

Model Licence Conditions for Pet Shops

Licensing Committee

Date: 30th December 2015

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Wards: All

Locality Affected: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 To consider the responses to the model conditions for Pet Shops Consultation exercise and to recommend approval of licence conditions for adoption.

2. Recommendations

That Committee:

- 2.1 Consider the responses to the model conditions for Pet Shops Consultation exercise and to recommend approval of licence conditions for adoption. The summary of responses and proposed conditions are attached as **Appendix 5 and 6** respectively.
- 2.2 The revised conditions to apply to any new applications made for Pet Shops within the Borough as well as existing premises.

3. Detail

- 3.1 Local authorities in England, Scotland and Wales issue licences to proprietors of pet shops and other pet vendors under the provisions of the Pet Animals Act (1951).
- 3.2 This includes all commercial selling of pet animals, including pet shops and businesses selling animals over the internet. The definitions in the Act of the terms “pet animal” and “pet shop” are wide ranging
- 3.3 There are currently 7 pet shops licensed with this Authority.
- 3.4 Although the Licensing team use a set of model conditions to assist with their inspections it appears that these were never formally adopted by committee.
- 3.5 The Chartered Institute of Environmental Health (CIEH) has worked in partnership with Cats Protection, the Pet Care Trade Association, the British Veterinary Association (BVA), International Cat Care, the Ornamental Aquatic Trade Association (OATA), the Reptile and Exotic

Further information on the subject of this report can be obtained from Kathryn Ashton, 01793 466113, KAshton@swindon.gov.uk.

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Trade Association (REPTA), the Dogs Trust and Rabbit Welfare Association and Fund (RWAFF) to produce a new set of model conditions and guidance.

- 3.6 A set of conditions were drafted and tabled at the Licensing Committee meeting on the 17th September 2015 (**Appendix 1**). A request that a consultation exercise be carried out and that the results of the consultation exercise and proposed licence conditions be brought back for consideration, was granted by Members.
- 3.7 In 2009 the committee made the decision to have a default condition to prohibit the sale of dogs in pet shops. The default condition may be removed in any particular case, where a special application is made and determined by the Licensing Committee
- 3.8 In this instance a set of standard conditions as specified by committee at the time would apply (**Appendix 2**)
- 3.9 The consultation document was posted on the Council web site, and copies were also sent to all currently licenced Pet Shops in the Borough - **Appendix 3**. Responses received are detailed in **Appendix 4**
- 3.10 All responses have been acknowledged and all enquiries have been clarified as to the purpose and extent of the consultation.
- 3.11 Summary of consultation responses and officer comments are detailed in **Appendix 5**
- 3.12 The responses were generally positive. After considering all responses the recommendation to members would be as follows:
- 3.13 To keep the default condition of prohibiting the sale of dogs in pet shops in place as well as the current standard conditions for the sale of dogs should a special application be granted by the Licensing Committee.
- 3.14 To adopt the general conditions as proposed with the following changes:
- 3.15 Condition 1 Schedule I: (parameters of dissolved oxygen, free ammonia and pH asterisked in the table with *) *These parameters should be checked first i.e. dissolved oxygen, free ammonia and pH. Only if a problem exists with these tests is it necessary to check nitrite and nitrate levels. Tests should be undertaken at different times of the day to ensure that the readings are representative of normal conditions in the aquarium or pond

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- 3.16 To Condition 9.1: Any observations or concerns witnessed in daily checks should be noted. Records of disease outbreaks, treatments and mortalities should be maintained
- 3.17 Further under Schedule I Fish condition 3 to add: Checks of aquariums should be carried out for carcass removal as often as required to keep aquaria clear of dead fish. This may be required multiple times through the day. Records of disease outbreaks, treatments and mortalities should be maintained as for all livestock. These should be related to particular batches of aquatic organisms if practicable.
- 3.18 10.1 to add to guidance: It is recommended that dead livestock be placed in a yellow bag and disposed of via a vet or pet crematorium. Alternatively, small businesses can bag and freeze dead specimens, store in a fully dedicated freezer and when a reasonable volume of material has been accumulated, the services of an approved waste disposal contractor can be used.
- 3.19 To continue with guidelines set in the original model conditions to clarify recommendations.
- 3.20 To section G add from previous conditions: N.B. In accordance with: The Wildlife & Countryside Act 1981 (sec 8)
- 3.21 "No species of bird shall be housed in accommodation which does not afford that species sufficient space for natural free and full wing stretching and the number of birds housed shall be such that overcrowding does not significantly reduce that freedom. Long tailed birds or birds in full plumage must be provided with properly placed perches, and feeding and watering points to prevent that plumage being fouled or otherwise damaged
- 3.22 Schedule D condition 2 to add from previous conditions: The installation of shelving in rabbit cages is particularly beneficial to rabbits as they like to spend a lot of time off the cage floor.
- 3.23 Rabbits must be able to sit up in the cage without the ears touching the ceiling and be able to complete at least three hops along the diagonal length of the enclosure
- 3.24 The revised conditions are detailed in **Appendix 6** with the changes in ***bold italic***

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4. Alternative Options

- 4.1 The Council could decide not to adopt the conditions, however, this would mean that there would be no consistent guidelines when undertaking and licensing establishments or inspections and attaching appropriate conditions

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no direct financial implications arising from the report. All future consultation will be undertaken within existing budget.
- 5.2 Licensees can appeal to the Magistrates Court, where they are aggrieved by any condition subject to which such a licence is proposed to be granted (section 4 Pet Animals Act 1951)

Legal and Human Rights Implications

- 5.3 Legal and Human Rights considerations have been taken fully into account in compiling this report. It is considered that the recommendations of this report are compatible with Convention Rights. The Council is required to comply with the statutory provisions referred to in the report. All other legal and human rights implications have been considered in the preparation of this report.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

Diversity Impact Assessment

- 5.4 A Diversity Impact Assessment has been completed for this report.

6. Consultees

- 6.1 The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.
- 6.2 All Licensed pet shops within the Borough

7. Background Papers

- 7.1 Pet Animals Act 1951
- 7.2 Animal Welfare Act 2006

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7.3 Model Standards for Pet Shop Licence Conditions 1998

7.4 Model Conditions for Pet Vending Licensing 2013

8. Appendices

8.1 Appendix 1 Proposed Model conditions for Pet Shops from 17.9.15

8.2 Appendix 2 Model Conditions for Pet Shops wishing to sell Dogs (puppies) in Swindon

8.3 Appendix 3 List of Consultees

8.4 Appendix 4: Responses received

8.5 Appendix 5: Summary of consultation responses received and officer comments

8.6 Appendix 6: Revised conditions for Pet Shops

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