



DERBY CITY COUNCIL

**General Licensing Committee**  
**15 OCTOBER 2008**

Report of the Corporate Director of Environmental Services

## **PET ANIMALS ACT 1951 AS AMENDED BY THE PET ANIMAL ACT 1951 (AMENDMENT) ACT 1983 – RE-HOMING OF ANIMALS**

### **RECOMMENDATION**

- 1.1 To approve the conditions for the licensing of the re-homing animals under the Pet Animals Act 1951 as amended by the Pet Animal Act 1951 (Amendment) Act 1983.

### **SUPPORTING INFORMATION**

- 2.1 A Pet Shop is the carrying on at any premises of any nature (including a private dwelling) the business of selling animals as pets. There are exemptions for a person who is selling pedigree animals, bred by them and those to be used for breeding.
- 2.2 No person may keep a pet shop unless they are licensed by the local authority. The local authority may, on application and if the applicant is not currently disqualified by the court from holding a Pet Shop Licence, grant a licence to a person to keep a Pet Shop subject to compliance with such conditions that are specified in the licence. The local authority can attach conditions to a licence that it considers necessary or expedient for ensuring; the welfare of the animals and the public, ensuring mammals are not sold at too early an age, preventing the spread of infectious disease and appropriate steps are taken in the event of fire or other emergency. A fee is payable, and the licence remains in force to the end of the year in which it is issued. A person aggrieved by the refusal of a licence or its conditions can appeal to a magistrates court.
- 2.3 When considering an application for such a licence, a local authority needs to have regard to factors affecting the animal's welfare, including:
  - Nature and size of accommodation and its environment
  - Provision of food, water, bedding, and supervision
  - Preventing the spread of infectious or contagious diseases
  - Protecting animals from fire or other emergencies
  - That mammals are not sold at too early an age.
- 2.4 The local authority must specify licence conditions to ensure that these requirements are maintained if a licence is granted. These conditions may also include other requirements which the local authority considers appropriate, such as the prevention of statutory nuisance associated with the business (such as barking dogs), or the protection of individuals from risks to their health and safety.

- 2.5 At present there are 9 pet shops in the Derby City area. The type of animals the pet shops are licensed to sell varies dependant on the nature of the business. None are licensed for the sale of cats, dogs, puppies or kittens. All but one of the businesses are run from premises used solely for the sale of animals. The current licence conditions for Pet shops are targeted specifically towards this type of operation.
- 2.6 The Environmental Health and Trading Standards Division is expecting an application for a Pet Shop licence for the re-homing of animals, in particular cats, dogs, puppies and kittens from a domestic/agricultural property subject to planning permission being granted for the operation of a 'rescue centre'.
- 2.7 Although the Pet Animals Act 1951 as amended by the Pet Animal Act 1951 (amendment) Act 1983 recognises that domestic dwellings can be licensed for this purpose, the Council's current licence conditions do not allow for this approach. It is proposed therefore, that an additional set of conditions for the selling of animals at domestic/agricultural premises is approved. The draft conditions are attached in Appendix 2. The draft conditions have been produced using model conditions for the boarding of cats and dogs and the sale of pets. The conditions have been sent to the Pet Care Trust, RSPCA and the local representative of the British Veterinary Society for consultation. An update on any responses received will be provided at Committee.
- 2.8 The current Pet Shop licence fee is £100 per annum plus any vets fees. It is proposed that this same fee level is applied to these types of premises since the work involved in the licensing process (inspection and administration) will be the same.

<b>For more information contact:</b>	Michael Kay, Tel. 01332 641940, email <a href="mailto:michael.kay@derby.gov.uk">michael.kay@derby.gov.uk</a>
<b>Background papers:</b>	None
<b>List of appendices:</b>	Appendix 1 – Implications Appendix 2 – Proposed Licence Conditions

<b>IMPLICATIONS</b>
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**Financial**

- 1.1 None. The current licence fee and veterinary surgeon's fee will cover the cost of the licensing process

**Legal**

- 2.1 Any person aggrieved by the refusal of a local authority to grant a licence, or by any condition attached to a licence, may appeal to the Magistrates Court.
- 2.2 It is an offence for any person to keep a Pet Shop without a licence or to breach any conditions attached to a licence.
- 2.3 As there is a set price that is not negotiable for the animal being re-homed, legal opinion is that this constitutes a sale and therefore requires a Pet Shop Licence.

**Personnel**

- 3.1 None directly arising.

**Equalities Impact**

- 4.1 All applications are considered having regard to the current licensing conditions applicable to this type of operation.

**Corporate Objectives and Priorities for Change**

- 5.1 Licensing of Pet Shops contributes to the Councils Objectives of **creating a 21st century city centre.**

**PET ANIMALS ACT 1951 AS AMENDED BY THE  
PET ANIMAL ACT 1951 (AMENDMENT) ACT 1983**

**GENERAL CONDITIONS OF LICENCE FOR RESCUE CENTRE  
PET SHOPS**

**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 dog(s) at any reasonable time to carryout inspections and investigations as necessary.
- 1.4 Dog(s) must be visited/monitored on a regular basis by the licence holder. If the licence holder is not present at the premises, they 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 a 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 715293. 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.
- 1.7 No Dog(s) registered under the Dangerous Dogs Act 1991 shall be kept at the premises.
- 1.8 Dog Hybrids registered under the Dangerous Wild Animal Act 1976 (e.g. Wolf hybrids) shall not be kept at the premises.

**2. Accommodation**

- 2.1 Animals must at all times be kept in accommodation suitable with respect to construction, size, temperature, lighting, ventilation and cleanliness and not exposed to draughts. All accommodation must be kept in good repair.

**3. Number of Animals Permitted**

- 3.1 The maximum number of animals to be kept at any one time is determined by the Local Authority and relates to the number and sizes of the units provided to house

and exercise the animals. Each animal must be kept within a separate unit except where there is a nursing mother who can be kept with her puppies or kittens.

#### **4. Type of Animals Permitted for sale**

- 4.1 No animals other than cats and dogs are to be sold within the licensed facilities without the written approval of the Local Authority.

#### **5. General Construction**

- 5.1 The establishment must, at all time, be laid out and operated in accordance with an approved plan submitted at the time of application. Before carrying out any alterations the plans must be submitted to and approved by the Licensing Officer of the Local Authority.
- 5.2 All internal surfaces used in the construction of walls, floors, partitions, door frames or doors to be durable, smooth and impervious. Wood must not be used in the internal construction of walls, floors, partitions, door frames or doors. Where it has been used in existing construction it must be covered with a durable, smooth, impervious material other than paint, where it is liable to come into contact with the animal. There must be no projections liable to cause injury. All exterior wood must be properly treated against wood rot, e.g. Tanalised. No product to be used that contains any substance toxic to animals.
- 5.3 Where galvanised weld mesh is used the wire diameter must not be less than 1.60mm excluding any covering and the mesh size must not exceed 2.5cm (1").
- 5.4 Sleeping areas of units must be so isolated as to prevent extremes of temperature.
- 5.5 The construction must be such that the security of the animal is ensured. All areas to which animals have free access must be roofed with impermeable material.

#### **6. Observation and Supervision**

- 6.1 A fit and proper person aged 18 or over must always be present to exercise supervision and deal with emergencies. The animals must be visited at regular intervals as are necessary and appropriate to their species for their health, safety and welfare. 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. Walls**

- 7.1 The interior surfaces of all buildings must be of smooth impervious materials capable of being easily cleansed.
- 7.2 Where concrete or other building blocks or bricks are used, they must be so sealed as to be smooth and impervious and resealed annually or as necessary.
- 7.3 Junctions between vertical and horizontal sections must be covered. If impractical in existing premises, all joints must be sealed with waterproof flexible grouting.

7.4 Partition walls between cages or kennels must be of solid construction.

## **8. Floors**

8.1 Floors of all buildings, exercise areas and units, must be of smooth, impervious materials, capable of being easily cleaned. In new catteries or kennels, floors must incorporate a damp proof membrane.

8.2 Floors of all units and related exercise areas must be laid to a minimum fall of 1 in 80 leading to a covered drainage channel. If dogs are housed or exercised then the floor must provide sufficient grip for the dog to walk or run without sustaining injury. Floors of units and individual exercise areas must be constructed and maintained in such a condition as to prevent the pooling of liquids.

8.3 Drainage must not pass towards sides and partitions, so that contamination does not pass between units.

## **9. Ceilings**

9.1 Ceilings, where provided, must be constructed of smooth, impervious materials and be capable of being easily cleaned.

## **10. Doors**

10.1 Unit doors must be strong enough to resist impact and scratching and must be close fitting, and capable of being effectively secured.

10.2 Where metal bars and frame are used, they must be of suitable gauge (approx. 10-12mm) with spacing adequate to prevent small dogs and cats escaping or becoming entrapped via nose or paw. Where plastic surfaced doors with metal edging are used, the strip metal edges must be adequately chamfered to prevent injury to the dog.

10.3 Door openings must be constructed to allow the passage of water/waste waste is not impeded, or allowed to gather due to inaccessibility.

10.4 Doors must open inwards towards into units that are used to house dogs.

## **11. Windows**

11.1 All windows which pose a security risk must be escape proof at all times. Such windows must be protected by weld mesh, or be made of reinforced glass, polycarbonate or other impact resistant material.

## **12. Unit Size, Layout and Exercise Facilities**

12.1 Each unit must be provided with a sleeping area of at least 0.85 sq. m (9 sq ft) for a single cat. Each kennel must be provided with a sleeping area which is compatible to the size of dog. Suitable bedding equipment which allows the animal to be comfortable and which is capable of being easily and adequately cleaned and sterilised must be provided. Such equipment must be sited out of draughts. Bedding material must be maintained in a clean, parasite-free and dry condition.

- 12.2 Each unit must be provided with an exercise area of at least 1.75 sq. m (18sq.ft) for a single cat, with an exercise area of at least 2.6 sq. m (28 sq. ft) for a single dog which is separate from the bedding area and exclusive to that unit. There must be free and easy access for the animals between the bedding and exercise area at all times, except when bedded down for the night. This entire exercise area must be roofed for cats and the exercise area for dogs must be roofed to a minimum of half the area, sufficient to give it protection against the weather. The remaining area must be covered with suitable mesh.
- 12.3 Each unit housing dogs must have a combined floor area and exercise area, of at least 4.5 sq. metres (48 sq. ft)
- 12.4 Units must have a minimum height of 0.9m (3ft) for cats and 1.8m (6ft) for dogs.
- 12.5 Units and exercise areas must open onto secure corridors or other secure areas so that animals are not able to escape from the premises.
- 12.6 Exercise areas must not be used as bedding areas.
- 12.7 Where accommodation is on a tiered system, water, food or other droppings must not be allowed to enter the lower housing.
- 12.8 Each unit must be clearly and permanently numbered and must carry a notice giving the animal's unique number and its date of arrival. Other relevant information such as feeding habits and frequencies, medical treatments etc may be stored on this fixture, but must not obscure the primary information.
- 12.9 Holding pens may be provided for the temporary holding of animals for not more than 24 hours. Holding pens, if provided, must comply with conditions as required for main units. Holding pens must be a minimum area of 1.13sq. metre (12 sq. ft) and a maximum height of 0.9m (3ft) for cats and minimum area of 2.3 sq. metre (25 sq. ft) for dogs.
- 12.10 All accessories provided in the accommodation must be suitable for the species.

### 13. **Exercise**

- 13.1 All dog(s) must be given adequate exercise and kept on a lead at all times when they are off the premises.
- 13.2 The dogs should be exercised on a lead off the premises, in the exercise area attached to the unit, or in a purpose built exercise area that has a parameter fence of at least 5 feet and escape proof, which is not accessible by the general public. There should be no sharp or dangerous objects that can injure a dog within the exercise areas. Gates to any exercise area should be capable of being locked or bolted.
- 13.3 Only people over 16 years of age are allowed to walk the dog(s) in public places.

## **14. Drainage**

- 14.1 The establishment must be connected to mains drainage or an approved localised sewage disposal system.
- 14.2 No dog(s) faeces must be placed directly into the foul water drainage system to the premises.
- 14.3 The interior floor of every unit used to house dogs must be constructed so as to provide a proper fall to a covered drainage channel sited to take floor washings from each unit, discharging to a trapped gully which connects to the foul drainage system.

## **15. Cleanliness**

- 15.1 All units, corridors, common areas and kitchens must be kept clean and free from accumulations of dirt and dust. They must be kept in such a manner as to be conducive to maintenance of disease control and the animals comfort.
- 15.2 Each unit must be cleansed daily. All excreta and soiled material must be removed from all areas used by the animals at least daily and more often if necessary.
- 15.3 All bedding areas must be kept clean and dry.
- 15.4 Each unit must be thoroughly disinfected and dried upon vacation or every seven days whichever is the shorter. All fittings and bedding must also be thoroughly cleansed and disinfected prior to re-use.
- 15.5 Facilities must be provided for the proper reception, storage and disposal of all waste. Particular care should be taken to segregate clinical waste arising from the treatment and handling of animals with infectious diseases and the final disposal route for all such waste must be incineration.
- 15.6 Arrangements must be made with the Waste Collection Authority or an approved waste management contractor who is authorised to remove waste from the establishment under the Environmental Protection Act 1990. Foul waste water must be disposed of by discharge to the approved drainage system.
- 15.7 All vehicles used by the establishment for the transport of animals must be regularly serviced and kept clean. They must be fitted with cages of adequate size for the safe transportation of animals and be provided with adequate ventilation. All vehicles must be secure.

## **16. Food and Water Supplies**

- 16.1 All animals must be adequately supplied with suitable food appropriate to their needs at suitable intervals. All food must be suitable for the species concerned.
- 16.2 Wholesome drinking water must be available at all times and changed daily. Eating and drinking vessels must be secured to prevent spillage and be capable of being easily cleansed and sterilised. They must be maintained in a clean condition.
- 16.3 Eating vessels must be cleansed after each meal.



- 16.4 Drinking vessels must be cleansed at least once daily.
- 16.5 Food and drink receptacles must be constructed and positioned to minimise faecal contamination.
- 16.6 All food intended for feeding the livestock, must be stored in impervious closed containers. The containers and equipment used for feeding must be kept in a clean condition.

## **17. Kitchen Facilities**

- 17.1 Exclusive facilities (separate room or area) must be provided for the storage and preparation of food for the animals.
- 17.2 Food storage and preparation areas must be hygienically constructed and be kept clean.
- 17.3 Refrigeration facilities must be provided where fresh and cooked meats are stored. Food contamination must be avoided.
- 17.4 A sink with hot and cold water must be provided for the washing of food equipment and eating/ drinking vessels. Suitable facilities for staff to wash their hands should be made available and reasonably accessible. These need not necessarily be within the kitchen itself.
- 17.5 Containers must be provided for the storage of foods and shall be so constructed and kept in such good order, repair and condition as to be proofed against insects and other pests.
- 17.6 Eating and drinking vessels must be made of a material which is capable of being easily cleansed and sterilised.

## **18. Health, Disease, Acclimatisation and Quarantine.**

- 18.1 The licence holder must be registered with a veterinary practice that can provide 24 hours help and advice. Details of the name of the veterinary practice must be notified to Environmental Health and Trading Standards
- 18.2 All stock sold must be in good health as far as can be reasonably determined without veterinary inspection.
- 18.3 Any sick or injured animals must receive appropriate care and veterinary treatment without delay.
- 18.4 All animals sold must receive the appropriate inoculations as advised by a veterinary surgeon prior to sale. All inoculations must be administered by a veterinary surgeon.
- 18.5 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.

- 18.6 All animals must be allowed a suitable acclimatisation and quarantine period of seven days before sale.
- 18.7 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.
- 18.8 A range of muzzles of varying sizes as well as a dog-catching device, must be kept on site, and be approved by the licensing officer of the Local Authority.
- 18.9 The facility to isolate sick animals must be provided. The management of any cases of disease should be properly organised with a written procedure for dealing with such outbreaks.
- 18.10 The number of isolation units will dependant on the number of animals as specified on the license.
- 18.11 The isolation units must comply with the same condition as those for the units that house the animals but must be separate and physically isolated from the main units. This distance must not be less than 5m (15ft).
- 18.12 Isolation facilities must be available for the protection and isolation of bitches in season. Such facilities must prevent contact between the dogs.
- 18.13 Adequate facilities to prevent the spread of disease between the isolation and other units must be provided. These must include a disinfectant foot dip and the provision of personal protective equipment (PPE) for use in the isolation facility.
- 18.14 The establishment's veterinary surgeon must be contacted in cases where there are signs of disease, injury and illness. Where any animal is sick and injured, any instructions for its treatment which have been given by a veterinary surgeon must be strictly followed.
- 18.15 All reasonable precautions must be taken to prevent the outbreak and spread of infectious and contagious disease and parasites amongst the animals, visitors, employees and volunteers. 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 and must not be sold until written confirmation is provided by a veterinary surgeon.
- 18.16 Litters of puppies and kittens must be kept separate from other litters. No animals shall be sold un-weaned or, if weaned, at an age at which it should not have been weaned.
- 18.17 All necessary precautions must be taken to prevent the introduction to the premises, and harbourage, of rodents, insects and other pests.
- 18.18 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.

- 18.19 All animals entering the establishment must wear a collar that identifies them by their unique reference number
- 18.20 A well stocked first-aid kit suitable for use on cats and dogs must be available and accessible on site.
- 19.21 If animals are treated for medical conditions on site there must be a separate and appropriately maintained area. The layout and structure to be agreed by the Licensing officer of the local authority.

## **19. Excreta and Soiled Bedding**

- 19.1 All excreta and soiled bedding must be stored in impervious containers with close fitting lids that must be kept in a clean condition away from direct sunlight.
- 19.2 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.
- 19.3 Further advice can be obtained from the Local Authorities Waste Management Team.

## **20. Fire and Other Emergency Precautions**

- 20.1 Heating appliances must not be sited in a location or manner where they may present a risk of fire or risk to the animals. There should be no free standing gas, electric or oil appliances used.
- 20.2 There must be adequate means of raising an alarm in the event of a fire or other emergency.
- 20.3 A list of keyholders 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.
- 20.4 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, visitors and volunteers.
- 20.5 Entrances and exits must be clear of obstructions at all times.
- 20.6 Fire extinguishers must be provided and sited as approved by the local Fire Prevention Officer.
- 20.7 The fire-fighting equipment must be maintained in good working order and serviced at least annually by a competent person.
- 20.8 In the interests of animal welfare, the following notice must be displayed at the front of the business: "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: 08451233333. An emergency number for the licensee or nominated key holder must also be displayed.

- 20.9 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.

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.

## **21. Register of Animals**

- 21.1 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, full address, contact number and email address (where applicable) of the person or organisation who supplied the livestock;
  - details of the breed of dog and numbers of livestock; and the date of delivery to the premises and the number of the unit the animal is housed in.
  - The registration number of vehicles transporting livestock must be recorded.
  - If the animal is micro chipped this information must be recorded.
  - Every animal must be given a unique reference number and a photograph taken.
  - Any health, welfare and know nutritional requirements must be recorded.
  - Details of any litters of puppies and kittens born at the premises must be recorded; this should include the number produced and their sex.
  - A sales register must be maintained for all animals sold, which must include the full name, full address, contact number and email address (where applicable) of the person or organisation who have purchased the livestock. The unique reference number allocated to the animal must be recorded and the date of sale; the purpose of the register is for emergency contact of the purchaser, for example if the animal is suspected of being diseased.
- 21.2 Records must be kept available for a minimum of 24 months and kept in such a manner as to enable an authorised officer to easily access such information. Where records are computerised, a hard copy must be kept. The register must also be available to authorised officers, members of staff and volunteers at all times.

## **22. Transportation of Livestock**

- 22.1 When receiving stock, the licensee must make every effort to ensure that it is transported in a suitable manner.
- 22.2 If Livestock is transported and supplied to purchasers directly they must be transported in suitable cages.

## **23. Pet Care Advice**

- 23.1 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.
- 23.2 Purchasers of accessories must, where necessary, be given proper advice as to their maintenance and use.
- 23.3 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.

## **24. Staff Training and Livestock Knowledge**

- 24.1 No animal shall be 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.
- 24.2 The licensee must formulate a written training policy for all permanent staff (employed or volunteers), and demonstrate that systematic training is carried out.
- 24.3 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; or must be in the course of training, and obtain the qualification within two years of the licence being granted.

## **25. Legislation**

- 25.1 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.
- 25.2 The licence holder must ensure that they comply with the requirements of The Dogs (Fouling of Land) Act 1996, The Animal Welfare Act 2006, Health and Safety at work Act 1974 and any other associated legislation

## **26. Licence Display**

- 26.1 A copy of the licence and its conditions must be suitably displayed to the public in a prominent position in.