

Name of respondent	Comment	Officer response / comment
RSPCA	<p><i>Overall, the policy is very thorough and shows the council complying fully with your legal obligations under the various Acts and Regulations. There are two things I would suggest you add: a specific section on complaints (how people can make them, how you'll investigate them etc) and a flow chart showing the application process step by step. I think the latter would be useful as your policy is quite long and a simple summary will be useful for applicants and those enforcing it.</i></p> <p><i>Otherwise I think this is a solid policy that is a good basis for animal welfare enforcement in Mid Devon in the future.</i></p>	<p><b>Information about complaints:</b> A section has been added to the Policy about this (see Paragraphs 18.3 and 18.4). Additional information will be added to the Councils website about how complaints can be made.</p> <p><b>Flow charts showing the application process:</b> These could be helpful and will be developed by the Licensing Team in the future and published online. However, it is not felt necessary to include this in the Policy at this time. Keeping the guides separate ensure that they can be updated at short notice and without a need to amend the policy.</p>
Jane Whitehead (existing licence holder)	<p><i>I would like to comment on the payment of fees for a licence of more than one year.</i></p> <p><i>The fees have gone up considerably this year and the charge for a two or three year licence is a considerable sum to find, especially for operators doing animal related activities on a small scale and for operators who may not intend to continue their business for more than one year but would like to keep their star rating.</i></p> <p><i>I would prefer to make payment of Part B of the fee on an annual basis.</i></p>	<p><b>Fees:</b> The fees have been calculated on a cost recovery basis and in line with relevant guidance.</p> <p>It is not considered appropriate to allow the payment of Part B of the fee on an annual basis because the licence has already been granted at that point. The Licensing Team could have problems chasing payments and incur additional costs. This process is in line with how other authorities charge licensing related fees.</p> <p><b>Reasons for regulations:</b> As the legislation, conditions and Guidance are not set by Mid Devon District Council, it is not considered appropriate to list reasons for each and every condition. Ultimately, they must be complied</p>

	<p><i>It is probably more related to the DEFRA regulations and I don't know whether you have any influence on these.</i></p> <p><i>I think it would be useful if DEFRA gave a reason for each requirement so that each can be implemented in a sensible way. For example no reason is given for the size of the mesh required for fencing - why are the current measurements what they are, could there be different mesh sizes for different sizes of dog?</i></p>	<p>with. In general, most conditions will be based on a welfare requirement and Licensing Officers can discuss details with specific premises where it is relevant.</p>
<p>Vivienne and Gregory Martin (existing licence holders)</p>	<p><i>1. It would be very helpful if an up-to-date list of licensed breeders in our area, and their breeds, could be accessed via the Mid Devon website. This would make it easier for responsible would-be owners to source a properly bred puppy quickly, and would instantly let people know if a breeder they are considering buying from has a licence or not.</i></p> <p><i>2. (Enforcement) There are still many puppies in our area repeatedly being advertised on sites such as Pets4Homes. The puppies still appear to be being successfully sold for quite large sums. Is there provision in the Policy for trawling these sites and taking action against people who advertise without a licence and clearly earn more than £1000 p.a. from their puppies? Many already reputable breeders have applied for and attained their licences, but how does the policy approach those who really should be targeted, ie rogue breeders on puppy farms which may well require a police presence to</i></p>	<p><b>Licensing register:</b> It is agreed that this would be helpful. However, there does not appear to be any provision in the legislation to publish such a register and as a result, the Council must ensure it complies with its wider data protection requirements. The Licensing Team will follow this up with the data protection officer to consider the legal implications. Until then, it should be noted that if anyone rings the Licensing Team we can (and do) confirm if particular premises hold a licence. Additionally, each premises must display a copy of their licence on the premises and on their website, if they have one.</p> <p><b>Enforcement:</b> The Policy does briefly cover unlicensed businesses and the Licensing Team does, where necessary, use such websites to gather evidence. Where this is for evidential purposes the information is formally requested under the Data Protection Act. For example, information from such sites was used in the</p>

*achieve inspection? The people who are evading the licence seem to be the ones who really need inspecting.*

*3. I know the administrative costs of the licensing must be high, but £682 plus vet fee is a lot of money for a home breeder to find. Actually, when all the costs of keeping dogs and breeding puppies are taken into account, hardly any real profit is made if everything is done properly. I think a lower cost would make the licence less daunting for many breeders.*

*4. On a personal level, I found the idea of applying for a licence very challenging and rather intimidating, even though I have had three highly successful inspections already from the Kennel Club Assured Breeder Scheme. I suppose the forced transition from hobby breeder to business status was not something we had ever considered, and certainly not wanted. The paperwork and procedures involved were very demanding. However, I am glad we did it. I feel pleased that I am helping clarify the difference between puppy farms and reputable breeders in the public eye, and I have been amazed by how many people had no idea that the law had changed till we told them about it, so it is good to be part of that education process. Also, despite the whole application system being quite a challenge, I have been so impressed by the helpfulness and professionalism of my inspector, Vicky Limb. She made it clear from the start that I had to get it right, but that she was there to help me*

successful prosecution of an unlicensed dog breeder (2017) and the issuing of a simple caution for another (2018). It is not considered necessary to include reference to these specific websites in the policy. Additionally, the Public Health enforcement policy covers investigations in more detail and this can be viewed here:

[www.middevon.gov.uk/residents/health-and-wellbeing/public-health-and-regulatory-services/public-health-enforcement-policy/](http://www.middevon.gov.uk/residents/health-and-wellbeing/public-health-and-regulatory-services/public-health-enforcement-policy/)

**Fees:** The fees reflect the costs to the Council and is in line with relevant guidance. For this reason, it is not considered appropriate to change them at this point but they will be reviewed in the future to ensure they continue to reflect the specific costs of this licensing function.

It should be noted that the fee mentioned (£682) is for a 3 year licence. The previous cost of a licence was £292 (new) and £210 (renewal) with these licences only lasting 1 year. As a result, the cost has not actually changed significantly, and may actually be slightly cheaper than it was. Previously, a business applying for a new licence and then 2 subsequent renewals (3 years overall) would pay £712, compared to the current cost of £682 (not including Vet fees for either).

*through as much as possible, and that she was there to guide me rather than to be obstructive. I found this enormously reassuring.*

*5. On a wider scale, I know that in nearly all breeds, numbers of puppies registered with the Kennel Club have dropped significantly since the introduction of the new law, and a lot of people who have contacted me in search of a puppy have remarked how difficult it has been to find a reputedly bred one, and how few seem to be available now. I know that some genuine people have been unable to apply for a licence as they have covenants on their houses which forbid any type of business being run from those properties; however I am just a bit worried that the law will have the effect of forcing buyers into the arms of unlicensed puppy farmers and other disreputable under-the-carpet breeders because they can't find a puppy anywhere else, and that it will find itself focussing on the breeders who actually don't really need inspections, rather than the really awful cruel ones who most certainly do. So I feel that overall the licensing system is working well for those people who have come forward of their own free will, but that a lot more needs to be done to enforce the law when ferreting out those breeders who still advertise puppies for significant sums of money, but have no licence and probably no intention of applying for one either.*

Ultimately, the Licensing Team does appreciate that cost is a consideration for businesses but must seek to recover its costs because the general tax payer should not be expected to fund the licensing of these businesses.

**Application process:** Noted and glad that the Licensing Officer was of assistance.

**Enforcement:** Noted and it is important that the Licensing Team continue to preserve the integrity of those with a licence by taking action against those either not complying with the relevant conditions, or operating illegally.

<p>Rob and June Furmedge (existing licence holders)</p>	<p><i>In general this document helps to provide clarity to the overall Licensing Policy.</i></p> <p><i>Some detailed feedback for consideration</i></p> <p><i>5.2 DBS - suggest provide a link <a href="https://www.gov.uk/request-copy-criminal-record">https://www.gov.uk/request-copy-criminal-record</a></i></p> <p><i>8.3 Scoring matrix. Whilst this document is only providing a copy of the scoring matrix we wish to reiterate feedback that on the face of it, the way the matrix has defined a Higher Risk category "sounds" that it doesn't have much of a "penalty"/enforcement requirement than the Lower Risk.</i></p> <p><i>Maybe a Higher Risk should have more frequent (may twice a year minimum) unannounced visits ?</i></p> <p><i>14.x Should this also be the same (or similar) for change of business ownership not just death ?</i></p> <p><i>18.3 Sentence ends but appears to be hanging</i></p> <p><i>Should 18.4 to 18.18 be subsections of 18.3 ?</i></p> <p><i>The document after section 4 became difficult to follow due to the headings/section numbering.</i></p> <p><i>4.x The section headings would read better if the heading was part of the numbering, i.e</i></p>	<p><b>DBS information:</b> When the Licensing Team provide a flow chart (or similar) on how to apply for a licence, the relevant DBS link will be included. It is not felt appropriate to include in the Policy because the link itself may change from time to time.</p> <p><b>Scoring matrix:</b> The scoring matrix mentioned is produced by DEFRA and used nationally by all licensing authorities. Ultimately, higher risk premises are still licensable so it should not be necessary to take specific enforcement action against them. In general terms, a higher risk rating results in a lower star rating which directly effects the length of the licence issued. Additionally, a lower star rating may potentially have a detrimental commercial impact (although it must still be noted that these premises are still licensed).</p> <p>More frequent inspections are not considered necessary in general terms. If a specific premises warrants more frequent inspections then the Licensing Team will do so, however, if this is a result of non-compliance, then it is likely that enforcement action would be taken.</p> <p><b>Change of ownership information:</b> This heading should not include reference to a change of ownership. The relevant legislation makes provision for what happens in the event of the death of a licence holder,</p>
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	<p><i>4.1 In relation to The Animal Welfare....</i></p> <p><i>4.1.1 was 4.2</i></p> <p><i>4.1.2 was 4.3</i></p> <p>(The response then goes on to list various numbering amendments)</p>	<p>but it does not do so for a change of ownership and as a result, the relevant licences cannot be ‘transferred’.</p> <p><b>Formatting (18.3):</b> There does not appear to be a formatting error on the consultation document so no change proposed.</p> <p><b>Formatting (18.5 to 18.18):</b> No change proposed as they were not proposed subsections.</p> <p><b>Formatting (4x):</b> No change proposed. Main headings have been numbered and sub headings (and the listing of legislation) have not been but this was deliberate. This may be personal preference so if Members find the policy difficult to follow, they can confirm the changes they would like to see.</p> <p><b>Formatting (general):</b> It should be noted that a couple of numbering issues were found in the draft policy and these have been corrected in the amended version.</p>
<p>Jeff Barber (existing licence holder)</p>	<p><i>Instead of issuing the complete set of requirements every year just issue any changes.</i></p>	<p><b>Sending out DEFRA guidance documents:</b> This is understood but it is felt that as this legislation is relatively new, it is best to issue the complete set of requirements for now. This has been important because DEFRA has changed the guidance twice already and it would be difficult to notify all licence holders ad-hoc. The Licensing Team will, however, review this later in the year.</p>

