



DERBY CITY COUNCIL

APPENDIX 2

Pet Shop Act 1951
(As amended)

Derby City Council

Pet Shop Licensing Conditions 2009

REVISED 2009



PET ANIMALS ACT 1951 (as amended)
GENERAL PET SHOP LICENCE CONDITIONS

1. Introduction

- 1.1 The licence holder must comply with these licence conditions at all times.
- 1.2 The licence holder must ensure that the premises are covered by adequate and suitable public liability insurance and where appropriate employer's liability insurance.
- 1.3 Authorised officers from Derby City Council and their representatives, e.g. Veterinary Surgeon(s), RSPCA inspector(s) must be allowed access to the premises and animal(s) at any reasonable time to carry out inspections and investigations as necessary.
- 1.4 Animals must be visited/monitored on a regular basis by the licence holder or their designated representative. If the licence holder is not present at the premises, their designated representative must be at all times within a reasonable distance from the premises for the purpose of dealing with any emergencies. A designated key holder must also be available.
- 1.5 If an animal should be lost, injured, die or contract a contagious disease then the Environmental Health and Trading Standards Division (Public Health Team) must be contacted on 01332 641962. The body should not be disposed of until contact has been made with officers from the Local Authority.
- 1.6 No person with any convictions or formal cautions for any animal welfare related offences must be involved in the business.

2. Accommodation

- 2.1 Animals must at all times be kept in accommodation and environment suitable to species with respect to construction, size, temperature, lighting, ventilation and cleanliness and not exposed to draughts. All accommodation must be kept in good repair.
- 2.2 Schedule 1 specifies minimum accommodation size requirements for different types and numbers of small domesticated mammals. Schedule 2 specifies similar requirements for caged birds. Schedule 3 gives general advice on ornamental fish stocking densities.

These requirements must be adhered to at all times and will determine the maximum numbers of such animals which may be stocked at the premises.

- 2.3 No animals are to be displayed outdoors.
- 2.4 Accommodation must be constructed of non-porous materials or be appropriately treated with materials that are not toxic to the animal being housed.
- 2.5 In order to control the spread of disease, and to prevent injury, animals must not be kept in accommodation in such a way that they can be interfered with by other animals or the public.
- 2.6 All livestock for sale must be readily accessible and easy to inspect, with cages sited so that the floor of the cage is readily visible.
- 2.7 Accommodation must be cleaned as often as necessary to maintain good hygiene standards, consistent with the rate of stock turnover.
- 2.8 Where accommodation is on a tiered system, water, food or other droppings must not be allowed to enter the lower housing.
- 2.9 All accessories provided in the accommodation must be suitable for the species.
- 2.10 Individual species should be housed separately i.e. rabbits and guinea pigs should not be housed together. Groups of the same species should be housed according to age, i.e. adults not housed with juveniles.
- 2.11 Exercise facilities must be available where appropriate e.g. for puppies. For puppies, where required, a covered exercise area of at least 2.46 sq metres should be provided. Exercise areas should have a minimum height of 1.8 metres to facilitate adequate access by staff for cleaning.

3. Register of Animals

- 3.1 A livestock purchase register must be maintained in order to determine the source of livestock. All livestock purchases must be entered and the entry must include:

- the full name, address, contact number and e.mail address (where applicable) of the person or organisation who supplied the livestock;
- details of the type and numbers of livestock; and
- the date and time of delivery to the premises.

To simplify the livestock purchase register, entries may be cross-referenced to a general invoice file for the premises, if the invoice contains the above information.

3.2 A sales register must be maintained for all animals sold.

The purpose of the register is for emergency contact of the purchaser, for example if the animal is suspected of being diseased.

The entry in the sales register must contain the full name, address, contact number and e.mail address (where applicable) of the purchaser, date of sale and detail of animal sold.

4. Health, Disease and Acclimatisation

- 4.1 All stock sold must be in good health as far as can be reasonably determined without veterinary inspection. Any sick or injured animals must receive appropriate care and treatment without delay. Euthanasia must only be carried out by a veterinary surgeon or a suitably qualified/trained person.
- 4.2 A record should be kept of all deaths, health checks, illnesses and veterinary treatments including feeding, shedding, defecating records for reptiles.
- 4.3 All animals must receive appropriate inoculations where required for the species, as advised by a veterinary surgeon. Veterinary advice must be sought whenever necessary.
- 4.4 Any animals with an obvious, significant abnormality which would materially affect its quality of life must not be offered for sale. When in doubt, veterinary advice should be sought.
- 4.5 All animals must be allowed a suitable acclimatisation period before sale (minimum 72 hours).
- 4.6 The facility to isolate sick animals must be provided.

N.B. For ornamental fish, "In line" UV treatment or other sterilising devices effectively provide a means of isolating individual tanks in multiple tank systems. They must be of proper size, and maintained in accordance with manufacturers' recommendations.

- 4.7 All reasonable precautions must be taken to prevent the outbreak and spread of disease. No animal which is suffering from (or which could reasonably be suspected of having come into contact with any other animal suffering from) any infectious or contagious disease, or is infested with parasites, shall be brought into or kept on the premises unless effectively isolated.

- 4.8 Litters of puppies and kittens must be kept separate from other litters.
- 4.9 All necessary precautions must be taken to prevent the introduction to the premises, and harbourage, of rodents, insects and other pests (excluding livestock for sale or for feeding).

5. Food and Drink

- 5.1 Animals must be supplied with adequate amounts of food and drink, appropriate to their needs, and at suitable intervals.
- 5.2 All food must be suitable for the species concerned.
- 5.3 Food and drink receptacles must be constructed and positioned to minimise faecal contamination.
- 5.4 A sufficient number of receptacles must be provided and cleaned at regular intervals.
- 5.5 All food (excluding invertebrate live foods) intended for feeding to livestock on the premises, must be stored in impervious closed containers.
- 5.6 The containers and equipment used for feeding must be kept in a clean condition.

6. Observation

- 6.1 All livestock must be attended to at regular intervals, appropriate to the species. Under no circumstances will this be less than daily. Suitable arrangements must be made for days when the premises are closed.

A system of recording observations must be maintained.

7. Excreta and Soiled Bedding

- 7.1 All excreta and soiled bedding must be stored in impervious containers with close fitting lids, away from direct sunlight.
- 7.2 Excreta and soiled bedding must be removed from the premises on a regular basis, at least weekly, and disposed of to the satisfaction of the Local Authority, and in accordance with current regulations and good waste management practice (see appendix 1).
- 7.3 All containers must be kept in a clean condition.

8. Transportation of Livestock

- 8.1 When receiving stock, the licensee must make every effort to ensure that it is transported in a suitable manner.
- 8.2 A record of the registration number of vehicles transporting livestock should be kept.
- 8.3 Livestock must be transported and supplied to purchasers in suitable containers.
- 8.4 Any livestock received or consigned shall be transported according to the regulations laid down by the Transit of Animals (General) Order 1973 (As Amended) or other relevant legislation or recommendations.

9. Sale of Livestock

- 9.1 No mammal shall be sold un-weaned or, if weaned, at an age at which it should not have been weaned.
- 9.2 In the case of non-mammals, they must be capable of feeding themselves.
- 9.3 No animal shall be sold to any person under the age of 16 years, unless that person is accompanied by a parent or legal guardian. If there is any doubt about the age of the person, proof of age must be requested and confirmed.
- 9.4 All stock sold must be in good health as far as can be reasonably determined without veterinary inspection.

10. Dangerous Wild Animals

- 10.1 When potentially dangerous animals are kept, the cages must be of a secure construction appropriate to the species.

A fine wire mesh, glass or plastic safety barrier must be incorporated into the cage system.
- 10.2 No animal listed in the Dangerous Wild Animals Act 1976 (as amended) shall be sold unless the prospective purchaser holds a valid licence to keep such an animal.
- 10.3 The prospective purchaser's licence must be inspected before sale, and the pet shop licensee must inform the authority which issued the licence to keep the dangerous wild animal of the details of the purchase, within seven days.

11. Pet Care Advice

- 11.1 Pet care leaflets (e.g. leaflets produced by the Pet Care Trust) or other similar written instructions must be made available to customers free of charge at the time of purchase.
- 11.2 Purchasers of accessories must, where necessary, be given proper advice as to their maintenance and use.

- 11.3 Appropriate reference books (e.g. the Pet Care Manual produced by the Pet Care Trust) relating to all species offered for sale, must be available at the premises for use by staff.

12. Staff Training and Livestock Knowledge

- 12.1 No animal shall be stocked or sold unless the staff (or a member of the staff) is familiar with the care and welfare of that animal and has a recognised qualification or suitable experience.
- 12.2 The licensee must formulate a written training policy for all permanent staff, and demonstrate that systematic training is carried out.
- 12.3 In respect of **new** applications (not renewals), at least one member of staff working at the licensed premises must hold the City and Guilds Pet Store Management Certificate, or some other appropriate qualification.

13. Fire and Other Emergency Precautions

- 13.1 The licensee must establish suitable emergency precautions, including arrangements for the evacuation of stock. Written procedures must be produced and made known to all staff.
- 13.2 Entrances and exits must be clear of obstructions at all times.
- 13.3 Fire extinguishers must be provided and sited as approved by the local Fire Prevention Officer. (Tel: 01332 345440).
- 13.4 The fire-fighting equipment must be maintained in good working order and serviced at least annually by a competent person.
- 13.5 The licensee, or a designated key holder, must at all times be within reasonable distance of the premises and available to visit the premises in case of emergency.
- 13.6 A list of key holders must be lodged with the Local Authority Public Health Team, Environmental Health and Trading Standards, Celtic House, Heritage Gate, Friary Street, Derby DE1 1QX, listing key holder's full name, address and contact number.
- 13.7 In the interests of animal welfare, the following notice must be displayed at the front of the shop: "In case of emergency, dial 999". The number and address of the main police station should also be displayed which is Derbyshire Constabulary, St Mary's Wharf, Prime Park Way, Chester Green, Derby - Tel: 0845 123 33 33. An emergency number for the licensee or nominated key holder must also be displayed.
- 13.8 When pet shops are sited within other premises, the licensee or key holders must have access at all times to the premises containing the livestock.

- 13.9 In order to comply with the Electricity at Work Regulations 1989, all electrical circuits and appliances must be maintained in a safe condition (see appendix 2).

14. Application for a Licence

- 14.1 Licensees are recommended to apply for membership of an appropriate trade organisation. These can be a useful source of advice on all matters relating to the running of a pet shop and the care and treatment of individual animals.

15. Legislation

- 15.1 The licence holder must ensure that the operation of the business does not create a statutory nuisance under the terms of the Environmental Protection Act 1990.
- 15.2 The licence holder must ensure that they comply with the requirements of Pet Animals Act 1951 As Amended 1983, The Animal Welfare Act 2006, Health and Safety at Work Act 1974 and any other associated legislation or regulations.

SCHEDULE 1

STOCKING DENSITIES - SMALL DOMESTICATED MAMMALS

Species	Minimum Floor Area (Square cm)		Minimum Cage Height (cm)
	Single	Each Additional	
Mice	200	50	25
Hamsters	300	75	25
Gerbils	300	75	25
Rats	500	125	30
Guinea Pigs	700	175	30
Rabbits	2000	500	50
Kittens	2000	500	50
Puppies	10000	2500	50

Minimum floor areas apply to young stock. For adult stock offered for sale the dimensions must be doubled. For advice on the age of stock, you are advised to contact a veterinary surgeon.

NB The range of behavioural opportunities for many of the animals listed in the above schedule will be increased by enriching the environment with such accessories as shredded paper, pieces of wood, toilet rolls, lengths of piping etc.

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.

The above recommended stocking densities are insufficient for the housing of Marmosets. Marmosets must be housed in cages sufficiently large enough to allow for natural movement, such as climbing and swinging.

Temporary (up to six days) re-housing of adult rabbits in smaller cages than specified above should be considered as acceptable.

SCHEDULE 2

STOCKING DENSITIES - CAGED BIRDS

		Floor Area (Sq. cm)	
	Length (cm)	Single	Each Additional
Parrots, Parakeets, Budgerigar, etc.			
African Grey:		1250	625
Amazon	Up to 35	1000	500
	35 - 40	1250	625
	over 40	2000	750
Budgerigar		650	200
Cockatiel		1000	250
Cockatoo	Up to 35	1250	625
	35 - 40	2000	1000
	over 45	2750	1325
Lovebird		750	200
Macaw	Up to 40	1250	625
	40 - 60	2250	1000
	over 60	3750	1200
Parakeet (incl. Conure, Karariki, Rosella)	Up to 35	1000	250
	over 35	1400	450
Parrot (incl. Caique, Pronus, Senegal, Meyer's)	Up to 30	800	275
	30 - 35	1250	625
	over 35	1500	750
Parrotlet		400	200
Hanging Parrot		450	250
Lories and Lorikeets	Up to 22.5	800	250
	22.5 - 30	1250	375
	over 30	2000	500
Seed eaters			
Canary		650	250
Cardinal		1000	250
Dove and Pigeon	Up to 22.5	450	250
	over 22.5	1250	625
Finch (include Mannikin Silverbill Sparrow, Waxbill)	Up to 12.5	650	100
	12.5 - 17.5	750	150
	over 17.5	1000	200
Grossbeak		1000	200
Quail	Up to 15	450	250
	15 - 20	650	375
	over 20	1000	500
Weaver	Up to 15	650	150
	over 15	1000	200

		Floor Area (Sq. cm)	
	Length (cm)	Single	Each Additional
Whydah (male with full tail)	Up to 40	1000	200
	over 40	2000	275
Whydah (female or male) in non breeding plumage)	Up to 15	650	150
	over 15	1000	200
Softbills			
Barbet	Up to 20	1250	275
	over 20	1400	450
Bulbil, Fruitsucker		1000	250
Fairy bluebird, Oriole		1250	250
Jay, Jay-thrush	Up to 25	1500	250
(Laughing thrush)	25 - 35	2000	500
Magpie	over 35	4000	1000
Mynah Hill		1500	250
Pekin robin, Mesia		1000	200
Starling (incl. small mynahs)	Up to 20	1000	250
	over 20	1500	375
Tanager, Sugar Bird	Up to 15	1000	250
	over 15	1000	250
Thrush (incl. Shama)		1000	375
Toucan		3750	1000
Toucanette, Aracari		2000	625
Tlouraco		2000	625
Zosterops		750	100

All birds must be housed in accommodation that allows the full spreading of wings.

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.

For perching birds, a sufficient number of perches (as appropriate) must be provided at such a height that the bird can rest its head without its head touching the top and its tail the bottom of the cage.

A quality padded net should be used when catching birds in an aviary.

SCHEDULE 3

STOCKING DENSITIES - ORNAMENTAL FISH

It is virtually impossible to determine the quantity of fish to be kept in a tank purely on a weight/volume or numbers of fish/volume ratio.

The variation in system design, husbandry techniques and types of fish involved would render any such method too simple to be useful or too complicated to be practicable.

The maintenance of water quality standards is essential and is a simple but effective way to determine stocking densities. Water quality testing should be carried out **at least once a week** in centralised systems and 10% of individual tanks should also be tested. Unsatisfactory test results **must** be recorded in a register together with the corrective action taken. Further tests must be carried out when visual inspection of the tanks indicates the need.

Water quality criteria

Cold water		
Dissolved oxygen	-min	6mg/litre
Free ammonia	-max	0.02mg/litre
Nitrite	-max	0.02mg/litre
Nitrate	-max	50mg/litre above ambient tap water

Tropical		
Dissolved oxygen	-min	6mg/litre
Free ammonia	-max	0.02mg/litre
Nitrite	-max	0.2mg/litre
Nitrate	-max	50mg/litre above ambient tap-water

Tropical marine		
Dissolved oxygen	-min	5.5mg/litre
Free ammonia	-max	0.01mg/litre
pH	-min	8.1
Nitrite	-max	0.125mg/litre
Nitrate	-max	40mg/litre

Further advice and guidance on water quality criteria can be obtained from:

Ornamental Aquatic Trade Association Limited (OATA)
Wessex House, 40 Station Road, Westbury, Wiltshire, BA13 3JN.

Telephone: +44 (0) 870 0434

Fax: +44 (0) 1373 301236

info@ornamentalfish.org

www.ornamentalfish.org

www.aquaticsworldwide.org

APPENDIX 1

WASTE DISPOSAL – Under section 34 of the Environmental Protection Act, as a business that produces waste you are under a legal ‘duty of care’ obligation to ensure that you take all reasonable measures to ensure that:-

An offence is not committed under Section 33 of the above Act in that waste from your business is not illegally deposited (i.e. fly-tipped), and that you prevent the escape of waste from your control or that of any person, and where waste you produce is transferred to another person:-

That the transfer is only to an authorised person or to a person for authorised transport facilities, and that there is transferred such a written description of that waste that will enable other persons to avoid a contravention of section 33 of the above Act and to comply with the duty as respects the escape of waste.

In relation to your trade (controlled) waste you have two options for disposing of it. The first is to allow a licensed waste carrier to take it for you, where they are obliged to give you receipts for the waste they have taken on your behalf. This is normally in the form of controlled waste transfer notes, receipts or a contract. The other option is for you to take your own waste to a licensed trader waste disposal site where you should pay for the disposal yourself and obtain a receipt.

A person cannot and must not dispose of trade waste in any other place than a site that is legally authorised to accept it, nor can you dispose of the waste in the household bin or at a household waste site.

Section 33, Part 1 (c), Environmental Protection Act 1990, a person cannot treat, keep or dispose of controlled waste in a manner to cause pollution or harm to public health.

You must retain written records (waste transfer notes) of all commercial waste you have transferred to an authorised person or tipping records/receipts if you have disposed of waste yourself at an authorised trade waste disposal site. These records must be kept for a minimum of two years and the Council has that authority to require you to produce these records for inspection on request.

An offence under section 33 of the Environmental Protection Act 1990 (fly-tipping) carries the following penalties:

On summary conviction, up to 12 months imprisonment or a fine not exceeding £50,000 or both; or on conviction up to 5 years imprisonment or a fine or both.

Contraventions of section 34 of the Environmental Protection Act 1990 in relation to your duty of care carry a maximum fine of £5,000 and/or imprisonment.

APPENDIX 2

In order to comply with the Electricity at Work Regulations 1989, all electrical circuits and appliances must be maintained in a safe condition. To achieve this, a programme of preventative maintenance must be set up to identify and remedy defects before they can cause danger.

The fixed installation should be inspected and tested in accordance with the current Institute of Electrical Engineers (IEE) Wiring Regulations. All earthed portable appliances that are used on the premises should also be tested and you should record such testing. This record should contain the following information: - the date of testing, a description of the appliance, the type of tests carried out, the specific results, the electrician's comments and the next test date.

All defects that are identified as requiring urgent attention must be completed immediately.

A copy of the inspection report and the appliance record should be kept on the premises and a copy given to the local authority enforcement officer.

The installation and appliances should be regularly checked at intervals as recommended by your contractor. As a guide, the installation should be looked at every 5 years and the portable appliances on a yearly basis.