the premises on a regular basis, at least weekly, and disposed of to the satisfaction of the Council and in accordance with current regulations and good waste management practice.

## **9. Hygiene**

- 9.1 A hand wash basin with a potable supply of hot and cold running water to be used exclusively for washing hands must be provided. A suitable supply of bactericidal soap and means for drying hands should be provided.
- 9.2 A separate sink supplied with hot and cold running water for the cleaning of utensils and equipment used in the pet shop must be provided. The sink must be of suitable size for the purpose. This sink must not be used as part of staff welfare facilities.
- 9.3 The total area of the shop should be swept, vacuumed or washed daily. Shelves and counters should be cleaned on a regular basis. Record sheets should be kept of daily, weekly and monthly regimes.

Ideally, all cleaning of the shop and cages should be done outside of working hours.

If carried out whilst the shop is open to the public, the livestock area should be blocked off and a sign displayed stating that it is temporarily closed to the public for cleaning operations.

N.B. Cleaning regimes will be dictated by the size of the premises, number of staff, type of animals etc. All shops should have a programme in place appropriate to their premises.

- 9.4 Cleaning substances must be appropriate to the species due to some animals being adversely affected by certain substances. All cleaning product must be pet safe and stored correctly in a secure environment. Correct dilution of such products must be properly followed as required by the manufacturer's product safety sheet.
- 9.5 Space should be set aside for staff where they can leave protective clothing, outdoor clothes, bags etc.

## **10. Sales of Livestock**

- 10.1 All livestock sold must be in good health and free from obvious parasitic infection as far as can be reasonably determined without veterinary health inspection.
- 10.2 No mammal shall be sold unweaned or, if weaned, at an age at which it should not have been weaned.
- 10.3 Non-mammals must be capable of feeding themselves. They must be both capable of feeding and certified to have been feeding in the shop.
- 10.4 No animals should be sold to any person under the age of 16 years unless that person is accompanied by a parent or legal guardian.
- 10.5 Dogs shall only be sold with a vaccination certificate, to include a description of the animal, issued by a Veterinary Surgeon (RCVS – registered) and vaccinated against canine parvovirus.

## **11. Transportation**

- 11.1 When receiving stock, the licensee must make every effort to ensure that it is transported in a suitable manner.
- 11.2 Any livestock received or consigned shall be transported according to the regulations currently in force.
- 11.3 Livestock must be transported or handed to the purchasers in suitable containers.
- 11.4 Purchasers of livestock which are transporting animals for long distances must have adequate water, food and ventilation available for the animal's welfare during transit. The seller shall provide suitable pet care advice leaflet on this subject.

## **12. Dangerous Wild Animals**

- 12.1 When dangerous wild animals are kept, the cages must be of a secure construction.
- A fine wire mesh, glass or plastic safety barrier must be incorporated into the cage system.

The premises must satisfy the inspection of the Council designated Veterinary Surgeon with regard to the keeping of animals under the terms and conditions of the



Dangerous Wild Animals Act and notices clearly displayed identifying the species concerned, the provisions of the Act and precautions regarding keeping such animals.

- 12.2 Licensees must not sell an animal included in the Schedule of the Dangerous Wild Animals Act unless they have:
- (a) inspected the purchasers Dangerous Wild Animal Act licence issued by a local authority.
  - (b) inform the local authority to which area the Dangerous Wild Animal is being located.
- 12.3 Licensees **MUST** inform the Council of their intention to keep a Dangerous Wild Animal on the premises including details of the species and number of animals. The licence may then be subject to specific conditions relevant to the particular species.

### **13. Staff Training and Livestock Knowledge**

- 13.1 No animal should be stocked or sold unless the staff are familiar with the care and welfare of that animal.
- 13.2 In respect of new applications at least one member of staff working at the licensed premises must hold a suitable qualification in relation to the Pet Store Management and Pet Care. This qualification should be obtained within 12 months from the issuing of the pet shop licence.
- 13.3 The licensee must formulate a written training policy for all staff and will be required to demonstrate that systematic training is carried out. During routine inspections the Council shall determine if such instruction is being adequately given and monitor the nature of such training so that standards are maintained to the Councils requirements. Special note will be taken of unusual or difficult animals to be kept held at the shop and the provision of suitable advice on their sale and upkeep given by staff.

### **14. Pet Care Advice**

- 14.1 Correct pet care leaflets or other similar written instructions should be made available to all customers that purchase livestock.
- 14.2 Purchasers of accessories should, where necessary, be given proper advice as to their maintenance and use.
- 14.3 Pet Care manuals or reference books must always be available for use by staff. Staff must be trained and instructed to such a standard that they may be considered competent to advise the public in such a manner that animals are sold with the correct care and handling advice and accessories are sold with proper regard to their use and suitability for the purpose for which they are intended.

## **15. Boarding of Animals**

- 15.1 The licensee can only board those species of animals for which they are licensed to sell. Animals boarded shall not be accessible to the public. Animals are not allowed to be boarded in the isolation areas of the premises at any time.

N.B. Boarding of dogs and cats requires an additional licence under the Animal Boarding Establishment Act.

- 15.2 Exhibition animals kept in the shop should be considered as requiring proper accommodation and any animals not for sale should have a notice clearly displayed to identify it as such.

## **16. Fire and Other Emergency Precautions**

- 16.1 Suitable emergency precautions and written procedures shall exist and be made known to all staff including arrangements for evacuation of livestock.
- 16.2 All entrances and exits shall be kept free from obstruction at all times.
- 16.3 Fire extinguishers must be provided and sited as approved by the London Fire and Emergency Planning Authority.
- 16.4 All fire-fighting equipment should be maintained in good working order and serviced at least once every 12 months by a competent person.
- 16.5 The licensee or designated key holder, must at all times be within reasonable distance of the premises and available to visit the premises in case of an emergency.
- 16.6 A list of key holders must be lodged with the local police and fire brigade.
- 16.7 An emergency telephone number must be displayed in a prominent position at the front of the shop.
- 16.8 In the interests of animal welfare the following notice must be displayed in a prominent position at the front of the premises.

**“ In case of emergency telephone 999” Please give the following details to the Emergency Services:- Address, name of key holder, owner, nature of site (i.e. Pet Shop) and the nature of the emergency.**

- 16.9 When pet shops are sited within other premises, the licensee or key holder must have access at all times to the premises containing livestock.
- 16.10 Consideration should be given to what would happen in the event of a power cut, especially if there are animals that rely on heating, lighting, water filtration etc. An alarm system or back up generator may be considered to be appropriate.

## **17. Categories of Animals**

- 17.1
- (a) Dogs and Cats (puppies and kittens).
  - (b) Smaller domesticated mammals e.g. rabbits, cavies, gerbils, hamsters, rats & mice.
  - (c) Larger domesticated mammals e.g. goats, pot bellied pigs.
  - (d) Primates e.g. marmosets.
  - (e) Other mammals.
  - (f) Parrots, parakeets and macaws.
  - (g) Other birds.
  - (h) Reptiles.
  - (i) Amphibians.
  - (j) Fish.
  - (k) Other species.

## **18. Stocking Numbers and Densities**

- 18.1 The maximum number of animals to be stocked on the premises will be governed by the accommodation available, as defined by the stocking density lists detailed in the schedules attached to these licence conditions.

Schedule 1 – Small Mammals.  
Schedule 2 – Caged Birds.

Schedule 3 – Ornamental Fish.  
Schedule 4 – Other Species.

## Schedule 1

### SMALL MAMMALS

SPECIES	Minimum Floor Area* (sq.cm)		Minimum Cage Height (cm)
	Single	Each Additional	
Mice	200	50	20
Hamsters	300	75	20
Gerbils	300	75	20
Rats	500	125	20
Guinea Pigs	700	175	20
Rabbits	2000	500	50
Kittens	2000	500	50
Puppies	10000	2500	50

\*Minimum floor area apply to young stock. For adult stock offered for sale the dimensions should be doubled. For advice on the age of stock, you are advised to contact the Veterinary Surgeon.

N.B. The range of behavioural opportunities for many of the animals listed in the above Schedule will be increased by enriching the environment with such accessories as shredded paper, pieces of wood, toilet rolls and lengths of piping etc.

The installation of shelving in rabbit cages is particularly beneficial to rabbits as they like to spend a lot of time off the cage floor.

## Schedule 2

### CAGED BIRDS

<b>Parrots, Parrakeets, Budgerigar, etc.</b>	<b>Length (cm)</b>	<b>FLOOR AREA (sq. cm)</b>	
		<b>Single</b>	<b>Each Additional</b>
African Grey:		1250	625
Amazon	Up to 35	1000	500
	35 – 40	1250	625
	Over 40	2000	750
Budgerigar		650	200
Cockatiel		1000	250
Cockatoo:	Up to 35	1250	625
	35 – 40	2000	1000
	Over 45	2750	1325
Lovebird		750	200
Macaw	Up to 40	1250	625
	40 – 60	2250	1000
	Over 60	3750	1200
Parrakeet	Up to 25	1000	250
(incl. Conure,	25 – 35	1000	250
Kakariki, Rosella)	Over 35	1400	450
Parrot	Up to 30	800	275
(incl. Caique, Pronus	30 – 35	1250	625
Senegal, Meyer's)	Over 35	1500	750
Parrotlet		400	200
Hanging Parrot		450	250
Lories and	Up to 22.5	800	250
Lorikeets	22.5 – 30	1250	375
Over 30		2000	500
<b>Seed eaters</b>			
Canary		650	250
Cardinal		1000	250
Dove and Pigeon	Up to 22.5	450	250
	Over 22.5	1250	625
Finch (incl. Mannikin	Up to 12.5	650	100
Silverbill Sparrow	12.5 – 17.5	750	150
Waxbill)	Over 17.5	1000	200
Grossbeak		1000	200
Quail	Up to 15	450	250
	15 – 20	650	375
	Over 20	1000	500
Weaver	Up to 15	650	150
	Over 15	1000	200
Whydah (male)	Up to 40	1000	200

With full tail)	Over 40	2000	275
<b>Softbills</b>			
Barbet	Up to 20	1250	275
	Over 20	1400	450
Bulbil, Fruitsucker		1000	250
Fairy bluebird, Oriole		1250	250
Jay, Jay-thrush	Up to 25	1500	250
(Laughing thrush)	25 – 35	2000	500
Magpie	Over 35	4000	1000
Mynah hill		1500	250
Pekin robin, Mesia		1000	200
Starling	Up to 20	1500	375
(incl. Small mynahs)	Over 20	1000	250
Tanager, Sugar bird	Up to 15	1000	250
	Over 15	1000	250
Thrush (incl. Shama)		1000	375
Toucan		3750	1000
Toucanette, Aracari		2000	625
Tlouraco		2000	625
Zosterops		750	100

N.B. All birds should be housed in accommodation which allows the full spreading of wings.

## Schedule 3

### ORNAMENTAL FISH

It is virtually impossible to determine the quantity of fish to be kept in a tank purely on a weight/volume or numbers of fish/volume.

The variation in system design, husbandry techniques and types of fish involved would render any such method too simple to be useful or too complicated to be practical.

The maintenance of water quality standards is essential and it is a simple but effective way to determine stocking densities.

#### WATER QUALITY CRITERIA

(1 mg/litre – 1ppm)

##### Cold Water

* Dissolved Oxygen	-min	6mg/litre
* Free Ammonia	-max	0.02mg/litre
Nitrite	-max	0.2mg/litre
Nitrate	-max	50mg/litre above ambient tap water.

##### Tropical Fish

* Dissolved Oxygen	-min	5.5mg/litre
* Free Ammonia	-max	0.01mg/litre

(12)

Nitrite	-max	0.12mg/litre
Nitrate	-max	40mg/litre. This is an absolute figure; it does not relate to ambient tap water.

##### Tropical Marine Species

*Dissolved Oxygen	-min	5.5mg/litre
*Free Ammonia	-max	0.01mg/litre
Nitrite	-max	0.125mg/litre
Nitrate	-max	40mg./litre. This is an absolute figure; it does not relate to ambient tap water.

\*ph(tropical marine only) -min 8.1

\*These parameters should be checked first. Only if a problem exists with these tests is it necessary to check nitrite and nitrate levels.

## **Schedule 4**

### **OTHER SPECIES**

Accommodation must be provided appropriate to size, age and type of species.

Further advice may be obtained from organisations such as the Pet Care Trust, the Universities' Federation for Animal Welfare, The British Herpetological Society etc.

**Local Government Association**  
Local Government House  
Smith Square  
London SW1P 3HZ  
Tel 020 7664 3131

**The British Herpetological Society**  
Montrose  
Angus  
DD10 8LQ

**The British Veterinary Association**  
7 Mansfield Street  
London W1M 0A7  
Tel. No. 020-7636-6541

**Pet Care Trust**  
Bedford Business Centre  
170 Mile Road  
Bedford  
MK42 9TW  
Tel: 01234 273 933

**Universities Federation for Animal Welfare**  
The Old School  
Brewhouse Hill  
Wheathampstead  
Hertfordshire  
AL4 8AN, UK  
Tel: 01582 831818

### **19. Authorised Inspection Visits**

- 19.1 The licence holder or any person in charge of the premises must permit any inspector or Veterinary Surgeon or Veterinary Practitioner duly authorised by the Council to enter the premises at all reasonable times and inspect them and any horses found thereon or anything therein for the purpose of ascertaining whether an offence has been or is being committed under the licence or the Pet Animals Act 1951





THE LONDON BOROUGH  
www.bromley.gov.uk

APPENDIX 3

# **DANGEROUS WILD ANIMALS ACT 1976**

# **LICENCE CONDITIONS FOR DANGEROUS WILD ANIMALS**

**London Borough of Bromley  
Public Protection  
Civic Centre  
Stockwell Close  
Bromley  
Kent  
BR1 3UH**

**Approved General Purposes and Licensing Committee on 27 September 2010**

## **1. General Information**

- 1.1 There are many types of animals referred to as a dangerous wild animal, for example crocodiles, the big cats, wolves, ostriches and many poisonous snakes. Pet Shops owners do not need to hold a Dangerous Wild Animal licence to sell a dangerous wild animal but anyone wishing to buy a dangerous wild animal **must** hold a licence before buying one.
- 1.2 It is illegal to keep a dangerous wild animal without holding a licence. The first time the licence is issued your animal(s) must be inspected by a Veterinary Surgeon appointed by the Council. The applicant will be expected to pay for this inspection.
- 1.3 The keeping of dangerous wild animals is controlled by the Dangerous Wild Animals Act 1976.
- 1.4 No person may keep a dangerous wild animal unless they have **first** obtained a licence from their Local Authority.

## **2. Before granting a licence the local authority must be satisfied that:**

- 2.1 That they are suitably qualified to keep animals with regard to the type and number proposed to be kept.
- 2.2 It is not contrary to the public interest on grounds of safety, nuisance or other grounds.
- 2.3 The applicant is a suitable person to hold a licence to keep the animal(s) listed on the application.
- 2.4 That the animal/s will be held in secure accommodation that prevents escape of the animal and is suitable in size for the animals to be kept and which is suitable as regards construction, temperature, lighting, ventilation, drainage and cleanliness.
- 2.5 The animal(s) will be supplied with adequate and suitable food, drink and bedding material and be visited at suitable intervals.
- 2.6 Appropriate steps will be taken to ensure the protection of the animal(s) in case of fire or other emergency.
- 2.7 All reasonable precautions are taken to prevent the spread of infectious disease.
- 2.8 The animal(s) accommodation is such that it can take adequate exercise.
- 2.9 Where the Council issues a licence, that licence is subject to such conditions as the Council sees fit and in each case these conditions will specify that:
  - (a) Only the person named on the licence shall be entitled to keep the animal.

- (b) The animal shall only be kept on the premises named on the licence.
- (c) The animal shall not be moved or may only be moved in accordance with conditions specified in the licence.
- (d) The licensee must hold a current insurance policy, approved by the Council, which insures against liability for damage caused by the animal.
- (e) Only the species and number of animals listed on the licence may be kept.
- (f) The licensee shall make a copy of the licence and its contents available to any other person listed on the licence as being able to look after the animal.

- 2.10 We may attach any other conditions which we think fit but if it is to permit the animal to be taken into another Local Authority area for more than 72 hours, it must consult that Local Authority.
- 2.11 On the death of a licence holder, the licence continues in the name of the personal representatives for 28 days only and then expires unless application is made for a new licence within that time, in which case it continues until the new application is determined.
- 2.12 The council may at any time revoke or amend any licence condition.

### **3. Disqualification's and Cancellations**

- 3.1 Where a person is convicted of an offence under the Dangerous Wild Animals Act 1976 or under:
  - (a) Protection of Animals Act 1911 to 1964;
  - (b) Protection of Animals (Scotland) Act 1912 to 1964;
  - (c) Pet Animals Act 1951;
  - (d) Animal Boarding Establishments Act 1963;
  - (e) Riding Establishments Act 1964 to 1970;
  - (f) Breeding of Dogs Act 1973;
  - (g) Breeding and Sale of Dogs (Welfare) Act 1999.
- 3.2 The Court may cancel any licence he may hold to keep a dangerous wild animal and disqualify him, whether or not he is current holder, from holding such a licence for such a period as the Court thinks fit. The cancellation or disqualification may be suspended by the Court in the event of an appeal.

### **4. Seizure of Animals**

- 4.1 If a dangerous wild animal is being kept without the authority of a licence or in contravention of a licence condition, we may seize the animal and retain it, destroy it or otherwise dispose of it. We are not liable to compensation and therefore may recover costs from the keeper of the animal at the time of this seizure.

## **5. Licensing of Dangerous Wild Animals**

- 5.1 Where a licence is granted that licence and any subsequent licence will expire on the 31st December of the year to which it relates and must be renewed before that date.

## **6. Your Right of Appeal**

- 6.1 Any person aggrieved by a refusal to be granted a licence or by any conditions to which a licence is subject may appeal to the Magistrates Court and they may give such directions regarding the licence or its conditions as they think proper.

## **7. Authorised Inspection Visits**

- 7.1 The licence holder or any person in charge of the premises must permit any inspector or Veterinary Surgeon or Veterinary Practitioner duly authorised by the Council to enter the premises at all reasonable times and inspect them and any horses found thereon or anything therein for the purpose of ascertaining whether an offence has been or is being committed under the licence or the Dangerous Wild Animals Act 1976



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[www.bromley.gov.uk](http://www.bromley.gov.uk)

APPENDIX 4

# **ANIMAL BOARDING ESTABLISHMENT ACT 1963**

# **LICENCE CONDITIONS FOR HOME BOARDING**

**London Borough of Bromley  
Public Protection  
Civic Centre  
Stockwell Close  
Bromley  
Kent  
BR1 3UH**

**Approved General Purposes and Licensing Committee on 27 September 2010**

## **1. Introduction**

- 1.1 Unless otherwise stated, these conditions shall apply to all buildings and areas to which dogs have access and/or which are used in association with the boarding of dogs.
- 1.2 The licensee must ensure that the establishment is covered by adequate and suitable public liability insurance and, where necessary, adequate and suitable employers liability insurance.
- 1.4 No dog registered under the Dangerous Dogs Act 1991 must be accepted for home boarding.
- 1.5 Dog hybrids registered under the Dangerous Wild Animal Act 1976 (e.g. wolf hybrids) are not to be accepted for home boarding.
- 1.6 Bitches in season or due to be in season during the boarding, must not be boarded with resident dogs. Puppies under 6 months of age must not be boarded with other dogs including resident dogs.

## **2. Licence Display**

- 2.1 A copy of the licence and its associated conditions must be suitably displayed to the public in a prominent position in, on or about the premises or made available to each boarder.

## **3. Number of Animals**

- 3.1 The maximum number of dogs to be kept at any one time is (enter number)
- 3.2 Only dogs from the same household may be boarded at any one time. Dogs must not be boarded with any cat, unless they normally live together in the same household.
- 3.3 Where there is a resident dog or cat kept at the household, written consent from the owners of the boarded dog must be gained following a trial familiarisation session.
- 3.4 The Licensee will be required to make an assessment of the risks of home boarding to include the risk to or caused by children who are likely to be at the property.

## **4. Construction**

- 4.1 Dogs must live in the home as family pets. There must be no external construction of buildings, cages or runs.
- 4.2 The premises shall have its own entrance and must not have shared access e.g. communal stairs.
- 4.3 There must be adequate space, light, heat and ventilation for the dogs.
- 4.4 As far as reasonably practicable all areas/rooms within the home to which boarded dogs have access, must have no physical or chemical hazards that may cause injury.

- 4.5 There must be sufficient space available to be able to keep dogs separately if required.
- 4.6 If a collection and delivery service is provided, a suitable vehicle with a dog guard or cage in the rear must be provided.

## **5. Management**

- 5.1 A written training policy for staff must be provided. All staff should be trained in all procedures associated with the operation of the dog boarding business. i.e. safety, feeding, cleaning.
- 5.2 Risk assessments shall be carried out, the significant findings of the assessments shall be communicated to all staff.

## **6. Cleanliness**

- 6.1 All areas where the dogs have access to, including the kitchen etc must be kept clean and free from accumulations of dirt and dust and must be kept in such a manner as to be conducive to maintenance of disease control and dog comfort.
- 6.2 All excreta and soiled materials must be removed from all areas used by dogs at least daily and more often if necessary. Disposal facilities for animal waste must be agreed with the Licensing Authority.
- 6.3 All bedding areas must be kept clean and dry.
- 6.4 Facilities must be provided for the proper reception, storage and disposal of all waste. Particular care should be taken to segregate clinical waste arising from the treatment and handling of dogs with infectious diseases. The final route for all such waste shall comply with current waste regulations.
- 6.5 Measures must be taken to minimise the risks from rodents, insects and other pests within the premises.

## **7. Food and Water Supplies**

- 7.1 All dogs have an adequate supply of suitable food as directed by the client.
- 7.2 Fresh drinking water must be available at all times (unless advised otherwise by a Veterinary Surgeon) and the drinking vessel cleaned daily. The water must be changed at least twice daily.
- 7.3 Clients must be encouraged to provide each dog with its own bedding, bowls, grooming materials etc. These items must be cleaned regularly to prevent cross-infection. The Licensee however should also be able to provide extra bedding materials.
- 7.4 Where necessary, eating and drinking vessels must be provided, and where so, they must be capable of being easily cleansed and disinfected to prevent cross-contamination. They must also be maintained in a clean condition. Feeding bowls must be cleaned or disposed of after each meal and each dog must be provided with its own bowl.

## **8. Kitchen Facilities**

- 8.1 Airtight containers must be provided for the storage of dry foods. Uncooked food and the remains of opened tins must be stored in covered, non-metal, leak proof containers in the fridge.

8.2 All bulk supplies of food shall be kept in vermin proof containers.

## **9. Disease Control and Vaccination**

- 9.1 Adequate precautions must be taken to prevent and control the spread of infectious and contagious disease and parasites amongst dogs, staff and visitors.
- 9.2 Proof must be provided that boarded and resident dogs have current vaccinations against Canine Distemper, Infectious Canine Hepatitis, Leptospirosis 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 instructions. A record that this proof has been supplied must be kept on-site throughout the period that the dog is boarded.
- 9.3 Advice from a Veterinary Surgeon must be sought in case of signs of disease, injury or illness. Where any dog is sick or injured, any instructions for its treatment, which have been given by a Veterinary Surgeon, must be strictly followed.
- 9.4 A well-stocked first-aid kit suitable for use on dogs must be available and accessible on site.
- 9.5 The Licensee must be registered with a Veterinary practice that can provide 24-hour help and advice. The clients own Veterinary practice must be known and consulted if necessary.
- 9.6 Precautions must be taken to prevent the spread of fleas, ticks, intestinal parasites and other parasites in both boarded and resident dogs. Proof must be maintained of all routine and emergency treatment for parasites.
- 9.7 The premises shall be regularly treated for fleas and parasites with a veterinary recommended product.
- 9.8 Veterinary advice must be sought in relation to cleaning substances so that they or their fumes cannot be harmful to an animal.

## **10. Isolation and Contagious Disease Outbreak**

- 10.1 Dogs showing signs of any disease or illness shall be isolated from any other dogs until veterinary advice is obtained. There must be sufficient facilities within the licensed premises to ensure effective separation of any sick animal.
- 10.2 The Licensee must inform the Licensing Authority on the next working day if a dog develops an infectious disease.
- 10.3 Following an episode of infectious disease during any stay, the premises must undergo a reasonable quarantine period before new boarders are admitted. This period will be specified by the Licensing Authority as agreed with their authorised Veterinary Surgeon.
- 10.4 The Licensing Authority must be informed of any animal death on the premises. The Licensee must make arrangements for the body to be stored at a Veterinary Surgeons premises until the owners return.



## **11. Register**

- 11.1 A register must be kept of all dogs boarded. The information kept must include the following:
- (a) Date of Arrival.
  - (b) Name of dog, any identification systems i.e. microchip, tattoo.
  - (c) Description, breed, age and gender of dog.
  - (d) Name, address and telephone number of owner or keeper.
  - (e) Name, address and telephone number of contact person whilst boarded.
  - (f) Name, address and telephone number of dog's Veterinary Surgeon.
  - (g) Anticipated and actual date of departure.
  - (h) Proof of current vaccinations, medical history and requirements.
  - (i) Health, welfare nutrition and exercise requirements.
- 11.2 The register is to be made available for inspection at all times by an officer of the Licensing Authority or Veterinary Surgeon.
- 11.3 The register must be kept readily available for a minimum period of 2 years and kept in such a manner as to allow an authorised officer easy access to such information.
- 11.4 If medication is to be administered, this must be recorded.
- 11.5 Where records are computerised, a back up copy must be kept. The register must also be available to key members of staff at all times.

## **12. Supervision**

- 12.1 A fit and proper person with relevant experience must always be present to exercise supervision and deal with emergencies whenever dogs are boarded at the premises. This person must not have any conviction or formal cautions for any animal welfare related offence.
- 12.2 Dogs must be visited at regular intervals, as necessary for their health, safety and welfare, and must not be left unattended for longer than 3 hours at a time and not on a regular basis.
- 12.3 No home where there are children under 5 years of age will be licensed.
- 12.4 Only people over the age of 16 years are allowed to walk the dogs in public places.

## **13. Exercise**

- 13.1 Dogs must be exercised in accordance with their owner's wishes. If dogs are taken off premises, they must be kept on leads unless written permission is given by the owners.
- 13.2 There must be direct access to a suitable outside area. The area / garden must only be for the use by the homeowner (not shared with other residents). This area must be kept clean.

- 13.3 The exercise / garden area of the premises and any other area to which the boarded dogs may have access must be totally secure and safe. Fencing must be adequate to offer security to prevent escape and be safe, with no dangerous sharp objects or protrusions. Gates must be able to be locked.
- 13.4 If there is a pond, it must be covered to avoid drowning.
- 13.5 Dogs must wear a collar and identity tag during their time in boarding. The tag must display the name, address and telephone number of the boarding premises.
- 13.6 The Licensing Authority must be informed on the next working day if a dog is lost. All necessary precautions must be taken to prevent escape of the dog from the premises where boarded.

#### **14. Fire/Emergency Precautions**

- 14.1 Appropriate steps must be taken for the protection of the dogs in case of fire or other emergencies.
- 14.2 The occupier of the property must be aware of the location of the dogs in the property at all times.
- 14.3 Careful consideration needs to be given to the sleeping area of the dogs to ensure that they can be easily evacuated in the event of a fire, without putting the occupiers of the property at risk.
- 14.4 A fire warning procedure and emergency evacuation plan – including details of where dogs are to be evacuated to in event of a fire or other emergency must be drawn up, brought to the attention of those involved in the home boarding arrangements and/or displayed in a prominent place on the premises. The Licensee must have suitable arrangements for the temporary boarding of dogs in the event that the licensed premises are rendered uninhabitable.
- 14.5 Fire detection equipment must be provided in accordance with the general advice given by the Fire Authority. The home must have a least 2 working smoke detectors located at the top and bottom of the staircase or other appropriate location.
- 14.6 All doors & windows must be kept shut at night in the areas where the animals are kept.
- 14.7 All electrical installations and appliances must be maintained in a safe condition. No dog must be left in a room with loose or trailing cables or wires.
- 14.8 All heating appliances must be free of risk of fire as is reasonably practicable. There must be no use of freestanding gas or oil appliances.
- 14.9 A relative, friend or neighbour within 5 minutes travelling time must have a spare set of keys and access to the premises in case of an emergency. These details must be made available to the Licensing Authority.

#### **15. Authorised Inspection Visits**

- 15.1 The licence holder or any person in charge of the premises must permit any inspector or Veterinary Surgeon or Veterinary Practitioner duly authorised by the Council to enter the premises at all reasonable times and inspect them and any horses found thereon or anything therein for the purpose of ascertaining whether an offence has been or is being committed under the licence or the Animal Boarding Establishments Act 1963.

# **ANIMAL BOARDING ESTABLISHMENT ACT 1963**

## **LICENCE CONDITIONS FOR ANIMAL BOARDING ESTABLISHMENTS (CATS)**

**London Borough of Bromley  
Public Protection  
Civic Centre  
Stockwell Close  
Bromley  
Kent  
BR1 3UH**

**Approved General Purposes and Licensing Committee on 27 September 2010**

## **1. INTRODUCTION**

- 1.1 The London Borough of Bromley issue licences to proprietors of catteries under the provision of The Animal Boarding Establishments Act 1963.

The licence can stipulate a number of conditions to secure the following objectives:

- (a) that cats are kept in accommodation suitable in respect of construction, size, temperature, lighting, ventilation and cleanliness;
- (b) that boarded cats are adequately supplied with suitable food and drink, and are visited at suitable intervals;
- (c) that cats are kept secure so as to prevent escape of the animal from the premises.
- (d) that reasonable precautions are taken to prevent the spread of infectious diseases;
- (e) that appropriate steps be taken in the event of an emergency;
- (f) that a suitable consistent level of management is maintained.

It should be stressed that the aim of licence conditions is to ensure high standards of animal care and health and safety are maintained in animal boarding establishments.

## **2. LICENCE DISPLAY**

- 2.1 A copy of the licence and its conditions must be suitably displayed to the public in a prominent position in, on or about the boarding establishment.

**Note:** If displayed externally the licence and its conditions should be protected from the weather. Preferably the licence should be displayed in the reception area.

## **3. INSURANCE**

- 3.1 Adequate insurance indemnity should be arranged by the operator of the premises. This should be maintained at a sufficient level to cover the maximum number of cats boarded.

You must insure against public liability.

Employers Liability Insurance is mandatory for boarding establishment owners who employ staff.

- 3.2 Certificates of insurance must be prominently displayed.

### **3. CONSTRUCTION**

#### **GENERAL:**

- 3.1 The establishment must, at all times, be laid out and operated in accordance with an approved plan, to be attached to the licence. Before carrying out any alterations, plans must be submitted to and approved by the Licensing Authority.
- 3.2 All units must be built on a concrete base with a damp proof membrane to Building Regulations Standards.
- 3.3 All exterior wood must be smooth and properly treated against wood rot. Only products which are not toxic to cats may be used.
- 3.4 All internal surfaces used in the construction of walls, floors, partitions, doors and door frames to be durable, smooth and impervious. There must be no projections or rough edges liable to cause injury.
- 3.5 Fencing material must be secure and safe.
- 3.6 Sleeping areas of units must be so insulated as to prevent extremes of temperature.
- 3.7 The construction must be such that the security of the cat is ensured to prevent escape of the animal from the premises.
- 3.8 All areas to which cats have free access must be roofed.

### **4. Walls and Partitions**

- 4.1 Walls with which cats may come into contact must be of smooth impervious materials, capable of being easily cleansed. Where concrete or other building blocks or bricks are used, they must be sealed so as to be smooth and impervious, and resealed as necessary.
- 4.2 Junctions between vertical and horizontal sections should be coved. If impractical in existing premises, all joints must be sealed.

### **5. Floors & Concrete Bases**

- 5.1 The concrete base and floors of all buildings and units, must be of smooth, impervious materials, capable of being easily cleansed. In new catteries must incorporate a damp proof membrane.
- 5.2 Floors of all units and individual exercise areas must be constructed and maintained in such a condition as to prevent ponding of liquids.

## **6. Ceilings**

- 6.1 Ceilings must be capable of being easily cleansed and disinfected.

**Note:** When roofing the exercise area consideration should be given to installing translucent ceiling material capable of filtering UV light and providing adequate shade.

- 6.2 All exercise areas and safety passages should be covered with mesh and impermeable material, a proportion of which must be translucent.

## **7. Doors**

- 7.1 Doors must be strong enough to resist impact and scratching and must be fitted to be capable of being effectively secured.
- 7.2 Where metal edging is used, this must not present a risk of injury to the cat.
- 7.3 Adequate constructional precautions must be taken to prevent and control the spread of infectious disease particularly by droplet infection.

## **8. Windows**

- 8.1 All windows which pose a security risk must be escape proof at all times.

**Note:** Windows when a security risk must be protected by welded mesh, or be made of reinforced glass, polycarbonate or other impact resistant material.

## **9. Drainage**

- 9.1 The establishment must be connected to mains drainage or an approved, localised sewage disposal system.

## **10. Lighting**

- 10.1 During daylight hours light must be provided to exercise and sleeping areas so that all parts are clearly visible. Where practicable this must be natural light.
- 10.2 Adequate supplementary lighting must be provided throughout the establishment.

**Note:** Natural and artificial lighting must be of sufficient standard to enable efficient working after daylight hours.

## **11. Ventilation**

- 11.1 Ventilation must be provided to all interior areas without the creation of excessive, localised draughts in the sleeping area.

**Note:** Draughts can be the outcome of ventilation provided for animal health. Heating can equally be removed by ventilation. A balance is necessary between adequate ventilation and the unnecessary removal of warm air.

Ventilation is important as an aid to disease control, a protection against smell accumulation, and prevents excessive humidity of the atmosphere.

Siting of the bed is an important consideration. Providing a bed with adequate protective sides to allow the cat “depth” to seek protection, together with efficient individually controlled heating are considerations in protecting cats.

## **12. Maintenance**

- 12.1 Maintenance and repair of the whole establishment must be carried out regularly.

## **13. Numbers of Animals**

- 13.1 The maximum number of cats to be kept at any one time is..... (This number will be determined by the Local Authority)
- 13.2 Each cat must be provided with a separate unit except that cats from the same household may share a unit of adequate size with the written consent of the cats’ owner.
- 13.3 Holding units may be provided for temporarily boarding a cat for not more than 24 hours. Existing holding units must have a minimum floor area of 9 sq ft. In new construction the floor area must be a minimum of 12 sq ft. Holding units must have a minimum height of 0.9m (3 ft).
- 13.4 No animals other than cats are to be boarded within the licensed facilities without the written approval of the local authority.
- 13.5 Where stray cats are accepted by the cattery they must be kept in a separate area away from boarded cats.

**Note:** The number of cats permitted relates to the number and size of the units and must be stipulated clearly on the front sheet of the displayed licence. The decision regarding the number of cats, as well as considering unit size and numbers, will take into account the effectiveness of site management.

Cats from the same family who normally live together, may prefer to share a unit. It is a requirement that operators obtain written authorisation from the cat owner before unit sharing is allowed.

Where sharing occurs the cats must be provided with separate beds.

## **14. Unit Size, Layout and Exercise Facilities**

- 14.1 In new construction each unit must have a sleeping area and an adjoining exercise area, which is exclusive to that unit.
- 14.2 In new construction each unit must be provided with a sleeping area of at least 0.85 sq m (9 sq ft) for one cat, 1.5 sq m (16 sq ft) for two cats, 1.85 sq m (20 sq ft) for up to four cats.
- Note:** Units may be designated as suitable for a specific number of cats, greater than 4, at the discretion of the licensing authority.
- 14.3 Units must have a minimum internal height of 1.8 m (6 ft).
- 14.4 The height of the sleeping area must be at least 3 ft (91 cm) in existing and 4 ft (1.22m) in new build.
- 14.5 Suitable bedding must be provided which allows the cat to be comfortable and which is capable of being easily and adequately cleaned and sanitised.
- Note:** Such equipment must be sited out of draughts,
- 14.6 Bedding material must be checked daily and must be maintained in a clean, parasite-free and dry condition.
- 14.7 In new construction each unit must be provided with an exercise area of at least 1.7 sq m (18 sq ft) for a single cat; 2.23 sq m (24 sq ft) for two cats; 30 sq ft for up to 4 cats.
- 14.8 Exercise areas must not be used as sleeping areas.
- 14.9 There must be direct and voluntary access to the exercise area.

## **15. Management**

### **Training**

- 15.1 A written training policy must be provided. Systematic training of staff must be demonstrated to have been carried out.

### **Temperature in kennels**

- 15.2 Heating facilities must be available in the unit and used according to the requirements of the individual cat.
- 15.3 There must be some part of the sleeping area where the cat is able to enjoy a temperature of at least 10°C (50°F).



15.4 In isolation units, there should be a means of maintaining the temperature at a level suitable for the conditions of the cat and dependent on veterinary advice.

### **Cleanliness**

- 15.5 All units, corridors, common areas, kitchens, etc. must be kept clean and free from accumulations of dirt and dust and must be kept in such a manner as to be conducive to maintenance of disease control and cat comfort.
- 15.6 Each occupied unit must be cleansed daily. All excreta and soiled material must be removed from all areas used by cats at least daily and more often if necessary.
- 15.7 All bedding areas must be kept clean and dry.
- 15.8 Suitably sited litter trays, which are easy to clean and impermeable, must be provided at all times. These must be emptied and cleansed at least once a day and as necessary at any time during the day if found to be unduly soiled. A suitable material for litter must be provided.
- 15.9 Each unit must be thoroughly cleansed, disinfected and dried upon vacation. All fittings and bedding must also be thoroughly cleansed and disinfected at that time.
- 15.10 Facilities must be provided for the proper reception, storage and disposal of all waste. Particular care should be taken to segregate clinical waste arising from the treatment and handling of cats with infectious diseases. The final disposal route for all such waste must be incineration.
- 15.11 Measures must be taken to minimise the risks from rodents, insects and other pests within the establishment.

### **Food and water supplies**

- 15.12 All cats must be adequately supplied with suitable food. At least two meals a day must be offered at approximately 8 hours apart. Wholesome water must be available at all times and changed daily.
- 15.13 Eating and drinking vessels must be capable of being easily cleansed and disinfected and must be maintained in a clean condition. Disposable eating dishes may be used.
- 15.14 Eating vessels must be cleansed or disposed of after each meal.
- 15.15 Drinking vessels must be cleansed at least once a day.

### **Kitchen facilities**

- 15.16 Exclusive facilities, hygienically constructed and maintained, must be provided for the storage and preparation of food for the cats.

- 15.17 Where fresh and cooked meats are stored, refrigeration facilities must be provided, and potential food contamination must be avoided.
- 15.18 A sink with hot and cold water must be provided for the washing of food equipment and eating and drinking vessels. A separate wash-hand basin with hot and cold water must also be provided for staff use.
- 15.19 Containers must be provided for the storage of foods and shall be so constructed and kept in such good order, repair and condition as to be proof against insects and other pests.

### **Disease control and vaccination**

- 15.20 Adequate precautions must be taken to prevent and control the spread of infectious and contagious disease and parasites amongst the cats, staff and visitors.
- 15.21 Proof must be provided that cats boarded or resident have current vaccinations against Infectious Feline Enteritis, Feline Respiratory Disease 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 manufacturers' instructions. A record that this proof has been supplied must be kept on site throughout the period that the cat is boarded.
- 15.22 Advice from a veterinary surgeon must be sought in case of signs of disease, injury or illness. Where any cat is sick or injured any instructions for its treatment which have been given by a veterinary surgeon must be strictly followed.
- 15.23 A well stocked first aid kit suitable for use on cats must be available and accessible on site.

### **Isolation**

- 15.24 Isolation facilities must be provided.
- 15.25 In existing catteries these isolation facilities must be in compliance with the other boarding requirements but must be separate and physically isolated from the main units. This must be a minimum of 3m (10ft).
- 15.26 Adequate facilities to prevent the spread of infectious disease between the isolation unit and other units, must be provided.
- 15.27 Hands must be washed after leaving the isolation facilities before visiting the other units.

### **Register**

- 15.28 A register must be kept of all cats boarded. The information kept must include the following:
- (A) date of arrival
  - (B) name of cat, any identification system such as microchip, number or tattoo
  - (C) description, breed, age and gender of cat
  - (D) name, address and telephone number of owner or keeper
  - (E) name, address and telephone number of contact person whilst boarded
  - (F) name, address and telephone number of cat's veterinary surgeon
  - (G) anticipated and actual date of departure
  - (H) health, welfare and nutrition requirements

15.29 The register must be kept readily available for a minimum of 24 months and kept in such a manner as to allow an authorised officer easy access to such information.

15.30 Where records are computerised, a back-up copy must be kept. The register must also be available to key members of staff of the establishment at all times.

### **Identification of Units**

15.31 Each unit must be clearly marked (e.g. numbered), and a system in place which ensures that relevant information about the cat in that unit is readily available.

### **Supervision**

15.32 A fit and proper person must always be present to exercise supervision and deal with emergencies whenever cats are boarded at the premises.

15.33 Cats must be visited at regular intervals, as necessary for their health, safety and welfare.

### **Fire precautions**

15.34 Appropriate steps must be taken for the protection of the cats in case of fire or other emergencies.

- 15.35 A proper emergency evacuation plan and fire warning procedure must be drawn up and posted on the premises. This must include instructions where cats are to be evacuated to in the event of a fire or other emergency.
- 15.36 Fire fighting equipment must be provided in accordance with advice given by the Fire Prevention Officer.
- 15.37 All electrical installations and appliances must be maintained in a safe condition. There must be a residual current circuit breaker system on each block unit.
- 15.38 Heating appliances must not be sited in a location or manner where they may present a risk of fire, or risk to cats.
- 15.39 Precautions must be taken to prevent any accumulation which may present a risk of fire.
- 15.40 There must be adequate means of raising an alarm in the event of fire or other emergency.

## **16. Authorised Inspection Visits**

- 16.1 The licence holder or any person in charge of the premises must permit any inspector or Veterinary Surgeon or Veterinary Practitioner duly authorised by the Council to enter the premises at all reasonable times and inspect them and any horses found thereon or anything therein for the purpose of ascertaining whether an offence has been or is being committed under the licence or the Animal Boarding Establishments Act 1963



APPENDIX 6

# **ANIMAL BOARDING ESTABLISHMENT ACT 1963**

## **LICENCE CONDITIONS FOR ANIMAL BOARDING ESTABLISHMENTS (DOGS)**

London Borough of Bromley  
Public Protection  
Civic Centre  
Stockwell Close  
Bromley  
Kent  
BR1 3UH

Approved General Purposes and Licensing Committee on 27 September 2010

## **1. INTRODUCTION**

- 1.1 The London Borough of Bromley issue licences to proprietors of boarding kennels under the provision of The Animal Boarding Establishments Act 1963.

The licence can stipulate a number of conditions to secure the following objectives:

- (a) that dogs are kept in accommodation suitable in respect of construction, size, temperature, lighting, ventilation and cleanliness;
- (b) that dogs are adequately supplied with suitable food and drink, and are visited at suitable intervals;
- (c) that dogs are kept secure so as to prevent escape of the animal from the premises.
- (d) that reasonable precautions are taken to prevent the spread of infectious diseases;
- (e) that appropriate steps be taken in the event of an emergency;
- (f) that a suitable consistent level of management is maintained.

It should be stressed that the aim of licence conditions is to ensure high standards of animal care and health and safety are maintained in animal boarding establishments.

## **2. LICENCE DISPLAY**

- 2.1 A copy of the licence and its conditions must be suitably displayed to the public in a prominent position in, on or about the boarding establishment.

**Note:** If displayed externally the licence and its conditions should be protected from the weather. Preferably the licence should be displayed in the reception area.

## **3. INSURANCE**

- 3.1 Adequate insurance indemnity should be arranged by the operator of the premises. This should be maintained at a sufficient level to cover the maximum number of dogs boarded.

You must insure against public liability.

Employers Liability Insurance is mandatory for boarding establishment owners who employ staff.

- 3.2 Certificates of insurance must be prominently displayed.

### **3. CONSTRUCTION**

#### **GENERAL:**

- 3.1 The establishment must, at all times, be laid out and operated in accordance with an approved plan, to be attached to the licence, before carrying out any alterations, plans must be submitted to and approved by the Licensing Authority.
- 3.2 Where wood has been used in existing construction it must be smooth and treated to render it impervious. Wood should not be used in exposed construction of walls, floors, partitions, doorframes or doors in the dog kennelling area. There must be no projections liable to cause injury
- 3.3 Fencing material must be secure and safe.
- 3.4 Sleeping areas of kennels must be so insulated as to prevent extremes of temperature.
- 3.5 The construction must be such that the security of the dog is ensured to prevent escape from the premises.
- 3.6 All exterior wood must be properly treated against wood rot, e.g. Tanalised. Only products which are not toxic to dog may be used.
- 3.7 All internal surfaces used in the construction of walls, floors, partitions, doors and door frames to be durable, smooth and impervious. There must be no projections or rough edges liable to cause injury.
- 3.8 At least 20% of the individual exercise runs must be covered with a suitable mesh.  
  
Where galvanised welded mesh is used for fencing the wire diameter must not be less than 2.0mm (14 standard wire gauge) excluding any covering and the mesh size must not exceed 5.0cm (2”).
- 3.9 The interior and exterior of the buildings should be kept in good decorative order and repair.
- 3.10 Outer paths, gardens, exercise areas and general surroundings must be kept in a good, clean, presentable condition.
- 3.11 A safe system of work must ensure correct use of chemicals and materials used in the kennel and must include constructional details suitable to reduce spread of infection, disease and contamination.

**Wood in Kennels:** The purpose of avoiding wooden surface structures of kennel interiors is because of the possibility of damage to the material caused by scratching by animals. Worn and splintered material is difficult to clean, harbours bacteria, viruses etc. and allows the splinters produced to penetrate the animals' skin.

#### **4. Walls and Partitions**

- 4.1 Walls with which dogs may come into contact must be of smooth impervious materials, capable of being easily cleansed. Where concrete or other building blocks or bricks are used in such walls, they must be sealed so as to be smooth and impervious, and resealed as necessary.
- 4.2 Junctions between vertical and horizontal sections should be coved. If impractical in existing premises, all joints must be sealed.
- 4.3 Partition walls between kennels must be of solid construction to a minimum height of 1.2m (4ft).
- 4.4 In new construction, in exercise runs the lower section of partitions in adjoining runs must be of solid construction.

**Note:** This condition is to provide a physical barrier to infection.

It will also reduce aggression while allowing socialisation.

#### **5. Floors**

- 5.1 Floors of all buildings, individual exercise areas and kennels, must be of smooth, impervious materials, capable of being easily cleansed and in new kennels must incorporate a damp proof membrane.
- 5.2 All floors of kennels and individual exercise areas must be constructed and maintained in such a condition as to prevent ponding of liquids.

**Note:** Floors of kennels and related exercise areas should be constructed in impervious material and be readily cleansable while providing sufficient grip for the animal to walk or run without sustaining injury.

Drainage channels should be provided near to the kennel edge so that urine is not allowed to pass over walk areas in corridors and communal access areas.

“Communal” facilities must not be used by more than one dog at any one time unless they are from the same household.

- 5.3 In new construction floors must be laid to a minimum fall of 1 in 80 leading to a shallow drainage channel or effectively covered deep drainage channel.



## **6. Ceilings**

6.1 Ceilings must be capable of being easily cleansed and disinfected.

**Note:** Where kennels are provided, within converted outbuildings, consideration should be given to ease of cleaning, energy conservation, wildlife access, lighting and ventilation.

## **7. Doors**

7.1 Kennel doors must be strong enough to resist impact and scratching and must be fitted to be capable of being effectively secured.

7.2 Where metal bars and frames are used, they must be of suitable gauge (approximately 10-14) with spacing adequate to prevent dogs escaping or becoming entrapped. Where metal edging is used, this must not present a risk of injury to the dog.

7.3 Door openings must be constructed such that the passage of water/waste is not impeded, or allowed to gather due to inaccessibility.

**Note:** Galvanised Weld Mesh should be a minimum of 2mm (14 gauge) in thickness.

It is recommended that the spacing of the wire should not exceed 50mm (2 inches).

When designing kennel doors regard should be paid to the Health and Safety of the person working in the kennel, for example large dogs may push against the door which may give rise to difficulties in securing the door and even to accidents to the person on the opposite side of the door when it opens outwards. Therefore consideration could be given to opening the outer door in an inward direction in the interests of staff safety.

## **8. Windows**

8.1 All windows which pose a security risk must be escape proof at all times.

**Note:** Windows when a security risk must be protected by welded mesh, or be made of reinforced glass, polycarbonate or other impact resistant material.

## **9. Drainage**

9.1 The establishment must be connected to mains drainage or an approved, localised sewage disposal system.

## **10. Lighting**

10.1 During daylight hours light must be provided to exercise and sleeping areas so that all

parts are clearly visible. Where practicable this must be natural light.

10.2 Adequate supplementary lighting must be provided throughout the establishment.

**Note:** Natural and artificial lighting must be of sufficient standard to enable efficient working after daylight hours.

## **11. Ventilation**

11.1 Ventilation must be provided to all interior areas without the creation of excessive, localised draughts in the bedding area.

**Note:** Draughts can be the outcome of ventilation provided for animal health. Heating can equally be removed by ventilation. A balance is necessary between adequate ventilation and the unnecessary removal of warm air.

Ventilation is important as an aid to disease control, a protection against smell accumulation, and prevents excessive humidity of the atmosphere. High humidity increases the risk of kennel cough and should be avoided.

Siting of the bed is an important consideration. Raising the bed and providing adequate protective sides to allow the dog “depth” to seek protection are consideration in protecting the dog.

## **12. Maintenance**

12.1 Maintenance and repair of the whole establishment must be carried out regularly.

## **13. Numbers of Animals**

13.1 The maximum number of dogs to be kept at any one time is..... (This number will be determined by the Local Authority)

13.2 Each dog must be provided with a separate kennel except that dogs from the same household may share a kennel of adequate size with the written consent of the dogs’ owner.

13.3 Holding kennels may be provided for temporarily kennelling a dog for not more than 24 hours. Holding kennels, if provided, must comply with conditions as required for main kennels. Holding kennels must be a minimum area of 2.3 sq m (25 sq ft).

13.4 No animals other than dogs are to be boarded within the licensed facilities without the written approval of the local authority.

13.5 Where stray dogs are accepted by the kennels they must be kept in a separate area away from boarded dogs.

**Note:** The number of dogs permitted relates to the number and size of the kennels and must be stipulated clearly on the front sheet of the displayed licence. The decision regarding the number of dogs, as well as considering kennel size and numbers, will take into account the effectiveness of site management.

Dogs from the same family who normally live together, may prefer to share a kennel. It is a requirement that operators obtain written authorisation from the dog owner before kennel sharing is allowed.

Where sharing occurs the dogs must be able to lie down comfortably in the sleeping area, with sufficient space for the door to open fully.

#### **14. Identification and Control of Dogs on Site**

14.1 The Control of Dogs Order 1992 requires that all dogs, whilst in a public area, must wear a collar and tag stating the name and address of the owner. It is recommended that all dogs boarded at the establishment should wear a collar and tag identifying the name of the owner, or have the collar and tag secured immediately outside the kennel. This will assist in the identification.

It will also assist staff with dog control if one tries to escape, or if there is a fire or other emergency.

In the case of sharing it will be necessary to take the collars off and hang them outside the kennel.

#### **15. Dangerous Dogs**

15.1 Dogs subject to contracts under current Dangerous Dogs Legislation must have a copy of the licence and insurance certificate lodged with the boarding kennel.

#### **16. Kennel Size, Layout and Exercise Facilities**

16.1 For new kennels each kennel must be provided with a sleeping area of at least 1.9 sq m (20 sq ft).

16.2 Suitable bedding equipment must be provided which allows the dog to be comfortable and which is capable of being easily and adequately cleaned and sanitised.

**Note:** In existing kennels the new size requirements for sleeping areas should be phased in over a number of years after consultation between the kennel owner and local authority taking into account local circumstances.

During kennel construction it is necessary to use an appropriate design and correct materials to overcome problems of noise emission and to ensure energy conservation. This is in order to minimise discomfort to

the dog and to minimise the risk of nuisance to persons in the vicinity of the site.

- 16.3 For new kennels each kennel must be provided with an exercise area of at least 2.46 sq m (26 sq ft) for dogs up to 24 inches high at the shoulder, or 36 sq ft for larger dogs, which is separate from the bedding area and exclusive to that kennel, for free use by the dog at all times except at night.
- 16.4 Kennels must have a minimum height of 1.8m (6ft) to facilitate adequate access by kennel staff for cleaning.
- 16.5 Kennels and exercise areas must open onto secure corridors or other secure areas so that dogs are not able to escape from the premises.
- 16.6 Exercise areas must not be used as bedding area.

## **17. Management**

### **Training**

- 17.1 A written training policy must be provided. Systematic training of staff must be demonstrated to have been carried out.

### **Temperature in kennels**

- 17.2 Heating facilities must be available in the kennel and used according to the requirements of the individual dog.
- 17.3 There must be some part of the dog's sleeping areas where the dog is able to enjoy a temperature of at least 10°C (50°F).
- 17.4 In isolation kennels, there should be a means of maintaining the temperature at a level suitable for the conditions of the dog and dependent on veterinary advice.

### **Cleanliness**

- 17.5 All kennels, corridors, common areas, kitchens, etc. must be kept clean and free from accumulations of dirt and dust and must be kept in such a manner as to be conducive to maintenance of disease control and dog comfort.
- 17.6 Each occupied kennel must be cleansed daily. All excreta and soiled material must be removed from all areas used by dogs at least daily and more often if necessary.
- 17.7 All bedding areas must be kept clean and dry.
- 17.8 Each kennel must be thoroughly cleansed and disinfected and dried upon vacation. All fittings and bedding must also be thoroughly cleansed and disinfected at that time.

17.9 Facilities must be provided for the proper reception, storage and disposal of all waste. Particular care should be taken to segregate clinical waste arising from the treatment and handling of dogs with infectious diseases. The final disposal route for all such waste must be incineration.

17.10 Measures must be taken to minimise the risks from rodents, insects and other pests within the establishment.

#### **Food and water supplies**

17.11 All dogs must be adequately supplied with suitable food. Wholesome water must be available at all times and changed daily.

17.12 Eating and drinking vessels must be capable of being easily cleansed and disinfected to prevent cross-contamination. They must be maintained in a clean condition.

17.13 Eating vessels must be cleansed after each meal.

17.14 Drinking vessels must be cleansed at least once a day.

#### **Kitchen facilities**

17.15 Exclusive facilities, hygienically constructed and maintained, must be provided for the storage and preparation of food for the dogs.

17.16 Where fresh and cooked meats are stored, refrigeration facilities must be provided, and potential food contamination must be avoided.

17.17 A sink with hot and cold water must be provided for the washing of food equipment and eating and drinking vessels. A separate wash-hand basin with hot and cold water must also be provided for staff use.

17.18 Containers must be provided for the storage of foods and shall be so constructed and kept in such good order, repair and condition as to be proof against insects and other pests.

#### **Disease control and vaccination**

17.19 Adequate precautions must be taken to prevent and control the spread of infectious and contagious disease and parasites amongst the dogs, staff and visitors.

17.20 Proof must be provided that dogs boarded or resident 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 manufacturers' instructions. A record that this proof has been supplied must be kept on site throughout the period that the dog is boarded.

17.21 Advice from a veterinary surgeon must be sought in case of signs of disease, injury or illness. Where any dog is sick or injured any instructions for its treatment which have been given by a veterinary surgeon must be strictly followed.

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

17.23 A suitable range of muzzles of varying sizes and a suitable dog catching device, must be kept on site.

### **Isolation**

17.24 Isolation facilities must be provided.

17.25 In existing facilities these isolation facilities must be in compliance with the other boarding requirements but must be separate and physically isolated from the main kennels. This must be approximately 5m (15ft).

17.26 Adequate facilities to prevent the spread of infectious disease between the isolation and other kennels, must be provided.

17.27 Hands must be washed after leaving the isolation facilities before visiting the other kennels.

### **Register**

17.28 A register must be kept of all dogs boarded. The information kept must include the following:

(A) date of arrival

(B) name of dog, any identification system such as microchip, number or tattoo

(C) description, breed, age and gender of dog

(D) name, address and telephone number of owner or keeper

(E) name, address and telephone number of contact person whilst boarded

(F) name, address and telephone number of dog's veterinary surgeon

(G) anticipated and actual date of departure

(H) health, welfare and nutrition requirements

17.29 The register must be kept readily available for a minimum of 24 months and kept in such a manner as to allow an authorised officer easy access to such information.

17.30 Where records are computerised, a back-up copy must be kept. The register must also be available to key members of staff of the establishment at all times.

### **Identification of kennels**

17.31 Each kennel must be clearly marked (e.g. numbered), and a system in place which ensures that relevant information about the dog in that kennel is readily available.

### **Supervision**

17.32 A fit and proper person must always be present to exercise supervision and deal with emergencies whenever dogs are boarded at the premises.

17.33 Dogs must be visited at regular intervals, as necessary for their health, safety and welfare.

### **Fire precautions**

17.34 Appropriate steps must be taken for the protection of the dogs in case of fire or other emergencies.

17.35 A proper emergency evacuation plan and fire warning procedure must be drawn up and posted on the premises. This must include instructions where dogs are to be evacuated to in the event of a fire or other emergency.

17.36 Fire fighting equipment must be provided in accordance with advice given by the Fire Prevention Officer.

17.37 All electrical installations must not be sited in a location or manner where they may present a risk of fire, or risk to dogs.

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

17.39 There must be adequate means of raising an alarm in the event of fire or other.

## **18. Authorised Inspection Visits**

18.1 The licence holder or any person in charge of the premises must permit any inspector or Veterinary Surgeon or Veterinary Practitioner duly authorised by the Council to enter the premises at all reasonable times and inspect them and any horses found thereon or anything therein for the purpose of ascertaining whether an offence has been or is being committed under the licence or the Animal Boarding Establishments Act 1963







THE LONDON BOROUGH  
www.bromley.gov.uk

APPENDIX 7

## **Breeding & Sale of Dogs Acts 1973 & 1991**

## **Breeding & Sale of Dogs (Welfare) Act 1999**

# **BREEDING ESTABLISHMENT LICENCE CONDITIONS**

London Borough of Bromley  
Public Protection  
Civic Centre  
Stockwell Close  
Bromley  
Kent  
BR1 3UH

Approved General Purposes and Licensing Committee on 27 September 2010

The keeping of dogs for breeding is controlled by the above mentioned acts.

No person may keep an animal breeding establishment without first obtaining a licence from the Local Authority.

### **Definition**

The keeping of a breeding establishment is taken to mean that under the Act the carrying on by any person at premises (including a private dwelling) a business of breeding dogs with a view to selling them (whether by him or any other person).

A person whose bitches give birth to 5 or more litters in any period of 12 months shall be presumed to be carrying on a dog breeding business.

Those breeders whose rate of litter production brings them within the above definition will therefore have to be licensed, without us, as the local authority having to make additional steps to satisfy ourselves that a business is being carried on. However, there may be exceptions that there will be some breeders producing fewer than 5 litters a year who will still need to be licensed.

- (a) A person keeps a bitch at any premises at any time during any period of twelve months; and
- (b) The bitch gives birth to a litter of puppies at any time during that period; he shall be treated as carrying on a business of breeding dogs for sale at the premises throughout the period if a total of four or more other litters are born during the period to bitches falling within the following section.

The bitches are:-

- (a) The bitch or any other bitches kept by the person at the premises at any time during the period.
- (b) Any bitches kept by any relative of his at the premises at any such time.
- (c) Any bitches kept by him elsewhere at any such time; and
- (d) Any bitches kept (anywhere) by any person at any such time under a breeding arrangement made with him.

### **Exemption**

If the person shows that none of the puppies born to bitches was in fact sold during the period (whether by him or any other person) no licence will be required.

However, it should be noted that the legislation was not intended to apply to hobby breeders but the "litter test" will in practice define that most dog breeding businesses will need to be licensed.

## **Disqualifications**

The Council on application being made can grant a licence to any person who is not for the time being disqualified under the following legislation:-

1. under the Breeding of Dogs Act 1973.
2. under the Pet Animals Act 1951.
3. under the Protection of Animals (Cruelty to Dogs) Act 1933.
4. under the Protection of Animals (Cruelty to Dogs) (Scotland) Act 1934.
5. under the Protection of Animals (amendment) Act 1954.
6. under the Animals Boarding Establishments Act 1963.

## **Licence Conditions**

### **1. Accommodation**

- 1.1 Dogs will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, lighting, ventilation and cleanliness.

#### **Walls and partitions**

- 1.2 The walls which the dogs come into contact with should be smooth, impervious and easily cleaned.
- 1.3 Concrete, brick or other building blocks should be sealed so as to be smooth and impervious as necessary.
- 1.4 Junctions between vertical and horizontal sections should be coved and sealed.

#### **Floors**

- 1.5 Floors should be made smooth, impervious and capable of easily being cleaned.
- 1.6 Drainage channels should be in place to prevent pooling of liquid.

#### **Doors**

- 1.7 Kennel doors should be secure to prevent escape of the animal. Doors should be free from hazards likely to cause injury.

### **Windows**

- 1.8 All windows should be secure to prevent escape of the animal. Appropriate materials should be used to cover glass windows to prevent accidental damage that may cause injury.

### **Lighting**

- 1.9 Light should be provided during daylight hours to all exercise and sleeping areas.
- 1.10 The light shall be natural.
- 1.11 There should be a working low-level light in place to allow for adequate rest periods.

### **Ventilation**

- 1.12 Interior areas should be ventilated to create free flow of air, whilst avoiding unnecessary removal of heat.
- 1.13 Sleeping areas should be free from excessive draughts.
- 1.14 Bedding should allow the dog protection against draughts.

### **Kennel size, layout and exercise facilities**

- 1.15 The dog should be able to lie down, turn around and stand comfortably in the sleep area with the door open. Special consideration should be given to whelping bitches, and should be large enough for both the bitch and puppies.
- 1.16 The bedding should be maintained in a clean state, sanitised and away from draughts.
- 1.17 The exercise area should be separated from the sleeping area.
- 1.18 The exercise area should have shelter from adverse weather conditions.
- 1.19 Half the exercise area should be roofed with material capable of providing shade.
- 1.20 Kennels and exercise areas should open onto secure corridors.
- 1.21 Kennels should have a minimum height of 1.8m (6 ft) to allow adequate access by kennel staff for cleaning.

### **Temperature in kennels**

- 1.22 The kennels should have heating facilities and be maintained at an appropriate temperature.
- 1.23 There should be a thermometer in the sleeping areas.

- 1.24 A record should be maintained to monitor temperature levels.

### **Cleanliness**

- 1.25 All kennels, corridors, common areas, kitchens, exercise areas and other areas associated with the kennels should be free from accumulation of dirt and dust.
- 1.26 Kennels should be cleaned and sanitised on a daily basis and allowed to dry.
- 1.27 Sleeping areas and bedding should be clean and dry.
- 1.28 All accommodation should be cleaned on a daily basis or as necessary to maintain hygienic standards. Disinfectant used must be animal safe.
- 1.29 Facilities should be provided for proper reception, storage and disposal of waste.
- 1.30 Adequate measures should be taken to prevent access from rodents, insects and other pests.
- 1.31 Staff should be trained in disinfection and hygiene of kennels and equipment.

## **2. Management**

- 2.1 Dogs will be adequately supplied with suitable food, drink, bedding material, adequately exercised and visited at suitable intervals.

### **Supervision**

- 2.2 There should be a competent person present to deal with emergencies.
- 2.3 The dogs should be checked at least every four hours throughout the day.
- 2.4 There should be enough staff available to carry out the above tasks (consideration must be given to the number of dogs).

**Recommended numbers of staff:-** One member of staff for 10 dogs (not whelping or nursing) & One member of staff for every 5 dogs (nursing or whelping).

### **Food and water supplies**

- 2.5 Refer to veterinary guidelines on quantities in relation to an individual dog's dietary needs depend on its age, lifestyle, breed and its state of health.
- 2.6 Clean fresh water must be provided at all times.
- 2.7 Food and water vessels must be kept clean and sanitised with pet safe products.

## **3. Disease control, vaccination and worming.**

- 3.1 All reasonable precautions will be taken to prevent and control the spread among dogs of infections or contagious diseases.
- 3.2 All dogs to be vaccinated by an RCVS registered Veterinary Surgeon.
- 3.3 All vaccination cards, signed by the Veterinary Surgeon, must be completed for all dogs.
- 3.4 All dogs must receive regular worming.
- 3.5 All puppies must be wormed at two, four and six weeks of age.
- 3.6 Precautions must be taken to prevent and treat fleas, lice, ticks, mange mites and ringworm.

#### **First aid kit for dogs**

- 3.7 There should be a fully maintained first aid kit for dogs.
- 3.8 All staff members should be trained to use the first aid equipment.

#### **Isolation facilities**

- 3.9 An isolation facility must have been installed and be physically isolated from the main kennels at a distance of at least five metres. The isolation facility must be used where the presence of infectious disease is suspected or known.
- 3.10 Protective clothing must be used (only in the isolation facility)
- 3.11 Members of staff must be trained to use protective equipment.
- 3.12 A management regime should be followed where an isolation case is being handled. As well as giving consideration to the optimal cleansing and disinfection procedures, the management regime should also give consideration to the social needs of isolated puppies.
- 3.13 The isolation facility needs to hold 10% of the breeding stock.

#### **4. Emergency/Fire prevention**

- 4.1 Suitable emergency precautions and written procedures shall exist and be made known to all staff including arrangements for evacuation of dogs.
- 4.2 There should be an emergency evacuation plan which all staff should be trained to follow.
- 4.3 All entrances and exits shall be kept free from obstruction at all times.
- 4.4 Fire extinguishers must be provided and sited as approved by the London Fire and Emergency Planning Authority.

- 4.5 All fire-fighting equipment should be maintained in good working order and serviced at least once every 12 months by a competent person.
- 4.6 A list of key holders must be lodged with the local police and fire brigade.
- 4.7 In emergency telephone number must be displayed in a prominent position at the front of the kennels.
- 4.8 In the interests of animal welfare the following notice must be displayed in a prominent position at the front of the premises.

**“ In case of emergency telephone 999” Please give the following details to the Emergency Services:- Address, name of key holder, owner, nature of site (i.e. location of Kennels) and the nature of the emergency.**

## **5. Transportation**

- 5.1 The licensee must make every effort to ensure that all dogs are transported in a suitable manner.
- 5.2 Any dogs received or consigned shall be transported according to the regulations currently in force.
- 5.3 Purchasers of dogs/puppies which are transporting the animals for long distances must have adequate water, food and ventilation available for the animal's welfare during transit. The seller shall provide suitable pet care advice leaflet on this subject.

## **6. Health & welfare of the breeding bitch**

- 6.1 All bitches shall be over one year old before being mated.

### **Maximum number of litters**

- 6.2 All bitches must have no more than six litters.
- 6.3 Accurate records must be kept of the number of litters per bitch.
- 6.4 Bitches that have passed their breeding capacity should be neutered.

### **12 months between litters**

- 6.5 There must be a 12-month period left between litters for all bitches, beginning with the day on which they last gave birth.
- 6.6 Accurate records must be kept to record the number of litters per bitch.

## **Record keeping**

- 6.7 There should be accurate records for each breeding bitch.
- 6.8 The records should show the oestrus dates.
- 6.9 There should be accurate records for breeding arrangements.
- 6.10 There should be accurate whelping records including litter details.
- 6.11 There should be accurate vaccination and worming records for individually identified puppies and dogs.
- 6.12 Records of feeding/exercise regimes should be set up.
- 6.13 Records of the temperature in rest areas should be kept.
- 6.14 Accurate records of isolation cases and their management should be kept.
- 6.15 There should be accurate records of vehicle details used for the transportation of puppies/dogs and journey times and competent driver details.

## **7. Duty of care**

- 7.1 The Animal Welfare Act 2006 requires anyone who is responsible for an animal to do what is reasonable to meet an animal's needs. This applies to a dog breeder or trader in the same way as it does to a pet owner.

Under section 9 of the Animal Welfare Act 2006, it states:-

- (a) A person commits an offence if he does not take steps as are reasonable in all circumstances to ensure that the needs of an animal for which he is responsible are met to the extent required by good practice.
- (b) For the purpose of this act, an animal's needs shall be taken to include its need for a suitable diet, suitable environment, be able to exhibit normal behaviour patterns, to be housed with or apart from other animals' and to be protected from pain, suffering, injury and disease.

## **8. Authorised Inspection Visits**

8.1 The licence holder or any person in charge of the premises must permit any inspector or Veterinary Surgeon or Veterinary Practitioner duly authorised by the Council to enter the Riding Establishment premises at all reasonable times and inspect them and any horses found thereon or anything therein for the purpose of ascertaining whether an offence has been or is being committed under the licence or the Breeding & Sale of Dogs Acts 1973 & 1991 & Breeding & Sale of Dogs (Welfare) Act 1999.



**For further help and guidance information, you can call the London Borough of Bromley, Licensing Team on 020 8313-4218 or**

Local Government Association,  
Local Government House,  
Smith Square,  
London,  
SW1P 3HZ,  
Tel 020 7664 3131.

The British Veterinary Association  
7 Mansfield Street  
London W1M 0A7  
Tel. No. 020-7636-6541

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