



REGISTRATION AND LICENSING COMMITTEE

2.00 PM - MONDAY, 7 SEPTEMBER 2015

PORT TALBOT CIVIC CENTRE - COMMITTEE ROOM 1/2

PART 1

1. To receive any declarations of interest from Members.

Report of the Head of Legal Services.

2. Explosives Regulation 2014 (*Pages 5 - 8*)
3. The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 - Welsh Local Authority Licence Conditions (*Pages 9 - 30*)
4. Application for Grant of a Street Trading Consent - Pontneathvaughan (*Pages 31 - 36*)
5. Any urgent items at the discretion of the Chairman pursuant to Section 100B(4)(b) of the Local Government Act 1972.
6. Access to Meetings - to resolve to exclude the public for the following item pursuant to Section 100A (4) and (5) of the Local Government Act 1972 and Exempt Paragraph 12 of Schedule 12A to the above Act.

PART 2

Private Report of the Head of Legal Services (enclosed).

7. Application for a Hackney Carriage / Private Hire Licensing - Case 1 (*Pages 37 - 40*)

S.Phillips
Chief Executive

Civic Centre
Port Talbot

Tuesday, 1 September 2015

Committee Membership:

Chairman: **Councillor H.G.Rawlings**

Vice Chairman: **Councillor H.M.Bebell**

Members: Councillors J.R.Bryant, J.S.Evans, R.James,
A.Jenkins, Mrs.D.Jones, E.E.Jones, J.Miller,
C.Morgan, Ms.C.Morgans, D.M.Peters, J.Warman,
D.Whitelock and Mrs.A.Wingrave

c.c. Superintendent of Police, Neath
Chief Fire Officer, Neath

FINANCE AND CORPORATE SERVICES

REPORT OF THE HEAD OF LEGAL SERVICES – D. MICHAEL

7th September 2015

SECTION A - MATTER FOR DECISION

WARDS AFFECTED: All

1. Explosives Regulations 2014

2. Purpose of Report

To inform members of changes to legislation in respect of the storage of explosives, following the introduction of the Explosives Regulations 2014 and to consider the delegation of powers to officers.

3. Background

The Manufacture of Explosive Regulations 2010 was a system of registration and licensing for the storage of explosives; local authorities' responsibility under the regulations was primarily concerned with firework storage.

The Explosive Regulations 2014 was introduced on the 1st October 2014 which consolidates and therefore revokes a number of explosive regulations including the Manufacture and Storage of Explosives Regulations 2010.

The main changes to the regulatory framework in respect of fireworks is merging registrations into the licensing system and allowing local authorities to issue licences for up to 5 years, aligning them with equivalent HSE / Police-issued licences.

All explosive licences have previously been issued for up to a maximum of 1 year and are all aligned to expire on the 30th September. It is proposed that due to the high level of risk posed by the unsafe storage of explosives that the Council continue to issue 1 year licences, with the duration adjusted where necessary in order for all licences to continue to expire on the 30th September.

4. Delegated Authority

Delegated Authority has already been provided to the Registration and Licensing Committee to deal with matters under Part 1 of the Health and Safety at Work etc. Act 1974 under which the Explosive Regulations 2014 are made, therefore it is not necessary for full Council to delegate new powers to this Committee.

The Registration and Licensing Committee have further delegated authority to officers for the registration of premises to store explosives; it is proposed that this be amended to reflect the changes introduced by the Explosive Regulations 2014. The amended delegated authority is shown in the recommendation below.

5. Recommendation

That the Director of Finance, Head of Legal Services and the Licensing Manager be provided with delegated authority to issue annual explosive licences under the Explosive Regulations 2014 subject to the following: -

- (1) All new licence applications that are premises based to be notified to local members
- (2) Consultation on licence applications to be sought in accordance with legal or policy requirements
- (3) That there are no objections to the application
- (4) All licences to expire on the 30th September

6. Background Papers

Explosive Regulations 2014

7. Officer Contact

Neil Chapple
Licensing Manager
Tel. (01639) 763056
Email: n.chapple@npt.gov.uk

8. Wards Affeted

All

This page is intentionally left blank

FINANCE AND CORPORATE SERVICES

REPORT OF THE HEAD OF LEGAL SERVICES – D. MICHAEL

7th September 2015

SECTION A - MATTER FOR DECISION

WARDS AFFECTED: All

The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 – Welsh Local Authority Licence Conditions

1.0 Purpose of Report

To consider the adoption of 10 standard conditions for breeding of dogs Establishments following the end of the consultation period.

2.0 Background

A report proposing to adopt 10 standard conditions for premises licensed for the breeding of dogs under the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 was considered by members in June 2015. Members determined to carry out a consultation exercise with interested parties.

The regulations specify 9 mandatory conditions that must be attached to all licences granted for breeding of dogs. The additional 10 conditions have been agreed by the Welsh Animal Health and Welfare Expert Panel in order to provide clarity and consistency across Wales. These conditions are attached at appendix 1.

3.0 Consultation

The consultation was carried out for 6 weeks between June and July and included all existing licensed dog breeders, The PDSA, Dogs Trust, RSPCA and various local Veterinary Surgeries / Groups.

One response was received in respect of the consultation from the RSPCA. The response from RSPCA is a detailed response and in general seeks to clarify and extend the scope of the conditions.

The response is attached at appendix 2.

It is proposed that the recommendations proposed by the RSPCA be referred to the All Wales Animal Welfare Expert Panel to consider whether any amendments should be made to the agreed conditions.

It is further proposed that the set of conditions agreed by the Welsh Animal Health and Welfare Expert Panel be adopted without amendment to provide consistency across Wales and in order to proceed with issuing licences for breeding of dogs establishments.

Should the Animal Health and Welfare Expert Panel determine in due course that amendments be made to the conditions, then a further report will be provided to members.

4.0 Recommendation

1. That the set of 10 conditions agreed by the Welsh Animal Health and Welfare Expert Panel be adopted as standard conditions to be attached to all dog breeding licences issued under the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014.
2. That the consultation response received from the RSPCA be referred to the Welsh Animal Health and Welfare Expert Panel to consider whether any amendments should be made to the agreed conditions
3. That a further report be provided to members for consideration should the Welsh Animal Health and Welfare Expert Panel determine to make amendments to the agreed conditions.

5.0 Background papers

The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014.

Dog Breeding Establishments Welsh Ministers Guidance to Local Authorities.

6.0 Officer Contact

Neil Chapple
Licensing Manager
Tel. (01639) 763056
Email: n.chapple@npt.gov.uk

7.0 Wards Affected

All

Regulation 8 (3) - Welsh Local Authority Licensing Conditions

Condition 10 – Size of Quarters

The following are the minimum size requirements for :

Small Size Dogs

No. dogs	Free access to exercise	Limited access to exercise
1	2.5 sq m	4.5 sq m
2	2.5 sq m	4.5 sq m
3	4.5 sq m	6.5 sq m
4	6.0 sq m	8.5 sq m

Medium Size Dogs

No. dogs	Free access to exercise	Limited access to exercise
1	2.5 sq m	4.5 sq m
2	4.5 sq m	6.5 sq m
3	6.0 sq m	8.5 sq m

Large Size Dogs

No. dogs	Free access to exercise	Limited access to exercise
1	4.5 sq m	6.5 sq m
2	6.0 sq m	8.5 sq m

Guidance:

Size of dogs: *Small – Pugs, Bichon Frise, Terriers*
 Medium – Spaniels, Bearded Collie, Beagle
 Large – Labrador, Boxer

- *Free access to exercise means the dogs have unrestricted daily access to exercise area.*
- *Limited access to exercise means the dogs have restricted access to an exercise area.*
- *The kennel should be sufficiently large to allow each dog to be able to walk, turn around and wag its tail without touching the sides of the kennel, to play, to stand on its hind limbs and to lie down without touching another individual.*
- *When the animal/s is in the kennel there should be sufficient space for the door to open fully.*
- *Bitches with litters should be provided with double this space allowance.*

Condition 11 – Whelping Facilities

- (a) All bitches must be provided with a designated area or kennel prior to whelping, with a suitable whelping box/bed.
- (b) Heating facilities must be adequate, secure and safe and capable of providing the range of temperatures, suitable for both pups and bitch.
- (c) An area must be provided where a bitch can rest away from her pups.

Guidance;

- *Bitches should generally be housed with other dogs in a pair or group, but should be individually housed for a few days prior to whelping. However, they should continue to have sight, sound and smell of other familiar bitches and daily contact with humans.*
- *The whelping area/kennel should cater for the maximum number of puppies taking account of breed size and litter size. To avoid crushing puppies, crush bars can be useful.*
- *From approximately 3 days after parturition, bitches should be given short periods of exercise away from their litter.*
- *Bitches due to whelp should be inspected regularly.*
- *When in labour, bitches should be closely monitored and if any signs of difficulty are shown, a vet should be contacted as a matter of urgency. Contact details for veterinary support should be readily available.*

Condition 12 – Supervision

- (a) Where the Licensee is absent for some time then supervision of the premises must be by a suitable and competent person of least 16 years of age.
- (b) Those that supervise must have a thorough and detailed knowledge of the licensing conditions and comply with them at all times.
- (c) The Licensee must live in close proximity to the licensed premises, so as to be able to attend promptly at all times.
- (d) Dogs must be visited at regular intervals, as necessary to ensure their health, safety and welfare and prevent any unnecessary suffering.
- (e) Regular intervals must be a minimum of 3 times per day.

Guidance;

- *Anyone supervising the dogs, need to have sufficient knowledge and experience to be able to handle the dogs correctly and safely. They must also be able to recognise if a dog's behaviour suggests there is a problem and act appropriately.*
- *All breeders and staff should have access to and be familiar with the Code of Practice for the Welfare of Dogs and all other relevant legislation.*
- *They should have a sound working knowledge of dog breeding and be aware of good practice and trait(s) of the breed(s) in their establishment.*

Condition 13 – Health Status of dogs

- (a) There must be a daily physical inspection of every animal to check for any signs of illness, injury or distress.
- (b) Stud dogs and breeding bitches must be physically and behaviourally sound.
- (c) Any breeding stock which appears to the licensing inspector to exhibit unsound hereditary or behavioural characteristics may be required to be verified as sound by the Licensee's veterinary surgeon.
Advice from a veterinary surgeon must be sought without delay where a dog shows signs of disease, injury, illness or behavioural disorder and recorded in the dog's logbook and be available to potential purchasers.

Guidance:

- *Any breeding stock that show signs of fear or anxiety do not normally make a good parents.*
- *Puppies should be the product of healthy, sociable and environmentally competent parents.*

Condition 14 - Dog Identification

- (a) Breeding bitches and stud dogs must be micro chipped by a suitably competent person and registered on a recognised national database.
- (b) The Licensee must complete a Breeding Bitch Record and a Puppy Log Book in the format detailed in the Welsh Minister's Guidance or in another format that replicates this information.
- (c) After the dogs have left the licensed premises, records must be kept for a minimum of 24 months and must be available on demand to authorised officers.

Guidance:

- *Please refer to the Welsh Ministers Guidance Schedule 1 for an example of a Breeding Bitch Record.*
- *Please refer to the Welsh Ministers Guidance Schedule 2 for an example of a Puppy Log Book.*

Condition 15 - Responsible Breeding

- (a) Any breeding stock which proves to exhibit unsound hereditary or behavioural characteristics must not be bred from.
- (b) When intentionally breeding crossbreds, breeders must have due regard to the breeds' compatibility for ease of whelping and to produce healthy puppies.

Guidance;

- Licensees should be familiar with the health screening tests available to their chosen breeds, in consultation with their own Veterinary Surgeon.
- Cross breeds are defined as offspring of any two or more recognised breeds of dogs.
- Breeding closely related animals should be carefully considered.
- Close breeding examples include mating between brother and sister, father and daughter, mother and son, grandparent and grandchild or half brother or sisters.

Condition 16 - Strategy for the retirement of breeding bitches and stud dogs.

- (a) All retired breeding bitches and stud dogs being kept within the licensed premises will still be included on the licence.
- (b) Breeders must have a plan for dealing with retired dogs.

Guidance;

Breeders should plan for the retirement of their breeding dogs. Should retirement involve re-homing to a domestic environment dogs must be exposed, during their working lives, to a programme of stimulation designed to maintain their socialisation with humans and their competency with the domestic environment.

Condition 17 - Material change to / at the Licensed premises

The Licensee must inform the licensing authority before making any material change to / at the licensed premises.

Guidance;

A "material change" may include such things as building new kennels; significantly increasing the number of dogs, reduction in staff at the kennels etc

Condition 18 - Health Annual Check

- (a) The licensing authority requires the Licensee to have all stud dogs and breeding bitches checked by a veterinary surgeon each year. The veterinary surgeon will compile a written Health and Welfare Report which details the dogs he inspected.
- (b) The Report will detail the health and welfare of the dogs and will state whether the dogs are fit to be used in the breeding establishment. This Report will be supplied to the Licence authority at the time of the Licence application.

- (c) The licensing authority will not accept an assessment of the dogs made by a veterinary surgeon for the Health and Welfare Report if the assessment has taken place more than 3 months prior to the date of the commencement of the Licence.
- (d) Where the veterinary surgeon has made recommendations in the report these will be considered as being mandatory requirements where they may affect the dogs health, welfare or safety.

Condition 19 - Plan for a Licensed premises and displaying Licence

- (a) The Licensee must submit a suitable plan showing the outline of the buildings, kennel layout, exercise yard and any other construction relevant to the Licensed premises.
- (b) The current Licence must be displayed on the premises.

Guidance;

This outlined plan may be hand drawn but must be in a rough scale to other buildings. All outlines must be identified on the plan. The plan must have the name of the premises written on it, the date and the name of the person who has drawn it.



ConsultationResponse

FROM THE RSPCA IN WALES

Neath Port Talbot County Borough Council Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 – Welsh Local Authority Licence Conditions July 2015

RSPCA Cymru is very grateful to have the opportunity to respond to Neath Port Talbot Council's consultation concerning Welsh Local Authority Licence Conditions, further to the coming into force of the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014.

The issue of dog breeding has long been a primary concern for RSPCA Cymru – and the scale of dog breeding across Wales, particularly in west Wales, is significant.

As such, though not perfect, we warmly welcomed the new Regulations coming into force in April 2015, and hope robust enforcement at a local government level can help improve standards and welfare at breeding establishments across the country.

RSPCA Cymru is acutely aware of the resource issues faced by Local Authorities. We continue to raise with Welsh Government, Assembly Members and other stakeholders the necessity for Councils to feel fully equipped to implement these new laws including through the provision of necessary training and resources.

We pride ourselves on our strong working relationship with Local Authorities across Wales, and look forward to continuing to work with Councils in the hope that the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 realise their potential in improving dog and puppy welfare. Indeed, whilst, NPT CBC is the first Local Authority to have consulted us in relation to licence conditions, we will seize this opportunity to share this response with each of Wales' 22 Councils.

Generally, RSPCA Cymru broadly welcomes the development of these ten additional, all-Wales Licence Conditions. Local Authorities have discretion to "*attach further conditions to a licence as it considers necessary*", and in doing so, and taking advice contained within Welsh Government Guidance, NPT Council and other Councils across Wales are strengthening the regulatory framework surrounding the licensing of dog breeding establishments.

As we have stated both during our deliberations as part of the Welsh Government's Task & Finish Group on the issue and in our first two consultation responses, all material submitted by RSPCA Cymru regarding the breeding of dogs should be read in conjunction with the results of the workshop of experts – of veterinary medicine, dog behaviour and welfare – which we convened. Indeed, as many of the conditions are based on the Guidance document, we also wish to draw the attention of the Local Authority to RSPCA Cymru's [previous comments](#) in relation to this Guidance.

CONDITION 1 – SIZE OF QUARTERS

- There is some additional information contained within Welsh Government Guidance which we would welcome, for enforcement reasons, to be included on the face of these new licence conditions; e.g. the stipulation that “kennels should be divided into sleeping and activity areas.”
 - Certain welfare outcomes are essential when deciding the size of quarters, or crate, that is suitable for a dog. It is thus welcome the proposals include an emphasis on the ability of a dog to walk, turn around, wag its tail, play, stand on its hind limbs and lie down without touching another individual.
 - Whilst it is positive that the Licensing Conditions include welfare outputs which are important in helping to ensure that a dog's needs are being met and it can perform a range of natural behaviours in a given situation, it should be clarified that the sleeping areas should be large enough “such that dogs can stand, turn around, stretch and lie down flat in a natural position, with sufficient space for the door to open fully.” i.e it's important that the sleeping area is large enough to do this rather than the kennel as a whole.
- It is unclear to what level the Local Authority will routinely consider or enforce the 'Guidance' referred to within the Licensing Conditions document, and we would welcome clarification as to this point. However, we would encourage the final three points of Guidance for Condition 1 to be included as part of the condition rather than Guidance.
- Additional information in relation to the size of quarters within dog breeding establishments can be found within [RSPCA Cymru's 2012 consultation response](#) to the then draft regulations.
- The Chartered Institute of Environmental Health's [mandatory licensing conditions](#) for dog breeding establishments refer to the Council of Europe Guidelines (see our previous consultation responses) as Guidance for dog breeders – they state no minimum size, only welfare outputs plus the CoE Guidelines as Guidance. The CoE Guidelines are larger than these proposed conditions so would strongly suggest (as per previous responses) that the proposed ones are changed to be inline with the larger sizes.

Whether or not a crate is appropriate to place more than one dog inside will be dependent upon the individual dogs' behaviour. There should always be enough resources e.g. bedding, toys, for each dog.

A proposal is included to double the size of quarters for bitches with litters. However, a size of a litter can vary greatly and, thus, such an arbitrary calculation may be inappropriate. In a similar vein, whilst we fully appreciate recommending minimum kennel sizes can be

beneficial, this can also create problems. Equally, whilst categorising different breeds of dog as certain sizes can save time, this is far from a flawless indicator.

CONDITION 2 – WHELPING FACILITIES

NPT Council's clear acknowledgement that all bitches must be provided with a designated area/kennel prior to whelping, with a suitable whelping box/bed, is hugely important; as is the acknowledgement that heating facilities must be both adequate and secure.

As noted, it is important bitches should be individually housed from a few days prior to whelping, but that they should have daily human contact to ensure that their social needs are still being met whilst being housed individually.

It is also welcome the proposed conditions acknowledge the importance of heating facilities. As puppies have limited thermoregulatory control in the first ten days or so of life, additional local heating should be provided within the designated whelping area at this time.

It is noted that bitches due to whelp should be inspected regularly. Indeed, bitches due to whelp within 24 hours should be inspected either in person or via a video link at least every four hours until all puppies have been born and checked. Regular monitoring of body temperature can help to guide when to expect whelping to begin as this frequently drops to below 100°F 24 hours beforehand. Further Guidance is needed with regards to when breeders should seek veterinary advice for a pregnant bitch or a bitch in labour.

Generally, it should be remembered that ensuring the welfare of seized dogs in a kennel environment not only benefits the individual dogs and kennel staff, but can also, potentially, save money for establishments as less is spent on veterinary treatment etc. As such, good welfare can also make good business sense. The RSPCA's expert workshop identified several key requirements in 2010 that further ensure the health and welfare of the bitch and puppies during pregnancy and labour:

- If the bitch has a prolonged gestation of over 70 days and fails to show signs of labour, veterinary advice must be sought.
- When in labour, bitches should be closely monitored (continuously or at least every 30 mins) and if any signs of difficulty are shown, a vet should be contacted as a matter of urgency. Indicators that veterinary attention is required include:
 - there are visible signs of a puppy being lodged in the pelvic canal or known pelvic fractures;
 - a green discharge is present and there has been no puppy produced in the last two hours;
 - Three hours has elapsed since the birth of the last puppy;
 - the bitch is in crying, unwell herself or in severe pain;
 - the whelping continues past 24 hours;
 - there is an abnormal discharge such as severe bleeding or a foul odour.

We strongly support the included condition that short periods of exercise should be provided from three days post-whelping, however would recommend including the Guidance that this should be gradually increased thereafter.

Further Guidance with regards to the care of pregnant and whelping bitches would be welcomed, to ensure that the health and welfare of them and their puppies is protected during this critical period. For example, pregnant bitches must not be transported within 10 days of their expected whelping date, unless agreed by a veterinary surgeon, and bitches should not be transported within the 48 hours of giving birth. Puppies should never be transported before eight weeks of age without their dam. Further recommendations can be found in RSPCA Cymru responses to the [2010](#) and [2012](#) consultations¹.

CONDITION 3 – SUPERVISION

RSPCA Cymru strongly support the proposals within this Condition that all breeders and staff should have access to and be familiar with the Welsh Government's [Code of Practice](#) for the Welfare of Dogs. Making this a Condition rather than Guidance would further emphasise the importance of all those with the responsibility for caring for dogs having knowledge of this Code and relevant legislation.

Whilst it is welcomed that requirements relating to supervision have been included in these Conditions, RSPCA Cymru would question the wording of Condition 3(a). How long is "*for some time*"? This suggests that there may be a period of time when neither the Licensee or another "suitable and competent person of at least 16 years of age" would be available to supervise; which is extremely concerning. Indeed, the CIEH MLCs state that: "A fit and proper person must always be present to exercise supervision and deal with emergencies."

The staff-to-dog ratio implemented by the Local Authority will clearly have an impact on the ability of thorough supervision, as the provision of adequate staff time is key in meeting the respective needs of dogs and puppies based at a breeding establishment. It is recognised that a ratio provides very clear parameters to the licensing officer and it also ensures each Local Authority is enforcing equally to the same standard. However, as a minimum, it is essential that any ratio should be sufficient to ensure that adequately trained staff should be available every day to ensure that the welfare needs of the dogs at the establishment are met. For example, it should be taken into account that the needs of each animal will vary on an individual basis and cannot be accounted for in such a general way; each animal in a breeding establishment will have specific needs that require specific care. For example, bitches/litters will have different needs to a stud dog. In addition, there are certain circumstances where additional supervision may be required, e.g. groups of dogs should be supervised on first introduction (a minimum of one person per five dogs). Further issues in relation to supervision of dogs are covered under RSPCA Cymru's comments on Condition 2, related to whelping.

The first point of the Guidance under Condition 3, referring to the need for sufficient knowledge and experience, is unclear as to whether it refers to just the Supervisors, or whether "supervising the dogs" refers to anyone who will be caring for the dogs. It is important that anyone who will be caring for the dogs has sufficient knowledge and experience to be able to ensure the health and safety of themselves and others, and the health and welfare of the dogs. Licence holders are responsible for ensuring that they, or responsible members of staff, have adequate knowledge and skills to implement guidelines and ensure the well-being of dogs in their care. Where existing skills and knowledge are not

¹ RSPCA Cymru's submissions to the Welsh Government's consultation on the Breeding of Dogs in 2010 and 2012 can be found here: <http://politicalanimal.org.uk/topics/wales/puppybreeding/>

demonstrable, completion of a programme of training from an accredited education provider should be attained by the licensee and / or responsible member of staff.

CONDITION 4 – HEALTH STATUS OF DOGS

The proposed licence conditions refer to daily physical inspections of all animals; and daily monitoring of behavioural signs is imperative. Changes in behaviour, such as the occurrence of aggression, cowering, hiding, abnormal behaviours, or inactivity, should be recorded. Veterinary advice should be sought where significant or persistent changes in behaviour are noted.

Inactivity, or lack of interest in enrichment devices other dogs or people, should be noted and any physical or psychological causes investigated.

Abnormal behaviour such as self-mutilation, high levels of vocalisation and repetitive behaviour can be a sign that dogs are distressed. Possible causes for these signs in individual dogs should also be investigated, and the advice of a clinical behaviourist sought where necessary.

See also our comments on Condition 6 relating to responsible breeding.

CONDITION 5 – DOG IDENTIFICATION

The compulsory microchipping of dogs is anticipated to become a legal requirement in Wales in the spring of 2016.

RSPCA Cymru has long championed the compulsory microchipping of dogs as a positive step forward in relation to the identification of animals and welcomes this Condition. Under the new dog breeding regulations, licence holders must retain ownership and possession of a puppy until it is at least 56 days old. Additionally, it is anticipated that, under compulsory identification legislation expected in 2016, all dogs in Wales will need to be implanted with a microchip by this age. Positively, therefore, all dogs stemming from a breeding establishment in Wales should be traceable back to that establishment via their microchip.

We agree that the person carrying out the microchipping must be suitably competent, and would add that in order to be so they must also have had appropriate training to enable them to carry out the procedure effectively and minimising any pain or distress to the dogs and puppies.

RSPCA Cymru believes that all puppies, except those which are very small or underweight, should be microchipped by eight weeks of age and prior to homing. The Society does have concerns that for small or underweight puppies there may be an adverse impact upon their learning experience and future behaviour following a potentially painful experience. When very small or underweight puppies are considered unsuitable for microchipping, veterinary advice should be sought and reasons certified on the dog's records. The puppy should then be identified by other means (for example by a collar and tag) until it is of a sufficient size or weight to be microchipped. However, this would potentially create a loophole for breeders that are able to get a vet to certify that a puppy is too small and then go on to sell the puppy

without a microchip. Therefore, thought needs to be given as to how best to address this without creating any such loophole.

In addition, we would strongly recommend that prior to microchipping and from two weeks of age, puppies should be gently examined daily e.g. picking up, checking ears, handling feet etc. This was a recommendation of our workshop of experts in order to underpin the majority of the comments within our consultation responses during the development of the regulations. The document that was produced from the workshop, and, as noted, the three consultation responses can be found online at [PoliticalAnimal](#). Additionally, in May 2015, RSPCA Cymru's consultation concerning the compulsory microchipping of dogs can be found [here](#).

It should be noted that RSPCA Cymru is opposed to the use of tattoos as a form of identification; and that this alone would not meet the anticipated requirements of 2016 compulsory identification legislation.

Whilst RSPCA Cymru supports the requirement of records for breeding bitches and puppies, the Society believes that a record must be kept for every dog, including studs. This was mentioned in a draft version of the Guidance document but has since been removed. Although the RSPCA supports the requirement for record cards, we are concerned that the required information will be insufficient in protecting the welfare of all dogs. As such, the Society believes that it is important that further information should be recorded. In addition to identification information this would include, but is not limited to:

- more detailed information on the medical history of the puppy and its parents (for example, this includes information on any health screening results, veterinary health checks, veterinary treatments received)
- information on the behaviour of a puppy's parents
- information on the degree of relatedness of a puppy's parents and grandparents
- information on the number of previous puppies bred from the parents
- information on the husbandry and experiences of the puppy
- whether the puppy and its parents are pure-bred, pedigree or cross-bred. If pedigree and registered with the kennel club – registration number and registered name
- whether the puppy is covered by a breeder's insurance policy and details of the insurance company name, policy number and policy expiry date
- more detailed information on the medical history of the puppy and its parents (for example, this includes information on any health screening results, veterinary health checks, veterinary treatments received including vaccinations, worming, and operations e.g. whether the puppy has had its tail docked)
- information on common or serious inherited conditions in the parent's breed(s), or any exaggerated physical features that could be inherited by the puppy
- information on whether the puppy was born by caesarean-section;
- information on the degree of relatedness of a puppy's parents
- information on the number of previous puppies bred from the parents including the age of mother when she had her first litter, and how many caesarean-sections the mother has had
- information on the husbandry and experiences of the puppy including social contact with people, the environment the puppy has mainly been kept in
- information on the diet of the puppy

In addition the RSPCA and the BVA Animal Welfare Foundation have developed the concept of a puppy contract which includes a 'Puppy Information Pack' (PIP)² and aims to empower the ordinary puppy buyer to make an informed choice about the individual puppy they are considering buying. The PIP contains information on the puppy being sold and its parents and includes all of the above points. The contract, the terms of which remain the same for every sale, contain provisions that require the seller to have taken certain reasonable steps to ensure that the puppy is happy and healthy at the time of sale and others that require the buyer to take steps to ensure the puppy's continued health and happiness. By imposing legal obligations on both the seller and buyer, the contract gives real meaning to the puppy information pack and so should drive improvements in breeding practices, as well as helping to educate puppy buyers. We would be happy to share with the Welsh Government any information that could help improve the required details in the proposed log book which would also avoid duplication.

CONDITION 6 – RESPONSIBLE BREEDING

We strongly welcome the inclusion of this condition following its removal from the Welsh Government's earlier Guidance document.

However, we believe that some of the detail within the proposed Condition and accompanying Guidance points does not go far enough to protect the welfare of the dogs at breeding establishments and their future offspring. For example:

- Breeding closely related individuals first degree (such as brother and sister) or second degree (such as grandfather–granddaughter) must be avoided in order to reduce the rate of inbreeding and the associated risks to dog health. Although we do not believe it goes far enough, it should be noted that the Kennel Club has banned the mating of first degree relatives, so strengthening this Guidance would be inline with the conditions they place on breeders registering puppies with them.
- The Guidance that Licensees should be familiar with the screening tests available for their breed should be made stronger. Licensees should have regard to the results and must not mate their dogs if the results indicate such.

CONDITION 7 – STRATEGY FOR THE RETIREMENT OF BREEDING BITCHES AND STUD DOGS

It is welcome that retired breeding bitches and stud dogs will be included within the licence and that breeders are encouraged to clearly consider retirement plans for dogs. Indeed, breeders should be urged to adopt a plan which aims for all healthy retired breeding animals to be rehomed to individuals who can meet their individual welfare needs.

Any animals not suitable for rehoming due to health or behavioural problems, as certified by a veterinary surgeon or qualified behaviourist (CCAB or APBC)³, should be humanely euthanised. Where euthanasia is necessary, this ideally should be carried out by a veterinary surgeon, but any staff that euthanise animals must be adequately trained, mentally prepared, empathetic and competent in the method to be used.

² The puppy contract and PIP were launched in April 2012 and can be viewed at and downloaded from www.puppycontract.org.uk

³ It's important that the behaviour expert identified is someone with the appropriate knowledge, skills and experience. For more information on behaviour experts, see: www.rspca.org.uk/findabehaviourist

CONDITION 8 – MATERIAL CHANGE TO / AT THE LICENSED PREMISES

It is imperative that a licensee informs the licensing authority of any material changes made at a breeding establishment, and clear consideration must be given to whether such changes will have an impact on the welfare of the dogs and puppies therein. If these changes could have an impact on welfare, such changes should be subject to further Local Authority inspection.

Furthermore, the risk of breeding establishments not notifying the Local Authority of such changes only emphasises the importance of additional unannounced inspections being deployed in between annual licensing.

CONDITION 9 – HEALTH ANNUAL CHECK

RSPCA Cymru has long advocated, with regards to licensed breeding establishments, twice yearly recorded veterinary inspection of every animal on the premises. The vet conducting this inspection should have received appropriate CPD training. Similar to the inspection process under the Riding Establishments Acts 1964 and 1970, a mechanism is required whereby the inspecting veterinary surgeon can alert the Licensing Authority to any serious breach(es) of licensing conditions, or major health or welfare concerns.

CONDITION 10 – PLAN FOR A LICENSED PREMISES AND DISPLAYING LICENCE

Given the overpopulation of dogs in Wales, RSPCA Cymru urges members of the public to consider adopting or rehoming, rather than purchasing direct from breeding establishments. However, where purchases are made from breeders, it is vital individuals feel empowered to, and understand the importance of, making an informed choice and purchase from establishments implementing good breeding standards and care, to help ensure the puppies have happy, healthy lives. Where people do buy from breeding establishments, RSPCA Cymru is encouraging members of the public to inspect the licence and corresponding details of approved welfare conditions, such as the socialisation plans, at the premises. We therefore welcome any steps taken by Local Authorities to always ensure these are displayed prominently at establishments. Whilst re-homing or adopting is RSPCA Cymru's preference, we will be proactively encouraging, where necessary, members of the public to take note of an establishment's breeding licence to better understand the premises at which they may purchase a puppy from.

FURTHER INFO – MANDATORY CONDITIONS

Further to the aforementioned ten additional licensing conditions, we would welcome additional information from Neath Port Talbot CBC, and other Local Authorities across Wales, as to the intended approach to some of the mandatory conditions which must, as per the subordinate legislation, be attached to all dog breeding licences.

For example, whilst the regulations compel breeding establishments to provide draft enhancement/enrichment and socialisation programmes when applying for a licence, the required content of these for a Local Authority to be satisfied is unclear. Appendix one details RSPCA's socialisation protocol for puppies in a kennel environment, which may prove

useful as to the nature of content Councils must consider when deciding whether to approve programmes submitted by applicants, and whether these will provide for the respective needs of the dogs and puppies based at the establishment.

Beyond the compulsory licence conditions laid out in Schedule 1 of the regulations, the legislation also states that Local Authority must specify on each licence a staff-to-dog ratio. This only demands a minimum staffing requirement of 1 full-time attendant per 20 adult dogs kept; or 1 part-time attendant per 10 adult dogs kept. Further to our comments above under the response to Condition 3, RSPCA Cymru believes a ratio at this level which excludes puppies could have serious welfare implications, undermine the legislation's aims, and be incompatible with many of its provisions. We would urge Local Authorities to utilise their discretion and implement a staff-to-dog ratio which better ensures the welfare of both the dogs and puppies involved. Additional information in respect of ratios is available [here](#).

APPENDIX ONE – PUPPY SOCIALISATION IN A KENNEL ENVIRONMENT

What is socialisation?

Socialisation is a process which occurs in puppies between 3–13 weeks (with a peak of sensitivity at 6–8 weeks), during which they learn to relate to and bond with other dogs and species, including humans.

'Socialisation' is also used more generally to include habituation, which is the process where a puppy becomes accustomed to the sounds and experiences of typical family life and learns to ignore them.

Why is it important?

Lack of opportunities for socialisation during this period is a major risk factor for behavioural disorders associated with fear and/or anxiety including aggression towards unfamiliar people later in life.

Dogs will show fear of animals, situations, people and environments that they have not positively encountered during the 3–13 weeks period after birth, therefore it is essential for puppies to meet people of both sexes, different ages (particularly children), of different appearances and be exposed to different environments during this time.

In addition, dogs raised in kennels do not adapt to domestic homes as well as home-reared puppies. Providing puppies in a kennel environment with adequate and appropriate opportunities for socialisation is therefore particularly important to reduce the risk of future behaviour problems.

Important timescales

The first few weeks of a puppy's life are a period of rapid development and learning. It varies between individual puppies, but it's important to note that the development of avoidance behaviour roughly follows the following time scales:

- At 3–5 weeks pups will happily approach unfamiliar people or environments.
- After 5 weeks pups increasingly become wary of strangers/situations.
- By 13 weeks, the wariness outweighs the motivation to approach.

A socialisation programme

A structured socialisation programme will help plan in advance how to ensure that puppies are exposed to new people and experiences in a gradual and controlled way. A plan and recording mechanism during this period should be produced for all handlers to follow, ensuring all areas of exposure have been covered in a consistent way. A template checklist for socialisation can be downloaded from: <http://info.drSophiayin.com/puppy-socialization-checklist/>

Key points

- A safe, quiet environment, away from the main kennel block should be provided to carry out the daily socialisation programme. Ensure that puppies are familiar with the environment before socialisation starts.
- Make sure that toys and food treats are available before starting the socialisation sessions.

- In order to ensure that puppies develop a positive perception of people, it is important for the introduction of new people and experiences to be gradual and controlled. For example, if a puppy's first encounter with a child is unpleasant he/she is likely to always be afraid and possibly aggressive towards children. Where possible start at a distance away and decrease the gap during positive responses.
- It is also important that puppies are not already anxious or fearful when they interact with people, as this will increase the risk that they will associate contact with a negative experience.
- All handlers must be familiar with behavioural signs of anxiety in puppies(see Note 1) to ensure that the intensity of each interaction is appropriate for each individual puppy. Puppies should be observed carefully throughout all of the interactions for signs of fear or anxiety. Should such behaviours occur, interactions should stop, and should be reintroduced at a later time in a manner that the puppy finds less threatening.
- If there are any concerns about the behaviour of a puppy, advice should be sought from a vet who can make a referral to a clinical animal behaviourist if necessary.

People and other animals

Where appropriate this could be through the use of staff, volunteers and visitors.

- From two weeks of age, puppies should be gently examined daily e.g. picking up, checking ears, handling feet etc. This should occur prior to first examination by a vet and microchipping.
- In addition to routine husbandry and examination, all puppies should be handled daily for at least two minutes from five weeks of age. This should be conducted by a minimum of four different people including both male and female adults. It should also include at least one person who is above retirement age.
- Puppies should be carefully introduced to children before they are homed. Ideally this should include at least one older child (> 8 years), and also a baby or toddler. In order to safeguard the puppies' welfare and the child's safety, children should only have contact with puppies under the supervision of a responsible adult. Where access to young children is not feasible, puppies should be exposed to the noises of babies and young children using good quality recordings (see below).
- Props can be used to help broaden puppies' experience of people and the different ways people might appear to them. This will help puppies to learn that all these variations of how people appear are a normal part of life. For example:
 - brightly coloured and rustling jacket (as worn by postmen or delivery people), a motorcycle helmet, a cap, a back-pack, a pushchair, a zimmer frame and an umbrella.
- In addition to spending time playing and interacting with the puppies, handlers should also spend time with the puppies without interacting with them e.g. by sitting quietly inside or outside the kennel and reading a book/doing some paperwork. This will help puppies housed in kennels to develop appropriate expectations of interactions with people to i.e. not always expecting people to interact with them.
- Where possible, puppies should be carefully introduced to vaccinated, healthy, calm, adult dogs from outside their litter between six and eight weeks of age.

New sounds and experiences

From three weeks onwards the puppies' mobility increases and their eyes and ears are almost fully developed. From this period on it is vitally important that the puppies become

accustomed to smells, sights and sounds and touch that they will encounter in their adult life. So different objects, floor surfaces, people, sounds and smells should be gently introduced.

- Gradual introduction to a full range of normal household sounds through supervised daily exposure. E.g. washing machines, vacuum cleaners, doorbells, telephones, radio or TV, and food mixers. The level of exposure to such sounds should be increased very gradually to avoid induction of fear. Household sounds can be achieved through the playback of recordings which are available commercially e.g. 'Sounds Sociable' is a CD with a range of noises for puppy habituation.
- To help kennelled puppies to become familiar with household smells give the puppies cloth that has been hung in kitchens, bedrooms etc. and that have absorbed the smell of household smells, cooking, other pets, people etc.
- Gradually introducing different surfaces for puppies to get used to of varying textures such as carpet, vet bed, scrunched up newspaper, cardboard.
- Where appropriate allowing the puppies to gradually experience other environments e.g. grass, concrete and wood chip exercise areas, staff areas, car park and fields. The vaccination status of the puppies will need to be considered e.g. they could be carried to these areas prior to being fully vaccinated.

Other considerations in a kennel environment

There may be some situations where opportunities for socialising puppies are restricted e.g. if puppies are in isolation because of a risk of zoonotic disease.

It's possible to adapt a socialisation programme to ensure that puppies are still adequately socialised within the confines of the situation.

Some solutions could include:

- Gauntlets could be used to mitigate the risk of biting and disease risk.
- If direct contact and handling is not possible it is important that the puppies still have positive interactions with humans. Games and toys can be used to positively interact with puppies. e.g. a game of ragger that allows for interaction but without direct physical contact with the puppy.
- Zoom grooms or soft brushes could be used instead of direct hand contact to ensure that puppies become accustomed to having different parts of their body touched.
- Once the puppies are comfortable around different handlers it may be beneficial for staff to enter the kennels and carry out the socialisation sessions in pairs. This would reduce the number of puppies one member of staff needs to interact with and could reduce the risk of biting and scratching. For example one person could engage the puppy in a game of ragger, while the other person gently handles/strokes them. Or the puppies could be split between the staff members.
- Handlers could sit outside the kennel and interact with the puppies. However it's important that the puppies are provided with adequate and suitable opportunities for interaction with humans so this should not be the only interaction.

Mouthing and play biting

Mouthing and play-biting is a common behaviour that naturally occurs in puppies. It is an important developmental behaviour because they use their mouths to interact and investigate the world. However, it's very important that puppies do not think that mouthing/play biting is a game, and particularly so when there are concerns over a potential

disease risk. Handlers should not react (e.g. by laughing, squealing or shouting) and should immediately turn and ignore the puppy for a short while before resuming interaction.

Puppies find chewing hard objects useful in relieving the discomfort of teething and chew toys should always be available during this time. Dogs also find chewing enriching and should always be provided with safe, suitable objects to chew for this reason too. Always use a suitable toy for games to redirect the mouthing behaviour, and to avoid encouraging biting of clothes or hands.

Note 1 – behavioural signs of anxiety in dogs and puppies

Signs of fear and anxiety in puppies could include: cowering at the back of the kennel, moving away, trembling and pulling away from contact. See also the guide to understanding dog behaviour below for signs that a puppy is worried or very unhappy.



Understanding dog behaviour

YOUR DOG'S BODY LANGUAGE CAN HELP YOU TO UNDERSTAND HOW THEY ARE FEELING

A happy dog

A dog who is happy will be relaxed.

1 
Dog has a relaxed body posture, smooth hair, mouth open and relaxed, ears in natural position, wagging tail, eyes normal shape.


2 
Dog is inviting play with bottom raised, smooth hair, high wagging tail, eyes normal shape, ears in natural position, may be barking excitedly.


3 
Dog's weight is distributed across all four paws, smooth hair, tail wagging, face is interested and alert, relaxed and mouth open.

A worried dog

These dogs are telling you that they are uncomfortable and don't want you to go near them.

1 
Dog is standing but body posture and head position is low. Tail is tucked under, ears are back and dog is yawning.

2 
Dog is lying down and avoiding eye contact or turning head away from you and lip licking and ears are back.

3 
Dog is sitting with head lowered, ears are back, tail tucked away, not making eye contact, yawning, raising a front paw.

An angry or very unhappy dog

These dogs are not happy and want you to stay away or go away.

1 
Dog is standing with a stiffened body posture, weight forward, ears are up, hair raised, eyes looking at you – pupils dark and enlarged, tail is up and stiff, wrinkled nose.

2 
Dog is lying down cowering, ears flat, teeth showing, tail down between legs.

3 
Dog is standing with body down and weight towards the back, head is tilted upwards, mouth tight, lips drawn back, teeth exposed, eyes staring, ears back and down, snarling.

Royal Society for the Prevention of Cruelty to Animals
Wilberforce Way, Southwater, Horsham, West Sussex RH13 9RS
www.rspca.org.uk facebook.com/RSPCA twitter.com/RSPCA_official
The RSPCA helps animals in England and Wales. Registered charity no: 219099 The RSPCA only exists with the support of public donations.
Illustrations: Lili Chin, © 2011. All rights reserved. With thanks to Julie Bedford, certified clinical animal behaviourist.

FINANCE AND CORPORATE SERVICES

REPORT OF THE HEAD OF LEGAL SERVICES – D. MICHAEL

7th September 2015

SECTION A - MATTER FOR DECISION

WARDS AFFECTED: Glynneath

1.1. Application for Grant of a Street Trading Consent

An application for the grant of Street Trading Consent has been received as follows:

Location	Applicant
On land Adjacent To High Street, Pontneathvaughan, Powys SA11 5NP	Kay & Lewis Knoyle Uwch-Y-Niwl, Ystradfellte Road, Pontneathvaughan Powys SA11 5UL

A plan showing the location of the trailer is attached as appendix 1.

1.2. Purpose of Report

To consider an application for the grant of a street trading consent, where there are objections from responsible authorities.

1.3. Officer Report

The street trading application is to site a catering trailer on private land located adjacent to the highway. Representations were received in respect of the application from the Council's Highways Section and South Wales Police. These representations are attached at appendix 2 and 3 of the report.

1.4 Recommendation

That members consider the above application after hearing all submissions.

1.5. Background Papers

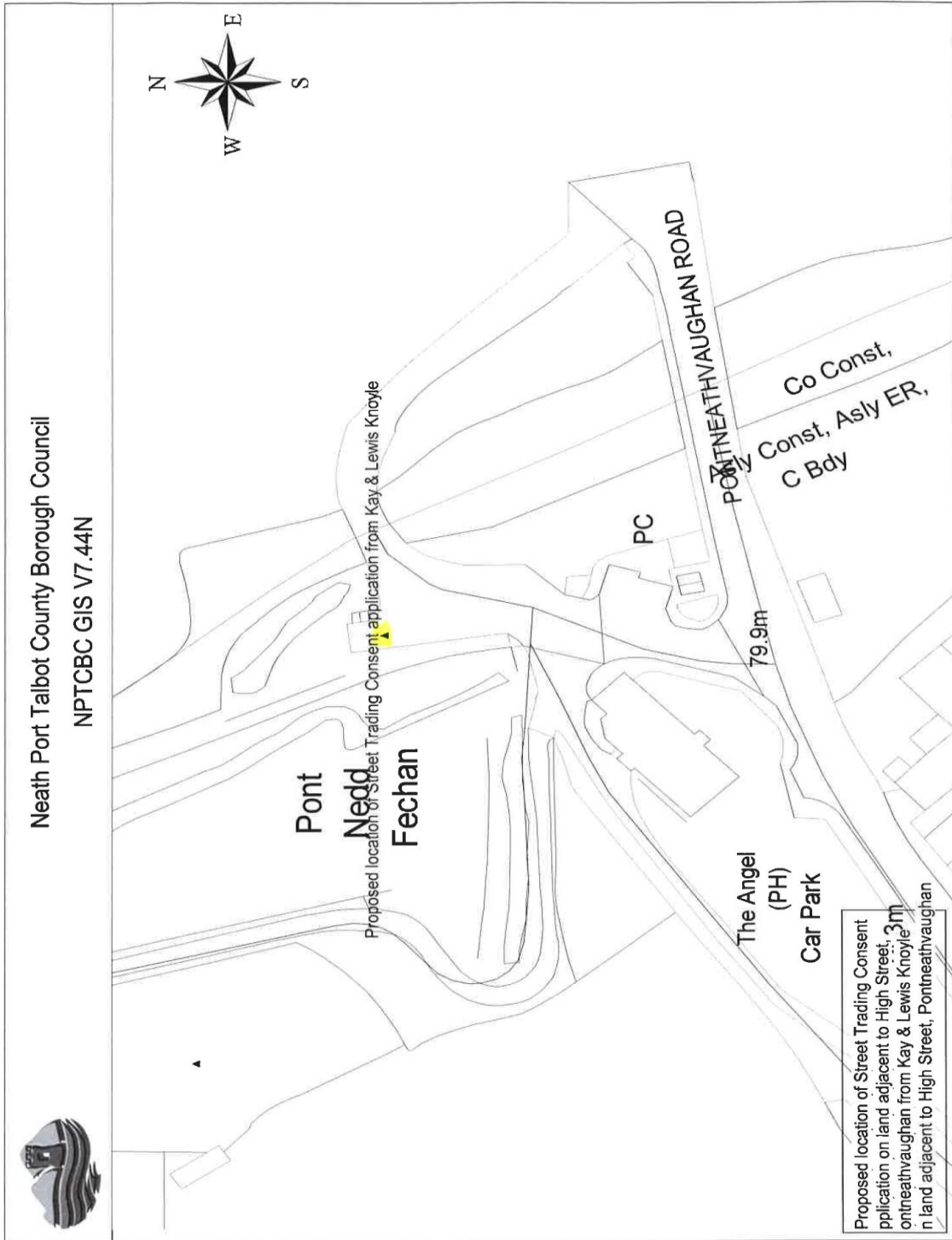
Street Trading Application

1.6 Wards Affected

Glynneath

1.7 Officer Contact

Neil Chapple
Licensing Manager
Tel (01639) 763056
Email n.chapple@npt.gov.uk



KEEPING SOUTH WALES SAFE • CADW DE CYMRU'N DDIOGEL



Neath Police Station,
Gnoll Park Road,
Neath,
Western BCU.
Friday 31st July 2015.

Mr N. Chapple,
Principal Licensing Officer,
Neath Port Talbot Council.
Civic Centre,
Port Talbot.

Sir,

Application for Street Trading Consent, Kay & Lewis KNOYLE.

I am in receipt of an application for a street trading consent for a catering outlet at High Street, Pontneathvaughan. Having assessed the location in the application I wish to lodge an objection that by the placing of a trailer or outlet at this location would encourage both pedestrian and vehicular traffic using the outlet to cause an obstruction at this point liable to present a danger to those persons and other road users.

The above information is submitted for your information and consideration.

Yours Faithfully,

John Williams

Police Constable 1016
Licensing Officer
(On behalf of the Chief Officer of Police)

Gareth Jones

From: Aled Jones
Sent: 30 July 2015 10:16
To: Gareth Jones
Cc: Peter Malough; Sarah Bartle
Subject: RE: Application for Static Zone 2 Street Trading Consent for land adjacent to High Street, Pontneathvaughan

Hi Gareth,

The area in question seems to be a highway grassed verge which over time has been used as an unofficial parking area by visitors and possibly local residents. I would question the suitability of the location for Street Trading due to the limited space available for customers and would not wish to further promote this area as a car park and waiting area for its customers.

Regards,
Aled

From: Gareth Jones
Sent: 22 July 2015 14:27
To: Aled Jones; 'Fire Service'; Huw Jones [Environmental Health]; 'John.B.Williams@south-wales.pnn.police.uk'; Lucas Williams; Mark Thomas; Matthew T. Jones; Steve Adie; Steve Ball; 'Licensing Brecon (CSP - Generic) (licensing.brecon@powys.gov.uk)'
Cc: Peter Malough; Sarah Bartle
Subject: Application for Static Zone 2 Street Trading Consent for land adjacent to High Street, Pontneathvaughan

Fyi,

Received at the Licensing Section is an application for a Static Street Trading Consent to site a 12' x 6' catering trailer on land adjacent to High Street, Pontneathvaughan at a point described as being located on the Glynneath side of a road bridge on High street over the River Neath, near to the Angel Public House licensed premises and near the boundary with Powys County Council and Brecon Beacons National Park. Articles to be sold: Snacks, hot & cold drinks. Applicants: Kay & Lewis Knoyle, Uwch-y-niwl, Ystradfellte Road, Pontneathvaughan Contact Tel No's 07886580991 & 07877216689 Email: Lewisknoyle_1@hotmail.com

<< File: 0548_001.pdf >>

Regards

Gareth Jones
Licensing Officer
01639763053

This page is intentionally left blank

NOT FOR PUBLICATION

Document is Restricted

This page is intentionally left blank