

<b>Subject:</b>	<b>New Model Licence Conditions for Pet Vending</b>		
<b>Date of Meeting:</b>	<b>26<sup>th</sup> June 2014</b>		
<b>Report of:</b>	<b>Director of Public Health</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Roy Pickard</b>	<b>Tel: 29-2145</b>
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<b>Ward(s) affected:</b>	<b>All</b>		

## **FOR GENERAL RELEASE**

### **1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The Chartered Institute of Environmental Health (CIEH) have drawn up new model licence conditions for Pet Vending. (See Appendix 1). Contributing consultees were the British Veterinary Association, Cats Protection League, Department for Environment, Food and Rural Affairs (Defra), Dogs Trust, Federation of Companion Animal Societies, Feline Advisory Bureau, Local Government Association, Ornamental Aquatic Trade Association, Pet Industry Federation, Rabbit Welfare Association & Fund, Reptile and Exotic Pet Trade Association, Royal Society for the Prevention of Cruelty to Animals,
- 1.2 Pet Shops in the city are regulated under the Pet Animals Act 1951 and these new model licence conditions are recommended to be adopted.
- 1.3 The Animal Protection Agency has approached the Council to request that the EMODE leaflet is given to pet purchasers by Pet Shops as a condition of the licensing process. (Appendix 2)

### **2. RECOMMENDATIONS:**

- 2.1 That the committee agree the use of the CIEH published model licence conditions for Pets Vending; and .
- 2.2 That committee agree that pet shops be encouraged to stock and distribute the EMODE leaflet to prospective customers on a voluntary basis.

### **3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 Pet Shops are licensed on an annual basis. There are currently 12 pet shops licensed in Brighton and Hove. A fee is payable and a licence is issued subject to standard conditions which may be augmented if particular circumstances warrant such action. Licences protect animal welfare by creating a minimum standard of accommodation; exercise facilities; stocking numbers and density, records; health, disease and acclimatization; food and drink; diet; cleanliness; transportation; staff competence and pet care advice.

- 3.2 Inspections are carried out by an Animal Welfare Officer and a Council appointed Veterinary Surgeon. Power of entry is granted to authorised officers at all reasonable times and to obstruct or delay is an offence.
- 3.3 Any refusal to grant or renew may be considered by The Magistrates Court on appeal. A person aggrieved by a proposed condition may appeal to the Magistrates Court.
- 3.4 Offences including breach of conditions are considered by The Magistrates Court.
- 3.5 The CIEH has recently published new Model License Conditions on behalf of a national working group that drew up the document. The Model Conditions set out in this document 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. Licensing authorities should consider the advice contained in this document before applying and enforcing licence conditions on such premises which should be done sensibly, appropriately and proportionally.
- 3.6 Key objectives in developing these model licensing conditions have been to encourage conditions in pet shops licensing and a consistency of approach across local authorities which minimise 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.
- 3.7 They differ from the current model licence conditions, by including new requirements under the Animal Welfare Act 2006, such as the Vendors 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. It also increased the minimum age at which a person can buy an animal to 16.
- 3.8 14.1 of the new model licence conditions states that the licensee must ensure that the purchaser is informed of the correct care of the animal covering feeding, housing etc. The guidance then states that pet care leaflets should be made available. Currently all pet shops in Brighton and Hove provide this information.
- 3.9 Members should be aware that several animal welfare organisations, some of whom object and campaign against pet vending and the sale of animals bred in captivity, or removed from the wild, have strongly expressed their concerns about the content of the model licence conditions. It should be made clear that such organisations and those who are closely associated with them were not connected with the preparation of this document nor were they members of the working group.
- 3.10 A meeting was held recently with the Animal Protection Agency to consider recent research focused on improving the welfare of animals in the pet trade.
- 3.11 In order to reduce impulse purchasing of animals from pet shops, and allow prospective buyers to make informed decisions based on the level of care required for different species and types of animals, the Animal Protection Agency

has proposed that the Council obliges pet shops to hand out clear, independent information to prospective pet buyers.

- 3.12 EMODE is a new, scientific tool for assessing the suitability or unsuitability of any animal as a pet, which was designed by 18 scientists, vets and technicians. This tool has been simplified for general use in the form of a leaflet and contains the key information that was originally published in the Journal of Agricultural and Environmental Ethics.
- 3.13 The Animal Protection Agency, based in Brighton has agreed to distribute the leaflet free to Brighton and Hove pet shops.(See appendix 2)

#### **4 ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 To continue to use Brighton and Hove City Councils existing licence conditions.
- 4.2 Failure to adopt the new national model licence code conditions would run the risk that animal welfare may be compromised by inconsistent pet shop licensing as councils adopt different licensing guidelines.

#### **5 COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 The City's 12 pet shop have been consulted. A wide variety of views have been expressed. (See Appendix 3)
- 5.2 The Pet Industry Federation, the new name for the Pet Care Trade Association, has also written in with their views. (See Appendix 4). This industry specialists, include groomers, pet boarders, pet retailers and manufacturers.

#### **6. CONCLUSION**

- 6.1 The new model licence conditions have been developed nationally and it is expected by the Chartered Institute of Environmental Health that are adopted by Local Authorities.
- 6.2 The Animal Protection Agency would like the EMODE leaflet to given to prospective purchasers as a condition of the licence.
- 6.3 A majority of pet shops that responded to the consultation did not want to use the EMODE system. The Pet Industry Federation has concerns about the origin and validity of this document.
- 6.4 Pet shops are required to made available pet care information. Currently all pet shops in Brighton and Hove provide this information.

#### **7. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 7.1 The costs associated to the recommendations in this report will be met from the existing Animal Welfare revenue budget within Environmental Health. The net

budget for the service in the 2014-15 financial year is approximately £279,000, which includes the cost of support services and management and administration support.

*Finance Officer Consulted: Steven Bedford*

*Date: 09/05/14*

Legal Implications:

The relevant legislation is the Pet Animals Act 1951. Breach of a condition is an offence under this Act and liable on summary conviction to a fine not exceeding level 2 (£500) and/or to imprisonment for a term not exceeding 3 months. [The pet animals act 1951 states at paragraph 1 \(3\) that any conditions imposed should be necessary or expedient and related to the objects specified in paragraphs a\) to e\) of the subsection:](#) (a) that animals will at all times be kept in accommodation suitable as respects size, temperature, lighting, ventilation and cleanliness; (b) that animals will be adequately supplied with suitable food and drink and (so far as necessary) visited at suitable intervals; (c) that animals, being mammals, will not be sold at too early an age; (d) that all reasonable precautions will be taken to prevent the spread among animals of infectious diseases; (e) that appropriate steps will be taken in case of fire or other emergency; The act gives a right of appeal against the imposition of any condition and breach of such condition is liable to prosecution. The model conditions contain a condition at 14.1 which states that the licensee must ensure that the purchaser is informed of the correct care of the animal covering feeding, housing etc. The guidance then states that pet care leaflets should be made available. A further condition in recommendation 2.2 relating to this and favouring one particular leaflet is not necessary, or enforceable and is a duplication and open to challenge. Given the resistance expressed in the consultation, legal challenge is likely and would have merit. There would be a potential cost for the Council. Legal advice is that the recommendation in the report at 2.2 should be amended to remove the reference to imposition of a formal condition and instead to suggest a voluntary approach along the following lines: 'The committee agree that pet shops be encouraged to stock and distribute the EMODE leaflet to prospective customers on a voluntary basis.'

7.2

*Lawyer Consulted: Rebecca Sidell*

*Date: 15/05/14*

Equalities Implications:

7.3 None.

Sustainability Implications:

7.4 None.

Any Other Significant Implications:

7.5 none

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. CIEH published model licence conditions for Pets Vending.
2. The Animal Protection Agency EMODE leaflet.
3. Consultation feedback from the city's Pet Shops.
4. The response from the Pet Industry Federation.

Crime & Disorder Implications:

1.1 none

Risk and Opportunity Management Implications:

1.2 none

Public Health Implications:

1.3 Hygienic, well managed pet trade reduces risk of zoonotic disease transmission.

Corporate / Citywide Implications:

1.4 Adoption of the APA EMODE principles, voluntarily or otherwise would be innovative.