**Guidance on specific conditions - animal welfare establishments**

The Regulations require anyone operating an animal welfare establishment (AWE) to be licensed by the local authority. Essentially, AWEs will, for the most part, generally fall into one of two general categories - **animal rehoming centres** or **animal sanctuaries**.

In considering an application for a licence to operate an AWE, local authorities should establish if the applicant is a member of any recognised sector body that already requires operators to operate to agreed standards of animal welfare. An example of such is the Association of Dog and Cat Homes (ADCH), which exists to set high standards of animal care amongst dog and cat rescue and rehoming organisations, develop and disseminate good practice and provide mutual support across the sector. The ADCH requires all its members to operate to the standards set out in its “Minimum Welfare and Operational Standards” which can be found here: [ADCH-minimum-welfare-and-operational-standards-2020v1.pdf](https://adch.org.uk/wp-content/uploads/2020/12/ADCH-minimum-welfare-and-operational-standards-2020v1.pdf).

Applicants that are members of such bodies are likely to be lower risk than those that are not and are likely to already be operating to high animal welfare standards. However, this will not always be the case and local authorities need to consider each application for a licence on the basis of information provided by the applicant and the information provided in the inspector’s report.

Any AWE licence granted under the Regulations must include the general conditions set out in schedule 2 of the Regulations and the activity specific conditions in schedule 5. Any inspector appointed to undertake an inspection of any premises must ensure that they are familiar with these conditions prior to the inspection. A key requirement of the inspection is to gather information about whether the applicant is meeting, or can demonstrate that they are ready to meet the conditions for holding a licence. It is crucial therefore that the inspector understands the conditions of licence.

The specific conditions that must apply to AWEs are detailed below. For each condition we have provided guidance for appointed inspectors on what is expected and what the applicant therefore needs to demonstrate in order to meet the requirements for licensing. It must be stressed however that this guidance is simply to aid the inspector. Ultimately, the decision on whether to grant a licence is one for the local authority to make. Clearly, as this has previously been an unregulated activity, initial inspections will need to determine whether the applicant can demonstrate that they are suitably prepared and ready to comply rather than demonstrating how they have complied.

**1. Definitions**

*“animal welfare establishment”* means the place or places within the areas of the local authority at which the licensable activity of operating an animal welfare establishment is carried on,

*“prospective keeper”* means a person who seeks to become the keeper of the animal (or where it is proposed that there be more than one keeper of the animal, one of such persons).

**2. Records and Advertisements**

***Condition: A register must be kept of all the animals or, in the case of animals (not including dogs and cats) kept in groups where it is not practicable to keep individual records, all the groups of such animals, in the animal welfare establishment which must include—***

***- the species of the animal where known,***

***- the animal’s sex where known,***

***- the animal’s age where known (except in the case of fish),***

***- details of any veterinary treatment where known,***

***- the date on which the animal was received by the licence holder,***

***- the date on which the animal was rehomed or otherwise released from the establishment (if applicable),***

***- the site of the animal’s release into the wild (if applicable),***

 ***the date of the animal’s death.***

**Guidance:**

Local authorities must ensure that AWE licence holders are keeping records in accordance with the requirements of paragraph 2 of schedule 2 of Regulations. The information to be recorded and retained by licence holders is set out above. Where a licence holder is clearly failing to record the information required under licence, the local authority must take such action as it considers necessary to address the situation. All records must be kept for at least 3 years beginning from the date on which the record is created and made available for inspection by an inspector when so requested. Licence holders should be encouraged to back up any records if this is not already being done.

***Condition: Where an animal is undergoing any medical treatment it may only be supplied as a pet to a prospective keeper if—***

 ***- details of, and the reasons for, the treatment are communicated to the prospective keeper of the animal prior to any agreement being concluded with that person for the supply of the animal, and***

 ***- a veterinary surgeon advises that the animal is in a suitable condition to be supplied as a pet.***

**Guidance:**

Local authorities should ensure that licence holders understand that they must not rehome any animal that is undergoing any medical treatment unless a veterinarian confirms that it is in a fit state to be rehomed. Licence holders should retain proof of such veterinary advice and this should be shared with any prospective owner along with reasons for the treatment and whether ongoing treatment will be required. Licence holders should be able to demonstrate the procedures that are in place to ensure that an animal undergoing treatment that makes it unsuitable for rehoming is clearly identified, segregated where necessary and not rehomed.

Treatments administered as part of any routine, preventative measures are not considered as an animal under treatment e.g. worming treatments as part of new acquisition admission policies.

***Condition: Any advertisement for the rehoming of an animal must—***

 ***- include the number of the licence holder’s licence,***

***- state the local authority that issued the licence,***

***- if the animal being advertised is a dog, cat or horse, include a recognisable photograph of the animal, and***

***- except in the case of fish, display the age of the animal being advertised (where known).***

**Guidance:**

Local authorities should ensure that the licence holder understands that “any advertisement” includes ads placed on social media platforms, ad sites like Gumtree, Pets4Homes etc., and any other web site on which the licence holder advertises animals for the purpose of rehoming them.

Where an ad is for a horse, dog or cat the licence holder must ensure the ad includes a recognisable photograph of the animal for sale.

**3. Rehoming: Pet Care and Advice**

***Condition: Any equipment and accessories being provided with an animal must be suitable for the animal.***

**Guidance:**

Inspections undertaken by local authorities should, as far as possible, confirm that AWE licence holders only supply equipment and accessories that are designed for and/or are suitable for the particular animal or animals being rehomed. In particular any housing supplied with an animal that is being rehomed must meet the minimum size recommended for the animal or species concerned. Only suitably qualified or experienced staff should provide advice to prospective or new owners on housing and equipment that is both required and appropriate for the animal being rehomed.

Minimum enclosure/housing sizes (where used) are as specified in Annex I.

***Condition: Prospective keepers must be provided with information on the appropriate care of the animal including in relation to—***

 ***- feeding***

 ***- housing***

 ***- husbandry***

 ***- the life of expectancy of its species***

 ***- the provision of suitable accessories, and***

 ***- veterinary care***

**Guidance:**

Local authorities should be satisfied that the licence holder is fulfilling their obligation to provide new owners with appropriate and accurate advice on the care of any animal being rehomed. The information provided must as a minimum include that set out in the box above. Local authorities should be satisfied that the licence holder understands that only suitably qualified or experienced staff should provide such advice. Pet care advice may be in the form of pet care leaflets or other similar written or electronic instructions, given at the point of handover to the new owner.

Ideally, any advice given by licence holders should outline the 5 Welfare Needs of Animals and make reference to an owner’s legal obligations under the Animal Health and Welfare (Scotland) Act 2006. Advice on microchipping should also be covered where appropriate. Where such advice is not being given by the licence holder, local authorities should encourage its inclusion.

In particular, licence holders must provide the following information for each of the animals below:

***Equines:***

1. Information provided to the new owner must include advice on official equine identification requirements, vaccination, routine worming and other veterinary care, feeding, shoeing/hoof care, feeding, socialisation with other equines, grazing/stabling requirements and fitting of tack as appropriate. Specific advice should be given on the suitability of the animal for its intended purpose (such as the appropriate age and ability of riders) and any previous relevant history of training, injury, health or behavioural issues.

***Dogs:***

1. Information provided to the new owner must include advice on updating microchip database registration, vaccinations, feeding, routine worming, socialisation and neutering. A transitional feeding schedule must also be provided showing the day by day ratio if changing puppies on to a different food. Advice must be provided on any specific dietary needs that apply to individual animals, e.g. an animal may require to be fed a particular diet or receive a routine supplement to ensure its health.
2. ***Cats:***

This must include advice on, vaccinations, worming, parasite control, socialisation and neutering. A transitional feeding schedule must also be provided showing the day by day ratio if changing kittens on to a different food. Advice must be provided on any specific dietary needs that apply to individual animals, e.g. an animal may require to be fed a particular diet or receive a routine supplement to ensure its health.

***Rabbits:***

1. If being rehomed singly, the licence holder and/or staff should ask if the prospective or new owner owns a compatible conspecific and if not, encourage them to rehome one, or check that they have a care plan in place for a single housed rabbit. The licence holder must also provide advice on vaccinations and reproductive health care.
2. ***Ferrets:***

Licence holders must include advice on vaccinations, socialisation and reproductive management.

***Condition: A suitably trained person must be available to provide advice to prospective keepers about the animals made available for rehoming.***

**Guidance:**

Licence holders must be able to demonstrate that only suitably trained staff are allowed to provide advice to prospective keepers. This is to ensure that any prospective owner receives accurate advice, background and guidance on any animal that they are considering rehoming, allowing them to make an informed decision about whether the animal is right for them and their household. Advice should ideally include the likely costs of keeping the animal, particularly food and veterinary costs.

***Condition: Any new keeper to whom an animal is being rehomed must be informed of, where known, the age, sex and veterinary record of the animal.***

**Guidance:**

If the licence holder is recording the information required as a condition of their licence then the provision of this information, where it is known, should be straightforward. Where it becomes clear to the local authority that such information is not being recorded and/or not being provided to new keepers, the local authority must take such action as it considers necessary to ensure compliance.

**4. Release of Animals into the wild**

***Condition: An animal that has been kept at the animal welfare establishment must only be released into the wild in an area that is suitable for its species.***

**Guidance:**

The chosen area should provide for the animal’s requirements for food, shelter and ability to join other animals of the same species or establish its own territory as appropriate. Risks from predators, conflict with animals of the same species or human interactions should be minimised. Risks of possible harm to the environment or to other animals should also be considered.

***Condition: An animal that has been kept at the animal welfare establishment must only be released into the wild if it is able to feed and fend for itself.***

**Guidance:**

AWE licence holders that release wild animals back to the wild must have protocols in place relating to the release of animals back to the wild. The licence holder and any staff involved in the release of animals to the wild must be suitably trained and have a good understanding of the factors that must be considered prior to any release. Local authorities should be satisfied that the protocols in place include, as a minimum, the following considerations:

* procedures for determining when an animal is fit and healthy enough for release,
* appropriate locations depending on the species or type of animal (consider whether social animals will be able to and readily find a flock or group to join and whether animal from solitary species will be able to establish a territory,
* the most appropriate time of year to maximise the animals chances of survival and adapt to its new environment,
* weather forecast for the day of release and several days after,
* food and water availability, availability of shelter, likelihood of predation or disturbance by humans or human activity,
* for animals that are tracked or monitored after release actions to be taken if it becomes clear that the released animal is not coping or becomes injured etc.

Animals must only be released with the landowners knowledge and permission.

**5. Dangerous wild animals: duty to notify**

***Condition: The licence holder must notify the licensing authority of any dangerous wild animals held in the animal welfare establishment.***

**Guidance:**

Holders of a AWE licence must notify the local authority if they wish to keep or temporarily hold any dangerous wild animal at any premises used for the licensable activity. Before keeping any dangerous wild animal operators must obtain a licence that permits them to do so from the local authority.

Local authorities should be satisfied that licence holders and any person applying for a licence to operate an AWE are familiar with the requirements of the Dangerous Wild Animals Act 1976 (as amended) and understand that no dangerous wild animal can be held or kept without first obtaining a licence permitting them to do so.

Guidance for local authorities on licensing under the Dangerous Wild Animals Act 1976 can be found here: [Dangerous wild animals: licensing guidance for local authorities - gov.scot (www.gov.scot)](https://www.gov.scot/publications/dangerous-wild-animals-licensing-guidance-for-local-authorities/).

**6. Suitable accommodation**

***Condition: Animals must be kept in housing which minimises stress including from other animals and the public.***

**Guidance:**

Housing or other accommodation must be suitable for the species/animals kept. It must have lighting and ventilation appropriate for the needs of the animal/species and offer the animals a sense of security where appropriate. Accommodation must protect temperature sensitive animals from wide temperature fluctuations. Where at all possible housing must be designed to avoid sensory contact between prey and predator species. Naturally social animals should be housed together whenever possible.

Each animal must be provided with sufficient space to stretch out, turn around unimpeded, and, where applicable, lie down fully stretched out without touching any other animal in the enclosure. **The minimum enclosure/cage sizes to apply are as specified in Annex I.**

***Condition: Where members of the public can view or come into contact with animals, signage must be in place to deter disturbance of the animals.***

**Guidance:**

If animals are on public display, signs must be displayed on enclosures to deter members of the public from tapping on glass or poking fingers into cages. When licensed premises are inspected the inspector should ensure that this is the case and where such signage is lacking this should be discussed with the licence holder.

Clear signage must be in place at all times outlining health and safety risk to customers and appropriate behaviour around animals on the premises relevant to the specific species. In addition to signs, other measures may be required, such as limiting access to some animal enclosures. The licence holder must ensure that no animal is accessed or handled by the public without the licence holder’s or a staff member’s supervision. Signs should inform the public that they should not enter an enclosure or handle an animal without first speaking to the licence holder or a member of staff.

***Condition: Dangerous wild animals must be kept in secure accommodation that is lockable and appropriate for the species.***

**Guidance:**

For species listed in the first column of the schedule of the Dangerous Wild Animals Act 1976, licence holders must be able to demonstrate to the local authority that the safety of staff and the general public has been considered in the design of the enclosures, layout of the premises where the animals are kept, and in the design of any safety barriers that may be present. Design must also demonstrate that prevention of escape has been considered and addressed.

As AWE licence holders will also need to be licensed to keep dangerous wild animals (if such animals are to be kept) the requirements around secure accommodation will have been discussed and agreed with the relevant authority.

***Condition: No animal kept in the course of operating the animal welfare establishment, of any of the following descriptions, may be supplied as a pet by or on behalf of the licence holder—***

***(a) unweaned animals,***

***(b) mammals weaned at an age at which they should not have been weaned,***

***(c) non-mammals that are incapable of feeding themselves,***

***(d) puppies, kittens, ferrets or kits, aged under 8 weeks.***

**Guidance:**

Local authorities should ensure that licence holders understand that they are prohibited by licence from supplying any of the above animals in the course of operating and animal welfare establishment. These are particularly vulnerable animals and any non-compliance should be timeously addressed.