

Report recommending special conditions, for circumstances in which the grant of a pet shop licence to sell dogs is appropriate

Licensing Committee

Date: 15 June 2009

Author: Head of Licensing

Wards Affected: All wards

Purpose

- To propose the adoption of special conditions, for use when a decision is made that it is appropriate to authorise the sale of dogs under a pet shop licence.

Recommendation

Licensing Committee is asked to : -

- Approve the default conditions as set out below, for any situation in which the sale of dogs under a pet shop licence is authorised.

1. Reasons

1.1 Local authorities are empowered by the Pet Animals Act 1951 to impose such conditions “as appear to the local authority necessary or expedient in the particular case for securing all or any of the objects specified ...”

1.2 The Licensing Committee affirmed on 7 January 2009 that whilst it would not generally be appropriate to authorise the sale of dogs under a pet shop licence, there will be exceptions. Members requested that a set of suitable conditions be proposed, for use in those exceptional cases.

2. Detail

2.1 The primary risk identified during earlier discussions was that a pet shop might be used as a front for the supply of dogs from puppy farms. The following conditions are designed primarily to mitigate that risk.

2.2 Model conditions are already applied to all pet shop licences issued and those conditions have been augmented recently by the Animal Welfare Act 2006. These standard conditions are not set out here.

2.3 The conditions which follow reflect the good practice recommendations of the British Veterinary Association and the Kennel Club of Great Britain. They represent the normal business practice of responsible dog breeders. Elements of the conditions also flow from the Breeding and Sale of Dogs (Welfare) Act 1999.

2.4 The cost of DNA profiling [i.e. to identify the dog] is around £15 per dog but it is sufficient for the parents to be profiled. It is not suggested here that litters should be profiled. For a dog breeder this is therefore a very small

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overhead. Likewise, it is sufficient in most cases for genetic defect profiling and physical examination for breed-specific defects to be applied only to the parent dogs. The cost for each dog will vary according to the susceptibilities of the breed. An eye examination is a universal diagnostic tool but x-ray examination may be necessary, to spot muscular-skeletal defects which are likely to be passed on to progeny. Screening of this kind is a normal business provision, where a decision is being made about whether to breed from a particular animal. The costs are significant but they are normal overheads for reputable breeders and the conditions which follow will not be a regulatory burden for them. On the contrary, the conditions are aimed at undermining illegal operators, whose activities undermine legitimate dog breeders.

- 2.5 The Pet Animals Act 1951 enables the Council to bring legal proceedings against any person who trades without a licence or against any person who has a licence but fails to comply with any condition subject to which the licence has been issued. The magistrates court has the power to revoke a pet shop licence or to ban the proprietor from holding a pet shop licence at all, for a specified period.
- 2.6 Any applicant aggrieved by a condition placed on a licence has the right to challenge that condition by appealing to the magistrates court.
- 2.7 Condition 1: No dog shall be kept or sold as part of the business unless it has been obtained directly from the dog breeder. It is not permissible to obtain a dog through any other dealer or via any other intermediary who has acquired the dog or has the dog in their care.
- 2.8 Condition 2: The source breeder shall be the owner and keeper of the female parent of the litter.
- 2.9 Condition 3. No dog shall be sourced from a breeder unless that breeder is either a). licensed or b) is exempt from the requirement to be licensed but who nevertheless adheres to the Pet Care Trust's Charter for Breeding Dogs.
- 2.10 Condition 4: No dog shall be sourced from a breeder whose dogs are kept at a location more than 45 miles distant from the premises specified in the pet shop licence [this provision is intended to minimise the stress undergone by puppies when they are transported and makes it easy for intending owners to check the facilities of the dog breeder, before making a firm commitment].
- 2.11 Condition 5: Before any dog is sold, the purchaser shall be given the contact details for the dog breeder.

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- 2.12 Condition 6: No contract with a dog breeder for the supply of dogs shall be entered into, unless a condition is placed on the breeder that they shall offer a reasonable level of information, guidance and assistance to the end purchaser of any dog bred by them, for a period of six months following acquisition by the final purchaser.
- 2.13 Condition 7: The dealer shall not sell any dog unless the contract with the breeder includes a requirement that a DNA profile for both of the parents is provided with any puppy supplied . When selling to the final owner, the holder of the pet shop licence shall provide copies of those profiles to the purchaser.
- 2.14 Condition 8: No dog shall be sold unless test results are supplied either for the dog or for both of its parents, demonstrating that it is free from the genetic defects commonly associated with the breed in question.
- 2.15 Condition 9: No puppy shall pass into the keeping of the dealer (holder of the pet shop licence) unless it has remained with the dam and at the place of birth for a minimum period of eight weeks.
- 2.16 Condition 10: No dog shall be sold unless it has been permanently identified by the insertion of a micro-chip or by some other means.
- 2.17 Condition 11: No dog shall be received or kept by the dealer unless the dog has started a course of standard vaccinations. The original documentation issued in connection with those vaccinations shall be passed to the final purchaser. No such documentation shall be considered valid unless it bears the stamp or details of the veterinary practice which administered the vaccination(s), together with the signature of the veterinary surgeon who performed the procedure(s).
- 2.18 Condition 12: Each dog kept or supplied shall be given a unique identifying number by the dealer and that shall be recorded in a log book.
- 2.19 Condition 13: While in the keeping of the dealer, each dog shall wear a collar with an attached identifying tag or badge which indicates the breeding establishment from which the dog was obtained and the unique log number for that dog.
- 2.20 Condition 14: Where a pedigree dog is sold, it shall be accompanied by the pedigree certificate for that dog. The pedigree certificate shall have been signed by the breeder. The dealer is not authorised to purport independently that the dog is of pedigree stock.
- 2.21 Condition 15: When a dog is sold, the purchaser shall be provided with detailed, written good husbandry advice for the breed in question or be

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directed to specific sources of expert information on the breed, particularly with regard to diet, training, grooming and exercise.

- 2.22 Condition 16: No dog shall pass into the keeping of the dealer unless it is accompanied by a health care report prepared by a veterinary surgeon, for that dog. The original of the health care certificate shall be given to the final purchaser.

Alternative Options

- It would be possible to rely instead on awareness raising campaigns on the dangers of buying dogs and cats from inappropriate sources but direct intervention in this form has no cost implication for the Council and is likely to be more effective. The measures will not impose a significant burden on responsible traders, who will be taking these steps anyway.

Risk Management

Financial and Procurement Implications

There are no direct financial implications arising from the report. As with any authorisation, legal challenges could lead to costs being incurred.

Legal / Human Rights Implications A The sale of pet animals is constrained by law, in the interests of animal welfare and of the wider society. The measures proposed here are proportionate and reasonable.

Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)

This proposal reflects the statutory duty of the Council to safeguard animal welfare.

Consultees

- The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted on all reports.
- All existing holders of pet shop licences received information about the proposals to tighten the regulation of the selling of dogs, when they received their licence renewal notification. None of them had expressed any concerns about that broad intent and they have been supportive of the intention to maintain good professional standards, to protect the reputation and well-being of the trade.

Background Papers and Appendices

- None.