

Item No. 8.	Classification: Open	Date: 12 March 2014	Meeting Name: Licensing Committee
Report title:		Pet Animals Act 1951 – New Standard Conditions for Pet Shop Licences	
Ward(s) or groups affected:		All	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the 'Model Conditions for Pet Vending Licensing 2013' published by the Chartered Institute of Environmental Health and set out in Appendix A to this report, be adopted to form this authority's standard conditions attached to pet shop licences issued under the Pet Animals Act 1951, with effect from 1 April 2014.

BACKGROUND INFORMATION

2. Local authorities in England, Scotland and Wales issue licences to the proprietors of pet shops and other pet vendors under the provisions of the Pet Animals Act 1951.
3. Before granting a licence the local authority must be satisfied that the animals are:
 - Kept in accommodation that is suitable (with regard to size, temperature, lighting, ventilation and cleanliness)
 - Supplied with appropriate food and drink
 - Adequately protected from disease and fire.
4. The local authority may:
 - Attach conditions to the licence
 - Inspect the premises at all reasonable times
 - Refuse a licence if the standards at the premises are unsatisfactory or revoke a licence if the terms of the licence are not being complied with.
5. This authority currently has a set of standard conditions which are applied to all pet shop licences. These are complemented by premises specific conditions as appropriate. The standard conditions derive from model conditions compiled by animal welfare professionals, which are updated from time to time.
6. The model conditions have recently been revised and updated by a working group comprising industry experts, animal welfare charities and local authority representatives (including from the Chartered Institute of Environmental Health Officers (CIEH); the Local Government Association; the British Veterinary Association; the RSPCA; and others) The revised conditions have been published by the CIEH and are recommended for adoption by the working group.

KEY ISSUES FOR CONSIDERATION

The model conditions

7. A copy of the new model conditions is attached at Appendix A to this report.
8. The model conditions are the working group's recommendations for the basic minimum standards considered necessary to ensure the health, safety and welfare of animals in pet shops.
9. The working group advises that "the model conditions should not be considered as a complete manual on animal husbandry". They are intended by the working group as a "living document which will be revised from time to time to take into account new knowledge of animal physiology and behaviour, as well as advances and developments in standards of animal welfare".
10. Even so, the revised model conditions provide for a far more comprehensive and detailed assessment of the situation than its predecessor. The previous version dealt in generalities providing umbrella clauses to deal with issues covered, whereas the revised conditions go further and provide specific considerations in respect of each species likely to be offered for sale as pets. The document also provides guidance alongside each clause for purpose of providing greater clarification of the expectations placed upon premises management.
11. The model conditions comprise 10 sections as follows:
 - Schedule A – General conditions
 - Schedule B – Dogs
 - Schedule C – Cats
 - Schedule D – Rabbits and guinea pigs
 - Schedule E – Other small mammals
 - Schedule F – Ferrets
 - Schedule G – Birds
 - Schedule H – Reptiles and amphibians
 - Schedule I – Fish
 - Appended further information and useful contacts.
12. Subject matter covered by the conditions includes:
 - Licence display
 - Accommodation
 - Exercise facilities
 - Register of animals
 - Stocking numbers and densities
 - Health disease and acclimatisation
 - Food and drink
 - Observation
 - Disposal of waste
 - Transportation to the premises
 - Sales of animals
 - Dangerous wild animals

- Pet care advice, staff training and knowledge
- Fire and other emergency.

Animal Welfare Act 2006

13. Providing some context to the pet shops licensing regime under the Pet Animals Act 1951 is the more recent Animal Welfare Act 2006. Under the 2006 Act, those responsible for animals, including pet vendors, have a responsibility towards the welfare of the animal in their care. It is an offence to cause unnecessary suffering to a protected animal, whether by act or omission. Vendors also have a legal 'duty of care' towards the animals in their care. Vendors must therefore take such steps as are reasonable in all the circumstances to meet the welfare needs of the animals, to the extent required by good practice. The Acts define an animal's needs as including:
- Its need for a suitable environment
 - Its need for a suitable diet
 - Its need to be able to exhibit normal behaviour patterns
 - Any need to be housed with, or apart from, other animals
 - Its need to be protected from pain, suffering, injury and disease.
14. During premises inspections prior to the issue of a licence it is important that these five needs are addressed. The Department for the Environment, Food and Rural Affairs (Defra) has produced various codes of practice under the Animal Welfare Act 2006, which outline in more detail certain species' needs.
15. The Animal Welfare Act 2006 also increased the minimum age at which a person can buy an animal from 12 to 16 and prohibited giving animals as prizes to unaccompanied children below this age.

Introduction of the model conditions

16. It is proposed that, if adopted, the model conditions be applied as the new standard conditions attached to all new pet shop licences issued from 1 April 2014 and to all renewals from 1 January 2015. Pet shop licences are due for renewal annually on 31 December.
17. Currently there are five licensed pet shops operating within the borough. All licensed operators will be provided with copies of the new standard conditions in advance of their next renewal date. They will be advised that the content represents best management practice and asked to review and upgrade their practice, where necessary, with a view to full compliance by that date. Supporting advice and information will be provided to operators to help with compliance where necessary.

Policy implications

18. The adoption of the new model conditions is considered consistent with the council's fairer future promises to:
- Treat residents as we would wish members of our own family. By ensuring that all companion animals offered for sale have been kept in suitable conditions with proper regard to the welfare of the animal concerned.

- Being open, honest and accountable. By making clear the expectations placed upon prospective licensed operators.
- Spending money as if it were from our own pocket. By directing resources firstly into constructively supporting lawful responsible business operators over enforcement.
- Working for everyone to realise their potential. By providing that support and guidance while being prepared to take effective actions against illegal or irresponsible operators when the situation demands.
- Making Southwark a place to be proud of. By ensuring that current best management practice and standards of animal welfare are employed by all our local pet vendors.

Community impact statement

19. Companion animals play an important role in today's society. Caring for a pet can provide companionship; reduce anxiety; provide sensory stress relief; add structure and routine to life; and also help promote opportunity for increased exercise and for meeting people.
20. In return we carry a responsibility for animals in our care. This extends to pet vendors.
21. Anyone intending to purchase a companion animal should have an expectation that the animals offered for sale have been well cared for and are in good health. The model conditions will assist in ensuring that best management practice is established at all licensed vendors.
22. The model conditions have been developed to encourage consistency in approach across local licensing authorities in order to minimise the risk of transmission of disease from animals to humans, as well as to protect animals from cruelty and ill-treatment and to encourage good standards of animal husbandry in pet vending.
23. An equality analysis has been considered in the preparation of this report and it is considered that the adoption of these new standard conditions offer no potential for discrimination. All appropriate opportunities to advance equality of opportunity and foster good relations between people with different protected characteristics have been taken into account.

Resource implications

24. There are no specific resource implications contained within this report. All work generated by the potential introduction of the new standard conditions will be absorbed by current resources. The schedule of fees and charges is unaffected.

Consultation

25. No consultation has taken place in the operation of this report nor is planned for the future. In the event that the model conditions are adopted they will be published and all affected operators informed and given time and support in complying.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

26. The model conditions detailed in the Chartered Institute of Environmental Health "Model Conditions for Pet Vending Licensing 2013" (July 2013) set out recommendations for the basic minimum standards considered necessary to ensure the health, safety and welfare of animals in pet shops.
27. Licensing authorities should apply and enforce the licence conditions sensibly and appropriately.
28. The model conditions are not a complete manual on animal husbandry, but alternatively, a living document.
29. Local authorities issue licences to proprietors of pet shops and other pet vendors under the provisions of the Pet Animals Act 1951. Before a local authority grants a licence to a proprietor, it must be satisfied that the animals are kept in accommodation that is suitable; they are supplied with appropriate food and drink and are adequately protected from disease and fire. The local authority may attach conditions to the licence, may inspect the licensed premises at all reasonable times and may refuse a licence if the standards at the premises are unsatisfactory or if the terms of the licence are not being complied with.
30. Under the Animal Welfare Act 2006 those responsible for animals, including pet vendors, have a responsibility towards the welfare of the animals in their care. Under the Act it is an offence to cause unnecessary suffering to a protected animal, whether by an act or omission. Vendors also have a legal 'duty of care' towards the animals in their care. Vendors must therefore take such steps as are reasonable in all the circumstances to meet the welfare needs of the animals, to the extent required by good practice.
31. The Animal Welfare Act 2006 also increased the minimum age at which a person can buy an animal to 16 and prohibit giving animals as prizes to unaccompanied children under this age. Another key objective is to encourage conditions in pet shops licensing and a consistency of approach across local authorities which minimises the risk of transmission of disease from animals to humans, alongside the need to protect animals from cruelty and ill-treatment and to encourage good standards of animal husbandry in pet vending.

Strategic Director of Finance and Corporate Services

32. The report recommends that the 'Model Conditions for Pet Vending Licensing 2013' published by the Chartered Institute of Environmental Health and set out in Appendix A to this report, be adopted with effect from 1 April 2014.
33. The strategic director of finance and corporate services notes the resource implications contained within the report and that there are no financial implications as a result of accepting the proposals. Officer time to effect the recommendations will be contained within existing budgeted revenue resources.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Pet Animals Act 1951	Health Safety Licensing and Environmental Protection Unit, C/O 160 Tooley Street, London, SE1	Mrs Kirty Read. Tel: 020 7525 5748
Animal Welfare Act 2006	As above	As above
Current Southwark standard conditions for pet shop licences	As above	As above
Model conditions for pet vending licences 2013	As above	As above

APPENDICES

No.	Title
Appendix A	Model conditions for pet vending licences 2013

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Richard Parkins, Licensing and Environmental Protection Unit Manager	
Version	Final	
Dated	21 February 2014	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		21 February 2014