



DERBY CITY COUNCIL

**GENERAL LICENSING COMMITTEE**  
**11 FEBRUARY 2009**

Report of the Corporate Director of Environmental Services

**REVISED CONDITIONS FOR LICENSING PET SHOPS & ANIMAL BOARDING ESTABLISHMENTS**

**RECOMMENDATION**

- 1.1 To approve the revised conditions set out in this report for the licensing of pet shops under the Pet Animals Act 1951 as amended and the licensing of boarding establishments for dogs and cats under the Animal Boarding Establishments Act 1963.
- 1.2 To approve the implementation of the revised conditions set out in this report from 1 January 2010.
- 1.3 Recommend the approval of the revised conditions to Full Council.

**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. There are exemptions for a person who is selling pedigree animals bred by them and those to be used for breeding. A boarding establishment is providing accommodation for other people's animals at any premises (including a private dwelling). There are exemptions for people whose main activity is not the boarding of animals.
- 2.2 No person may keep a pet shop or boarding establishment 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. Similarly, if the applicant is not disqualified under the Animal Boarding Establishments Act 1951, the Pet Animal Act 1951 and the Protection of Animals (Amendment) Act 1954, it can grant a licence for a boarding establishment licence.

2.3 The Local Authority can attach conditions to licences that it considers necessary or expedient to:

- ensure the welfare of the animals and the public
- ensure mammals are not sold at too early an age
- prevent the spread of infectious disease
- ensure appropriate steps are taken in the event of fire or other emergency which could affect the premises

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.

2.4 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
- Mammals are not sold at too early an age.
- Details of the animals are kept for inspection by an authorised officer

2.5 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.

2.6 At present, there are nine pet shops and six boarding establishments in the Council's area. The type of animals the pet shops are licensed to sell varies dependant on the nature of each business. The number of animals to be boarded is dependant on the size and nature of the accommodation.

The proposed revised conditions for pet shops are attached at Appendix 2. The proposed revised conditions for dog boarding establishments are attached at Appendix 3. The proposed revised conditions for cat boarding establishments are attached at Appendix 4. The proposed revisions reflect the changes made in the revised guidance that has been issued for the licensing of these types of businesses brought about by recent changes to animal welfare legislation.

2.7 In order for the existing operators of licensed premises to comply with the revised conditions, it is proposed that they are implemented from 1 January 2010.

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<b>Background papers:</b>	None
<b>List of appendices:</b>	Appendix 1 – Implications Appendix 2 – Revised Licence Conditions for Pet Shops Appendix 3 – Revised Licence Conditions for Dog Boarding Establishments Appendix 4 – Revised Licence Conditions for Cat Boarding Establishments

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

- 1.1 The licence fees cover the cost of the licensing process. The current Pet Shop licence fee is £100 per annum + Veterinary Surgeon's fee. The current Boarding Establishment licence fee is £120 per annum + Veterinary Surgeon's fee.

**Legal**

- 2.1 As set out in the report.

**Personnel**

- 3.1 None directly arising.

**Equalities Impact**

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

**Corporate Priorities**

- 5.1 The proposed revisions support the corporate priority of **giving excellent services and value for money**.