



WOKINGHAM BOROUGH COUNCIL

A Meeting of the **LICENSING AND APPEALS COMMITTEE** will be held in David Hicks 1 - Civic Offices, Shute End, Wokingham RG40 1BN on **TUESDAY 21 NOVEMBER 2017 AT 7.00 PM**

A handwritten signature in black ink, appearing to read 'Manjeet Gill'.

Manjeet Gill
Interim Chief Executive
Published on 13 November 2017

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WOKINGHAM BOROUGH COUNCIL

Our Vision

A great place to live, an even better place to do business

Our Priorities

Improve educational attainment and focus on every child achieving their potential

Invest in regenerating towns and villages, support social and economic prosperity, whilst encouraging business growth

Ensure strong sustainable communities that are vibrant and supported by well designed development

Tackle traffic congestion in specific areas of the Borough

Improve the customer experience when accessing Council services

The Underpinning Principles

Offer excellent value for your Council Tax

Provide affordable homes

Look after the vulnerable

Improve health, wellbeing and quality of life

Maintain and improve the waste collection, recycling and fuel efficiency

Deliver quality in all that we do

MEMBERSHIP OF THE LICENSING AND APPEALS COMMITTEE

Councillors

Barrie Patman (Chairman)	John Halsall (Vice-Chairman)	Chris Bowring
Lindsay Ferris	Mike Haines	Emma Hobbs
John Jarvis	Abdul Loyes	Philip Mirfin
Malcolm Richards	Beth Rowland	Chris Smith
Wayne Smith	Bill Soane	

ITEM NO.	WARD	SUBJECT	PAGE NO.
9.		APOLOGIES To receive any apologies for absence.	
10.		MINUTES OF PREVIOUS MEETING To confirm the Minutes of the Meeting held on 3 July 2017.	5 - 8
11.		DECLARATION OF INTEREST To receive any declarations of interest.	
12.		PUBLIC QUESTION TIME To answer any public questions A period of 30 minutes will be allowed for members of the public to ask questions submitted under notice. The Council welcomes questions from members of the public about the work of this committee. Subject to meeting certain timescales, questions can relate to general issues concerned with the work of the Committee or an item which is on the Agenda for this meeting. For full details of the procedure for submitting questions please contact the Democratic Services Section on the numbers given below or go to www.wokingham.gov.uk/publicquestions	
13.		MEMBER QUESTION TIME To answer any member questions	
14.		DERMAL TREATMENT To receive a report containing information regarding the adoption of Bylaws in relation to acupuncture, tattooing, electrolysis, ear piercing, cosmetic piercing and semi-permanent skin colouring.	9 - 10
		Annex A - Bylaws Full	11 - 16
		Annex B - Bylaws with Acupuncture Separate	17 - 24

15.	PET SHOP LICENCE CONDITIONS To consider a report giving details of a consultation in respect of the adoption of a new set of licence conditions for pet shops.	25 - 28
Annex A - Current Conditions		29 - 38
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16.	CRIMINAL CONVICTIONS POLICY FOR LICENSED DRIVERS AND OPERATORS To receive and consider a consultation report in respect of the adoption of a new criminal convictions policy for licensed drivers and operators.	71 - 72
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Annex B - Criminal conditions policy for licensed drivers and operators - proposed policy		
17.	CUMULATIVE IMPACT POLICY To receive a report containing a summary of the work carried out so far in respect of consideration of a cumulative impact policy in the Borough.	77 - 82
18.	BRIEFING IN RELATION TO THE GOVERNMENT'S RESPONSE TOT HE HOUSE OF LORDS SELECT COMMITTEE REPORT ON THE LICENSING ACT 2003 To consider a report containing a briefing on the government's response to the House of Lords Select Committee report on the Licensing Act 2003.	83 - 86

Any other items which the Chairman decides are urgent.

A Supplementary Agenda will be issued by the Chief Executive if there are any other items to consider under this heading.

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**MINUTES OF A MEETING OF THE
LICENSING AND APPEALS COMMITTEE
HELD ON 3 JULY 2017 FROM 7.00 PM TO 8.20 PM**

Committee Members Present

Councillors: Barrie Patman (Chairman), Lindsay Ferris, Mike Haines, Emma Hobbs, John Jarvis, Abdul Loyes, Malcolm Richards and Beth Rowland

Officers Present

Luciane Bowker, Democratic and Elections Services Specialist
Julia O'Brien, Licensing Team Leader
Amanda Ward, Principal Licensing Officer
Laura Driscoll, Principal Officer, Public Protection Partnership

15. APOLOGIES

Apologies for absence were submitted from Councillors John Halsall, Philip Mirfin, Chris Bowring, Wayne Smith and Bill Soane.

16. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on were confirmed as a correct record and signed by the Chairman.

17. DECLARATION OF INTEREST

There were no declarations of interest.

18. PUBLIC QUESTION TIME

There were no public questions.

19. MEMBER QUESTION TIME

There were no Member questions.

20. SAFEGUARDING TRAINING FOR HACKNEY CARRIAGE, PRIVATE HIRE DRIVERS AND SCHOOL AND COMMUNITY TRANSPORT VEHICLE DRIVERS

The Committee considered the Safeguarding Training for Hackney Carriage, Private Hire and School and Community Transport Vehicle Drivers report which was set out in agenda pages 9-18.

Julia O'Brien, Licensing Team Leader explained that the report contained information which had been collected over a number of years which evidenced that there was an identified serious risk to the safety of children which could be reduced through appropriate training of taxi drivers and operators. There had been a number of high profile and significant cases in recent years pertaining to the sexual exploitation of children. In order to diminish the risk it was proposed that safeguarding training for all existing drivers and new drivers became compulsory.

Julia informed that should the Committee approve the recommendations, there would be a consultation with members of the taxi trade upon the introduction of the training and how it could best be delivered.

Julia stated that Bracknell had identified training providers and the course would cost £20 per attendee. A booking system would be created and different venues and dates would

be offered to drivers. Existing drivers would be asked to undertake the training to obtain a renewal of their licence.

In response to a question Julia stated that there was a database of around 450 licenced drivers.

Julia envisaged that refresher courses would be offered every three years.

During the discussion of the item the following comments were made:

- Julia stated that if significant changes to the safeguarding guidance occurred, drivers would be sent a letter with updates and/ or information would be included in the trade newsletter;
- In response to a question Julia stated that school transport offered training for school drivers in the form of an assessment. Going forward this training would take precedence over the school transport training;
- In response to a question Julia stated that the Licensing Authority did not have jurisdiction over escorts as this fell under school transport legislation. However, she believed that escorts did receive safeguarding training;
- In response to a question Julia stated that Uber had not submitted an application to become an operator in Wokingham;
- In response to a question Julia clarified that Disclosure and Barring Service (DBS) was undertaken every three years. Officers were not aware of any other local authorities who enforced DBS checks more often than every three years;
- Councillor Hobbs felt that three years was a long time and a lot could happen in that time, she believed that DBS checks should be undertaken more often;
- In response to a question Julia stated that DBS checks were returned within two to three weeks;
- Julia clarified that under Wokingham Borough Council's Licensing Policy, Officers could take into account spent convictions when considering licence applications;
- Julia confirmed that drivers had to give up licences with other local authorities in order to hold a licence with Wokingham. In response to a question Julia stated that there was communication between local authorities to establish if drivers had given up their licences upon taking a licence with Wokingham;
- Councillor Rowland asked what would happen if drivers responded negatively to the consultation. Julia stated that holding a consultation was considered best practice. Councillor Patman believed that genuine concerns would be taken into account;
- In response to a question Julia stated that there would not be a pass/ fail test at the end of the course. The training was going to be interactive and trainers would be able to advise if they felt someone had not understood the contents and needed to re-take the course;
- Members questioned if the level of proficiency in the English language was taken into account during the application process. Julia explained that there were tests in place and drivers who failed the English language test would not be issued a licence.

RESOLVED That the Licensing and Appeals Committee agrees with the recommendations contained in the report which were:

- 1) to introduce mandatory safeguarding training for all hackney carriage and private hire vehicle drivers and operators and
- 2) to consult with members of the taxi trade upon the introduction of the training and how it can best be delivered.

21. INFORMATION REPORT ON THE HOUSE OF LORDS SELECT COMMITTEE REVIEW OF LICENSING ACT 2003

The Committee considered the information report on the House of Lords Select Committee Review of Licensing Act 2003 which was set out in agenda pages 19-22.

Laura Driscoll, Principal Officer, Public Protection Partnership explained that on 25 May 2016 the House of Lords appointed a Select Committee to “consider and report on the Licensing Act 2003”. The report of this Committee, “The Licensing Act 2003: post-legislative scrutiny” was published on 4 April 2017.

Laura expected that the government would be issuing a response, however she was not sure when this would be.

Laura noted that the Select Committee had unfortunately reviewed a number of poor examples of Licensing Committees and as a result recommended shifting Licensing to Planning.

Councillor Patman stated that many processes had to take place before any changes could happen in law.

During the discussion of the item the following comments were made:

- Laura stated that it was possible that mandatory training be introduced;
- Laura stated that Officers were in support of some of the recommendations, for example to abolish the need to advertise in newspapers;
- Members of the Committee were not in favour of the recommendation to move Licensing to Planning and asked what could be done to express their views. Laura informed that there would certainly be a consultation if these changes were proposed;
- Officers would liaise with other local authorities and respond to any consultations accordingly;
- Members were in favour of the introduction of minimum training for Licensing Committees;
- Officers were in contact with the Local Government Association (LGA) regarding this issues.

The Committee asked to be kept updated on the outcome of the review and any other proposals to change the law.

RESOLVED That the report be noted.

22. ADOPTION OF BYLAWS FOR DERMAL TREATMENTS

The Committee received the Adoption of Bylaws for Dermal Treatments report which was set out in agenda pages 23-32.

Amanda Ward, Principal Officer, Licensing explained that it was necessary to adopt bylaws in order to regulate: cosmetic piercing; semi-permanent skin colouring; acupuncture, tattooing, electrolysis and ear piercing.

Amanda stated that it was important that this industry was effectively regulated due to the risks associated with the treatments being offered. There was the potential risk of transmission of blood borne viruses (BBV) for example HIV, Hepatitis B and C, as well as

other infections, potential physical damage and bleeding if the treatment was completed incorrectly.

Councillor Ferris stated that he had undertaken some research and found that some local authorities had adopted a separate bylaw for acupuncture. He was of the opinion that acupuncture should be regulated by its own bylaw as it was a medical procedure and not a cosmetic treatment. He felt that the proposal was confusing in its description. Other councillors were of the same opinion.

Julia informed that under the current legislation medical professionals did not need to apply for a licence in order to practice acupuncture. She believed that it was better to consolidate acupuncture with the other dermal procedures under one bylaw.

During the discussion of the item the following comments were made:

- Councillor Hobbs believed that it would be more coherent to have acupuncture under a separate bylaw;
- Councillor Richards believed that acupuncture was significantly different from other dermal treatments and should be separated;
- Councillor Ferris asked Officers to provide more background information to enable the Committee to make an informed decision;
- Councillor Loyes asked about the cost implications. Julia stated that this service was cost recoverable and agreed to include the costs to any future reports;
- Julia believed that other local authorities that had separate bylaws for acupuncture had probably used old legislation;
- Julia pointed out that there was a cost implication in submitting two bylaws.

After much debate the Committee was not able to reach a decision on a recommendation for Council. Therefore, the Committee asked that Officers produced a report containing two alternatives to be considered at Council:

- 1) Option 1 – the adoption of one bylaw regulating all dermal treatments, including acupuncture;
- 2) Option 2 – the adoption of two bylaws, once for acupuncture and one for all the other dermal treatments.

The Committee requested that more background information and costs be included in the report to Council.

RESOLVED That a report containing the two options listed above will be submitted to Council.

Subsequently, in consultation with the Chairman, Officers and the Committee, it was agreed that this report should come back to the September meeting for further analysis and agreement on a recommendation, prior to its submission to Council.

Agenda Item 14.

TITLE	Adoption Of Bylaws For Dermal Treatments
FOR CONSIDERATION BY	Licensing and Appeals Committee 21 November 2017
WARD	Non-specific
LEAD OFFICER	Josie Wragg, Interim Director of Environment

PURPOSE OF REPORT

The Committee is asked to consider adopting a set of byelaws to regulate acupuncture, tattooing, electrolysis, cosmetic and ear piercing and semi-permanent skin colouring. Currently, whilst businesses which carry out dermal treatments are registered, there are no specific byelaws in place in the Wokingham Borough for premises which practise these treatments. These are instead currently issued as guidance to businesses.

It is important for this industry to be effectively regulated due to the risks associated with the treatments being offered. There is the potential risk of transmission of blood borne viruses (BBV) for example HIV, Hepatitis B and C, as well as other infections, potential physical damage and bleeding if the treatment is completed incorrectly. Byelaws exist to secure the cleanliness and hygiene of the premises, practitioner and equipment.

It is often the case that registered practitioners and premises undertake treatment for more than one activity, so by using a consolidated set of byelaws the effect will be to improve efficiency for the registration of these businesses and to help the operators to more easily understand the regulation of their activities.

OUTCOMES

The adoption of the set of model byelaws as issued by the Department of Health in 2003 would mean that all operators carrying out dermal treatments would be required to observe consistent standard byelaws relating to cleanliness and hygiene. It will reduce the burden for businesses for complying with and displaying several sets of byelaws where more than one type of treatment is offered.

RECOMMENDATIONS

Recommendation 1

The Committee recommends the Council pass a resolution to adopt one set of Byelaws as set out in Annex A to this report; or

Recommendation 2

The Committee recommends the Council pass a resolution to adopt two sets of Byelaws; one specifically for the business and practice of acupuncture and one which combines tattooing, electrolysis, cosmetic piercing and skin colouring as set out in Annex B to this report.

SUPPORTING INFORMATION

Within Wokingham Borough at present we have 26 premises and 50 practitioners registered for conducting tattooing, ear piercing, electrolysis and acupuncture. Officers inspect premises and carry out a visit to that person wishing to carry on the practice of tattooing, ear piercing, electrolysis and acupuncture to ensure standards of cleanliness and procedures are in place in line with the content of the byelaws. Subject to the satisfaction of the local authority as to the person's skills, knowledge and suitability to carry out these treatments, certificates of registration are issued with guidance notes that relate to each specific treatment.

Training to ensure the competency of practitioners is not set out within the byelaws. It is instead specified in non-statutory advice and guidance that is issued by a range of trade organisations. The report therefore does not ask the Committee to approve competency guidance prior to registration of practitioners as it has no statutory basis. Officers will, as is the practice in other industries, cover competency of practitioners by using the powers within the Health and Safety at Work Act 1974, which places a duty on businesses not to expose customers to risk. The practitioner would be asked to obtain suitable training and/or supervision, and as a last resort served with a legal notice requiring training.

There are exemptions from the requirement for registration in respect of any persons carrying on the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis by or under the supervision of a registered medical practitioner, which means a means a fully registered person within the meaning of the Medical Act 1983 who holds a licence to practise under that Act. Whilst acupuncture is carried out for medical reasons, the practitioners do not fall within the medical exemption as they are not registered within the meaning of the Medical Act 1983.

If agreed there is a prescribed procedure to be followed by the local authority prior to adoption of the model byelaws. In summary the procedure involves advertising the intention to adopt the byelaws in a local newspaper, and having a copy available for the public to view at no charge in named Council offices. After not less than a calendar month the submission can then be made to the Secretary of State for confirmation.

Corporate Implications (this must include Financial Implications)

There are no implications arising from the recommendation in this report.

List of Background Papers

Department of Health: Regulation of Cosmetic Piercing and Skin-Colouring businesses – February 2004
Model Byelaws: Acupuncture, Tattooing, Semi-Permanent Skin-Colouring, Cosmetic Piercing and Electrolysis

Contact Laura Driscoll	Service Public Protection Partnership
Telephone No 01344 352517	Email laura.driscoll@westberks.gov.uk
Date 31 October 2017	Version No. 1.2

MODEL BYELAWS

Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis

Byelaws for the purposes of securing the cleanliness of premises registered under sections 14(2) or 15(2) or both of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in such premises and of persons registered under sections 14(1) or 15(1) or both of the Act and persons assisting them and of securing the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the practice of acupuncture or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis, or any two or more of such practice and businesses made by in pursuance of sections 14(7) or 15(7) or both of the Act.

Interpretation

1.—(1) In these byelaws, unless the context otherwise requires—

“The Act” means the Local Government (Miscellaneous Provisions) Act 1982;

“client” means any person undergoing treatment;

“hygienic piercing instrument” means an instrument such that any part of the instrument that touches a client is made for use in respect of a single client, is sterile, disposable and is fitted with piercing jewellery supplied in packaging that indicates the part of the body for which it is intended, and that is designed to pierce either—

(a) the lobe or upper flat cartilage of the ear, or

(b) either side of the nose in the mid-crease area above the nostril;

“operator” means any person giving treatment, including a proprietor;

“premises” means any premises registered under sections 14(2) or 15(2) of the Act;

“proprietor” means any person registered under sections 14(1) or 15(1) of the Act;

“treatment” means any operation in effecting acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis;

“the treatment area” means any part of premises where treatment is given to clients.

(2) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

2.—(1) For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that—

(a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;

(b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;

(c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilized for each treatment, is suitably stored after treatment and is disposed of in accordance with relevant legislation and guidance as advised by the local authority;

(d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;

(e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected—

- (i) immediately after use; and
 - (ii) at the end of each working day.
 - (f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;
 - (g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, and “No Eating or Drinking” is prominently displayed there.
- (2)(a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

(3)(a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

3.—(1) For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment—

- (a) an operator shall ensure that—
 - (i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—
 - (aa) is clean and in good repair and, so far as is appropriate, is sterile;
 - (bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.
 - (ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;
 - (iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;
 - (iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;
 - (v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilized before re-use.
- (b) a proprietor shall provide—
 - (i) adequate facilities and equipment for—
 - (aa) cleansing; and
 - (bb) sterilization, unless only pre-sterilized items are used.
 - (ii) sufficient and safe gas points and electrical socket outlets;
 - (iii) an adequate and constant supply of clean hot and cold water on the premises;
 - (iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.

4.—(1) For the purpose of securing the cleanliness of operators, a proprietor—

- (a) shall ensure that an operator—
 - (i) keeps his hands and nails clean and his nails short;

- (ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;
 - (iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);
 - (iv) wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with another client;
 - (v) does not smoke or consume food or drink in the treatment area; and
- (b) shall provide—
- (i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and
 - (ii) suitable and sufficient sanitary accommodation for operators.

(2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities that the proprietor provides need not be for the sole use of the operator.

(3) Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable examination gloves that have not previously been used with another client if—

- (a) the client is bleeding or has an open lesion on an exposed part of his body; or
- (b) the client is known to be infected with a blood-borne virus; or
- (c) the operator has an open lesion on his hand; or
- (d) the operator is handling items that may be contaminated with blood or other body fluids.

5. A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).

COUNCIL'S SIGNATURE

COUNCIL'S SEAL

The foregoing byelaws are hereby confirmed by the Secretary of State for Health
on _____ and shall come into operation on _____

Member of the Senior Civil Service
Department of Health

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on premises. Section 16(9) of the Local Government (Miscellaneous Provisions) Act 1982 provides that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act. A person who contravenes section 16(9) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale (see section 16(10)).

Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 also provides that any person who contravenes these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under Part VIII of the Act is found guilty of contravening these byelaws the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of the person's registration. A court which orders the suspension of or cancellation of a person's registration may also order the suspension or cancellation of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under the relevant sub-sections of section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

Nothing in these byelaws extends to the practice of acupuncture, or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis by or under the supervision of a person who is registered as a medical practitioner, or to premises in which the practice of acupuncture, or business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis is carried out by or under the supervision of such a person.

Nothing in these byelaws extends to the practice of acupuncture by or under the supervision of a person who is registered as a dentist, or to premises in which the practice of acupuncture is carried out by or under the supervision of such a person.

The legislative provisions relevant to acupuncture are those in section 14. The provisions relevant to treatment other than acupuncture are in section 15.

The key differences in the application of requirements in respect of the various treatments are as follows:

*The references in the introductory text to provisions of section 14 (acupuncture) of the Local Government (Miscellaneous Provisions) Act 1982 **only apply to acupuncture.***

*The references in the introductory text to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Local Government (Miscellaneous Provisions) Act 1982 **do not apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 14 (acupuncture) **only apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) **do not apply to acupuncture.***

*The requirement in paragraph 2(2) that treatment is given in a treatment area used solely for giving treatment **applies to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis but not to ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirement in paragraph 2(3) that the floor of the treatment area be provided with a smooth impervious surface **applies to tattooing, semi-permanent skin-colouring and cosmetic piercing but not to acupuncture or electrolysis or ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirements relating to dye or a container used to hold dye used for treatment in paragraphs 3(1) (a) (iv) and (v) **apply to tattooing and semi-permanent skin-colouring.***

*The requirement in paragraph 4(1)(a)(iii) that an operator wears disposable examination gloves that have not previously been used with another client **does not apply to acupuncture otherwise than in the circumstances described in paragraph 4(3).***

*The provisions of paragraph 4(2) in relation to washing facilities **apply to cosmetic piercing using only a hygienic piercing instrument.***

*The exception whereby the byelaws do not apply to treatment carried out by or under the supervision of a **dentist** applies only to **acupuncture** (see **section 14(8) of the Act**).*

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MODEL BYELAWS

Tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis

Byelaws for the purposes of securing the cleanliness of premises registered under section 15(2) or the Local Government (Miscellaneous Provisions) Act 1982 and fittings in such premises and of persons registered under section 15(1) of the Act and persons assisting them and of securing the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis, or any two or more of such practice and businesses made by in pursuance of section 15(7) of the Act.

Interpretation

1.—(1) In these byelaws, unless the context otherwise requires—

“The Act” means the Local Government (Miscellaneous Provisions) Act 1982;

“client” means any person undergoing treatment;

“hygienic piercing instrument” means an instrument such that any part of the instrument that touches a client is made for use in respect of a single client, is sterile, disposable and is fitted with piercing jewellery supplied in packaging that indicates the part of the body for which it is intended, and that is designed to pierce either—

(a) the lobe or upper flat cartilage of the ear, or

(b) either side of the nose in the mid-crease area above the nostril;

“operator” means any person giving treatment, including a proprietor;

“premises” means any premises registered under section 15(2) of the Act;

“proprietor” means any person registered under section 15(1) of the Act;

“treatment” means any operation in effecting tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis;

“the treatment area” means any part of premises where treatment is given to clients.

(2) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

2.—(1) For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that—

(a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;

(b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;

(c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilized for each treatment, is suitably stored after treatment and is disposed of in accordance with relevant legislation and guidance as advised by the local authority;

(d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;

(e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected—

(i) immediately after use; and

- (ii) at the end of each working day.
 - (f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;
 - (g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, and “No Eating or Drinking” is prominently displayed there.
- (2)(a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;
- (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.
- (3)(a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;
- (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

3.—(1) For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment—

- (a) an operator shall ensure that—
 - (i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—
 - (aa) is clean and in good repair and, so far as is appropriate, is sterile;
 - (bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.
 - (ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;
 - (iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;
 - (iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;
 - (v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilized before re-use.
- (b) a proprietor shall provide—
 - (i) adequate facilities and equipment for—
 - (aa) cleansing; and
 - (bb) sterilization, unless only pre-sterilized items are used.
 - (ii) sufficient and safe gas points and electrical socket outlets;
 - (iii) an adequate and constant supply of clean hot and cold water on the premises;
 - (iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.

4.—(1) For the purpose of securing the cleanliness of operators, a proprietor—

- (a) shall ensure that an operator—
 - (i) keeps his hands and nails clean and his nails short;
 - (ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;

- (iii) wears disposable examination gloves that have not previously been used with another client;
- (iv) wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with another client;
- (v) does not smoke or consume food or drink in the treatment area; and
- (b) shall provide—
 - (i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and
 - (ii) suitable and sufficient sanitary accommodation for operators.

(2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities that the proprietor provides need not be for the sole use of the operator.

5. A person registered in accordance with section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).

COUNCIL’S SIGNATURE

COUNCIL’S SEAL

The foregoing byelaws are hereby confirmed by the Secretary of State for Health
on _____ and shall come into operation on _____

Member of the Senior Civil Service

Department of Health

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on premises. Section 16(9) of the Local Government (Miscellaneous Provisions) Act 1982 provides that a registered person shall cause to be prominently displayed on the premises a copy of

these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act. A person who contravenes section 16(9) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale (see section 16(10)).

Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 also provides that any person who contravenes these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under Part VIII of the Act is found guilty of contravening these byelaws the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of the person's registration. A court which orders the suspension of or cancellation of a person's registration may also order the suspension or cancellation of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under the relevant sub-sections of section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

Nothing in these byelaws extends to the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis by or under the supervision of a person who is registered as a medical practitioner, or to premises in which the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis is carried out by or under the supervision of such a person.

The provisions relevant to tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis are in section 15 of the Local Government (Miscellaneous Provisions) Act 1982.

The key differences in the application of requirements in respect of the various treatments are as follows:

The requirement in paragraph 2(2) that treatment is given in a treatment area used solely for giving treatment **applies to tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis but not to ear-piercing or nose-piercing using a hygienic piercing instrument.**

The requirement in paragraph 2(3) that the floor of the treatment area be provided with a smooth impervious surface **applies to tattooing, semi-permanent skin-colouring and cosmetic piercing but not to electrolysis or ear-piercing or nose-piercing using a hygienic piercing instrument.**

The requirements relating to dye or a container used to hold dye used for treatment in paragraphs 3(1) (a) (iv) and (v) **apply to tattooing and semi-permanent skin-colouring.**

The provisions of paragraph 4(2) in relation to washing facilities **apply to cosmetic piercing using only a hygienic piercing instrument.**

MODEL BYELAWS

Acupuncture

Byelaws for the purposes of securing the cleanliness of premises registered under sections 14(2) of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in such premises and of persons registered under section 14(1) of the Act and persons assisting them and of securing the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the practice of acupuncture made by in pursuance of sections 14(7) of the Act.

Interpretation

1.—(1) In these byelaws, unless the context otherwise requires—

“The Act” means the Local Government (Miscellaneous Provisions) Act 1982;

“client” means any person undergoing treatment;

“hygienic piercing instrument” means an instrument such that any part of the instrument that touches a client is made for use in respect of a single client, is sterile, disposable and is fitted with piercing jewellery supplied in packaging that indicates the part of the body for which it is intended, and that is designed to pierce either—

- (a) the lobe or upper flat cartilage of the ear, or
- (b) either side of the nose in the mid-crease area above the nostril;

“operator” means any person giving treatment, including a proprietor;

“premises” means any premises registered under section 14(2) of the Act;

“proprietor” means any person registered under section 14(1) of the Act;

“treatment” means any operation in effecting acupuncture;

“the treatment area” means any part of premises where treatment is given to clients.

(2) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

2.—(1) For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that—

- (a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;
- (b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilized for each treatment, is suitably stored after treatment and is disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;
- (e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected—
 - (i) immediately after use; and
 - (ii) at the end of each working day.
- (f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;

(g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, and “No Eating or Drinking” is prominently displayed there.

(2)(a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

3.—(1) For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment—

(a) an operator shall ensure that—

(i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—

(aa) is clean and in good repair and, so far as is appropriate, is sterile;

(bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.

(ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;

(iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;

(iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;

(v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilized before re-use.

(b) a proprietor shall provide—

(i) adequate facilities and equipment for—

(aa) cleansing; and

(bb) sterilization, unless only pre-sterilized items are used.

(ii) sufficient and safe gas points and electrical socket outlets;

(iii) an adequate and constant supply of clean hot and cold water on the premises;

(iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.

4.—(1) For the purpose of securing the cleanliness of operators, a proprietor—

(a) shall ensure that an operator—

(i) keeps his hands and nails clean and his nails short;

(ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;

(iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);

(iv) wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with another client;

(v) does not smoke or consume food or drink in the treatment area; and

(b) shall provide—

- (i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and
- (ii) suitable and sufficient sanitary accommodation for operators.

(2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities that the proprietor provides need not be for the sole use of the operator.

(3) Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable examination gloves that have not previously been used with another client if—

- (a) the client is bleeding or has an open lesion on an exposed part of his body; or
- (b) the client is known to be infected with a blood-borne virus; or
- (c) the operator has an open lesion on his hand; or
- (d) the operator is handling items that may be contaminated with blood or other body fluids.

5. A person registered in accordance with sections 14 (acupuncture) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).

COUNCIL’S SIGNATURE

COUNCIL’S SEAL

The foregoing byelaws are hereby confirmed by the Secretary of State for Health
on _____ and shall come into operation on _____

Member of the Senior Civil Service

Department of Health

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Nothing in these byelaws extends to the practice of acupuncture by or under the supervision of a person who is registered as a medical practitioner, or to premises in which the practice of acupuncture is carried out by or under the supervision of such a person.

Nothing in these byelaws extends to the practice of acupuncture by or under the supervision of a person who is registered as a dentist, or to premises in which the practice of acupuncture is carried out by or under the supervision of such a person.

The legislative provisions relevant to acupuncture are those in section 14.

TITLE	Pet Shops – Review Of License Conditions
FOR CONSIDERATION BY	Licensing and Appeals Committee 21 November 2017
WARD	Non-specific
DIRECTOR	Josie Wragg, Interim Director of Environment

OUTCOME / BENEFITS TO THE COMMUNITY

Members of the Licensing and Appeals Committee are asked to consider a consultation exercise in respect of adoption of the Chartered Institute of Environmental Health (CIEH) model licence conditions for pet shops.

RECOMMENDATION

Members are asked to agree:

1. That a consultation exercise will be carried out with holders of pet shop licences in respect of adoption of a new set of licence conditions, as at Annex B, and for any responses to be reported on for consideration at a future meeting of the Committee.

SUMMARY OF REPORT

The authority's current licence conditions which can be found at Annex A are outdated and the contents of the CIEH Model Licence Conditions, which are widely accepted as representing the minimum standards to be applied, ensure appropriate standards of health, safety and welfare.

Background

Pet shops are licensed annually from 1 January to 31 December and the licence specifies the species of animals permitted to be sold. There are currently 14 licensed pet shops in the Wokingham Borough. Before granting a licence the licensing authority must be satisfied that the requirements of the Pet Animals Act 1951 can be met in that:

- Animals will at all times be kept in accommodation suitable as respects size, temperature, lighting, ventilation and cleanliness;
- Animals will be adequately supplied with suitable food and drink and visited at suitable intervals;
- Mammals will not be sold at too early an age;
- All reasonable precautions will be taken to prevent the spread among animals of infectious diseases;
- Appropriate steps will be taken in case of fire or other emergency.

The Licensing Authority is permitted to apply conditions to secure the matters specified above. In addition, as a result of the introduction of the Animal Welfare Act 2006 those responsible for animals, including pet vendors, have a 'duty of care' towards the welfare of the animals in their care. Vendors must therefore meet the welfare needs, defined in

the Animal Welfare Act 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

This authority has a set of standard conditions which are applied to all pet shop licences, and a separate set of conditions for premises which sell puppies. The current standard conditions appear to be the outdated Local Government Association (LGA) Model Standards.

The CIEH Model Licence Conditions have recently been revised and updated by a working group comprising industry experts, animal welfare charities and local authority representatives (including from the CIEH; the Local Government Association; the British Veterinary Association; the RSPCA; and others). The CIEH Model Licence 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, ill-treatment and to encourage good standards of animal husbandry in pet vending.

Analysis of Issues

By using the CIEH model conditions the Authority is ensuring that its regulatory framework is up to date and complies with the latest animal welfare guidance. It should be noted that separate additional conditions could still be used for any individual premises as required to comply with the requirements of the Pet Animals Act 1951.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	No impact	N/A	N/A
Next Financial Year (Year 2)	No impact	N/A	N/A
Following Financial Year (Year 3)	No impact	N/A	N/A

Other financial information relevant to the Recommendation/Decision

None

Cross-Council Implications

There are no implications arising from the recommendation in this report.

List of Background Papers
Pet Animals Act 1951 CIEH Model Licence Conditions for Pet Vending

Contact Laura Driscoll	Service Public Protection Partnership
Telephone No 01344 352517	Email laura.driscoll@westberks.gov.uk
Date 29 October 2017	Version No. 1

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LICENCE CONDITIONS

1.0 Licence display

- 1.1 This licence, or a copy of this licence, should be displayed to the public in a prominent position.

NB For security reasons, the licence should not display the licence holder's home address.

2.0 Accommodation

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

- 2.2 If animals are displayed outdoors, they must have protection appropriate to their species.

- 2.3 Housing must be constructed of non-porous materials or be approximately treated.

- 2.4 In order to control the spread of disease and to prevent injury, animals must not be kept in housing in such a way that they can be disturbed by other animals or by the public.

- 2.5 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.

- 2.6 Accommodation must be cleaned as often as necessary to maintain good hygiene standards.

- 2.7 Where accommodation is on a tiered system, water, food or other droppings must not be allowed to enter the lower housing.

- 2.8 All accessories provided in the accommodation must be suitable for the species.

NB When designing accommodation, consideration should be given to using systems which would allow removal of the animals in case of emergency. This provision would not usually apply to aquariums and ponds.

3.0 Exercise facilities

- 3.1 Suitable and sufficient facilities must be available where appropriate.

NB For puppies, where required, a covered exercise area of at least 2.46 square metres (26 sq ft) should be provided. Exercise areas should have a minimum height of 1.8 metres (6ft) to facilitate adequate access by staff for cleaning.

4.0 Register of animals

4.1 A livestock purchase register must be maintained for all livestock. A sales register must be maintained for:

4.1.1 puppies;

4.1.2 kittens;

4.1.3 psittacines;

4.1.4 species contained in the Schedule to the Dangerous Wild Animals Act 1976 (as modified).

NB This can be by cross-reference to an invoice file. The purpose of the register is to ascertain the source of livestock and for emergency contact of purchaser. The name, address and telephone number of the purchaser should be obtained.

5.0 Stocking numbers and densities

5.1 The maximum numbers of animals to be stocked on the premises will be governed by the accommodation available, as stated in the stocking density lists detailed in the schedules to these licence conditions. No animal other than those specified in the licence may be stocked without prior written approval from the licensing authority. These stocking densities are provided for guidance and recommendation only. See schedules below

6.0 Health, disease and acclimatisation

6.1 All stock for sale must be in good health and free from obvious parasitic infection as far as can be reasonably determined without veterinary inspection.

6.2 Any sick or injured animal must receive appropriate care and treatment without delay. Inexperienced staff must not treat sick animals unless under appropriately experienced supervision.

NB "Care and treatment" may include euthanasia but under no circumstances may an animal be euthanized other than in a humane and effective manner. In case of doubt, veterinary advice must be sought.

6.3 Facilities must be provided to isolate sick animals.

NB 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 a proper size and maintained in accordance with the manufacturer's recommendations.

6.4 All animals must receive appropriate inoculations where required for the species, as advised by the veterinary surgeon. Veterinary advice must be sought whenever necessary.

6.5 Any animal 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.

6.6 All animals must be allowed a suitable acclimatisation period before sale.

- 6.7 All reasonable precautions must be taken to prevent the outbreak and spread of disease. No animal which is suffering from, or could reasonable be suspected of having come into contact with any other animal suffering from, any infectious or contagious disease, or which is infested with parasites, shall be brought into or kept on the premises unless effectively isolated.
- 6.8 Individual litters of puppies and kittens must be kept separate from other litters.
- 6.9 All necessary precautions must be taken to prevent harborage, or the introduction to the premises of rodents, insects and other pests.

7.0 Food and drink

- 7.1 Animals must be supplied with adequate amounts of food and drink, appropriate to their needs and at suitable intervals.
- 7.2 All food must be suitable for the species concerned.
- 7.3 Food and drink receptacles must be constructed and positioned to minimise faecal contamination and spillage.
- 7.4 A suitable and sufficient number of receptacles must be provided and cleaned at regular intervals.

8.0 Food storage

- 8.1 All food, excluding live foods intended for feeding to livestock on the premises, must be stored in impervious closed containers.
- 8.2 The containers and equipment used for feeding must be kept in a clean and sound condition.

9.0 Observation

- 9.1 All livestock must be attended to at regular intervals, at least once daily, appropriate to the species. It is recommended that a system of recording observation is maintained.

10.0 Excreta and soiled bedding

- 10.1 All excreta and soiled bedding must be kept in a hygienic manner and stored in impervious containers with close-fitting lids – away from direct sunlight.
- 10.2 Excreta and soiled bedding must be removed from the premises on a regular basis, at least weekly disposed of to the satisfaction of the appropriate local authority and in accordance with current regulations and good waste management practice.
- 10.3 All containers must be kept in a clean condition.

11.0 Transportation

- 11.1 When receiving stock, the licensee must make every effort to ensure that it is transported in a suitable manner. It is advisable (recommended) to record the registration number of vehicles transporting livestock.
- 11.2 Any livestock received or consigned shall be transported according to the regulations laid down in current legislation, such as the Welfare of Animals (Transport) Order 1997.
NB For air transportation, the IATA live animals regulations must be followed, as a minimum legal standard.

12.0 Transportation containers

- 12.1 Livestock must be transported or handed to purchasers in suitable containers.

13.0 Sale of livestock

- 13.1 No mammal shall be sold unweaned or, if weaned, at an age at which it should not have been weaned.
- 13.2 In the case of non-mammals, they must be capable of feeding themselves.

14.0 Dangerous wild animals

- 14.1 When dangerous wild 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.
- 14.2 The local authority should be notified in the event that the pet shop wishes to offer for sale, for the first time, any animal on the Schedule to the Dangerous Wild Animals Act. Although it is acknowledged that there is an exemption contained within the Act in relation to pet shops, it is recommended that consideration should be given to complying with any special requirement(s) specified in the Act for the safe accommodation or care of the animal.
- 14.3 Licensees selling animals on the Schedule to the Dangerous Wild Animals Act should inspect the purchaser's licence to keep such an animal and inform the issuing authority of the details of the purchase.

15.0 Pet care advice

- 15.1 Pet care leaflets or other similar written instructions must be made available to customers free of charge at the time of purchase, in addition to any offer to purchase pet care books or leaflets.
- 15.2 Purchasers must be given proper advice on the care of the animal and, where necessary, on the maintenance and use of any accessories.
- 15.3 Appropriate reference materials must always be available for use by staff.
NB Further advice can be obtained from the organisations listed in Annex 1 at the back of this document.

16.0 Staff training and livestock knowledge

- 16.1 No animal should be stocked or sold unless the staff (or at least one member of the staff) is familiar with the care and welfare of the animals stocked and has a recognised qualification or suitable experience.
- 16.2 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.
- 16.3 The licensee must formulate a written training policy for all permanent staff and will be required to demonstrate that systematic training is carried out.

NB Further advice and guidance on training can be obtained from the organisations listed in Annex 1.

17.0 Fire and other emergency precautions

- 17.1 Suitable emergency precautions and written procedures must exist and be made known to all staff, including arrangements for evacuation of livestock.

NB The general maxim of “people first” is good advice.

- 17.2 Entrances and exits must be clear of obstructions at all times.
- 17.3 Suitable fire fighting equipment must be provided, maintained, regularly serviced and sited as advised by the local Fire Protection/Prevention Officer and in consultation with the local authority.
- 17.4 The licensee, or a designated keyholder, must at all times be within reasonable distance of the premises and available to visit the premises in case of emergency.

NB A reasonable distance would, in normal conditions, be interpreted as no more than 20 minutes travelling time.

- 17.5 A list of keyholders must be lodged with the local police and with the local authority.
- 17.6 In the interests of animal welfare, the following notice must be displayed at the front of the shop: “In case of an emergency, dial 999”. The number of the local police station should also be displayed.
- 17.7 When pet shops are sited within other premises, the licensee or keyholders must have access at all times to the premises containing the livestock.
- 17.8 All electrical installations and appliances must be maintained in a safe condition.

NB It is strongly recommended that smoke and residual current detectors or other similar devices are installed.

SCHEDULE 1: STOCKING DENSITIES – CAGE BIRDS

1. No species of bird shall be housed in accommodation which does not afford that species sufficient space for natural free and full wing stretching and the number of birds housed shall be such that overcrowding does not significantly reduce that freedom. 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.

Note – This refers to the provisions of the Wildlife and Countryside Act 1981, which should not be contravened, particularly section 8 of that Act.

2. 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.

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

4. Minimum floor areas apply to young stock. For adult stock offered for sale, the dimensions should be doubled. For advice on the age of stock, it is advisable to contact the veterinary surgeon.

SCHEDULE 2: STOCKING DENSITIES – JUVENILE SMALL MAMMALS

	No. of Animals	1 – 4	5	6	7	8	9	10	Minimum Cage height	Minimum Cage Depth
Mice, hamsters, gerbils	sq.cm	450	525	600	675	750	825	900	25	25
Rats	sq.cm	675	785	900	1,010	1,125	1,235	1,350	30	30
Guinea pigs	sq.cm	1,350	1,570	1,800	2,020	2,250	2,470	2,700	30	30
Rabbits up to 2kg, kittens, ferrets, chinchillas, chipmunks	sq.cm	2,250	2,625	3,000	3,375	3,750	4,125	4,500	40	30
Puppies up to age of 12 weeks maximum	sq.cm	10,000	12,500	15,000	17,500	20,000	22,500	25,000	Double height at shoulder minimum 50	0.9m

1. The range of behavioural opportunities for many of the animals listed above will be increased by enriching the environment with accessories.

2. Raised shelving should be taken into consideration when assessing the total floor area.

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

4. 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.

SCHEDULE 3: STOCKING DENSITIES – ORNAMENTAL FISH

1. It is virtually impossible to determine the quantity of fish to be kept in a tank purely on a weight/volume ratio.
2. 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 practical.
3. 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 likewise 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 (1mg/litre – 1ppm)

Cold water

*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 fish

*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 species

*Dissolved oxygen	-min	5.5mg/litre
*Free ammonia	-max	0.01mg/litre
Nitrite	-max	0.125mg/litre
Nitrate	-max	40mg/litre. This is an absolute figure: it does not relate to ambient tap water.
*pH (tropical marine only)	-min	8.1

**These parameters should be checked first. Only if a problem exists with these tests is it necessary to check nitrite and nitrate levels.*

4. Further advice and guidance on water quality criteria can be obtained from the Ornamental Aquatic Trade Association Ltd from the address at annex 1.

SCHEDULE 4: STOCKING DENSITIES – OTHER SPECIES

1. Other species should be housed in accommodation appropriate to size, age and type of species and to avoid overcrowding. This should be sufficient space for free and natural movement which should not be restricted by either the size of the accommodation or the number of animals in that holding. Correct temperature for the species must be maintained.
2. The advice and approval of the licensing authority should be sought wherever there is doubt about a species being sold.

Standard Licensing Conditions for Pet Shops selling Puppies

1. No dog shall be kept or sold as part of the business unless it has been obtained directly from the dog breeder. It is not permissible to obtain a dog through any other dealer or via any other intermediary who has acquired the dog or has the dog in their care.
2. The source breeder shall be the owner and keeper of the female parent (dam) of the litter.
3. No dog shall be sourced from a breeder unless that breeder is either a) licenced or b) is exempt from the requirement to be licensed but who nevertheless adheres to a recognised breeding standard or policy such as the Pet Care Trusts Charter for Breeding Dogs or Kennel Club Accredited Breeders Scheme.
4. Before any dog is sold, the purchaser shall be given the contact details for the dog breeder, including contact name, address of the establishment, telephone contact number and where there is one, an e-mail address.
5. The pet shop licence holder must ensure that they have sufficient knowledge of puppies in general and the breeds they sell in particular to ensure they can provide accurate information to the new owner.
6. The breeder must be able to provide evidence that the parents of the dog have been tested for genetic defects where there is a recognised basis for testing and that those results are adequate to be consistent with responsible breeding process.
7. No dog shall pass into the keeping of the pet shop licence holder unless it has remained with the dam and at the place of birth for a minimum period of eight weeks.
8. No dog shall be sold unless it has been permanently identified by the insertion of a microchip implanted whilst in the care of the breeder. The microchip must be registered by the licensee to the purchaser on a database compliant with the Microsoft Advisory Group Code of Practice prior to the sale of the dog.
9. No dog shall be received or kept by the pet shop licence holder unless the dog has started a course of standard vaccinations. The original documentation issued in connection with those vaccinations shall be passed to the final purchaser. No such documentation shall be considered valid unless it bears the stamp or details of the veterinary practice, which administered the vaccination(s), together with the signature of the veterinary surgeon who performed the procedure(s). The microchip number must also be added to the documentation.
10. The pet shop licence holder shall keep a log of the microchip number of each dog. All such logs kept in the course of the business shall be made available on request at any reasonable time to an authorised enforcement officer.

11. While in the keeping of the pet shop licence holder each dog shall bear some means of identification (such as a collar). The means of identification should relate in some manner to the microchip number.

12. Where a pedigree dog is sold, it shall be accompanied by the pedigree certificate for that dog signed by the breeder. The pet shop licence holder is not authorised to purport independently that the dog is of pedigree stock.

13. When a dog is sold, the purchaser shall be provided with detailed, written good husbandry advice for the breed in question or be directed to specific sources of expert information on the breed, particularly with regard to diet, training, grooming and exercise. The Pet Shop licence holder shall be required to ensure that the purchaser is aware of their responsibilities under the Animal Welfare Act 2006. Under the Act the pet owner has a legal duty to ensure animal welfare of his animals. Welfare needs to include proper diet, somewhere suitable to live, any need to house with or apart from other animals, allowing animals to express normal behaviour and protection from pain, suffering, injury and disease.

14. If the puppy is seen by a veterinary surgeon during its time with the breeder or pet shop licence holder the records of those consultations must be given to the final purchaser.

15. The puppies should be adequately socialised.

16. It is expected that any pet shop licence holder will be familiar with both zoonotic and highly infectious diseases associated with dogs including recognition of their clinical signs and suitable advice must be sought from a veterinary surgeon in the event of such a disease occurring.

17. Condition 6 is amended to read "if the breeding parents of puppies being sold are not Kennel Club registered, it is acknowledged that they will not be subject to the Kennel Clubs Assured Breeder Scheme, which requires testing for hereditary diseases, and evidence of such testing will not be required. In its place written evidence will need to be produced demonstrating that the veterinary surgeon under who's care the breeding bitch and sire are, has examined both, prior to mating, and is of the opinion neither has shown clinical signs of any hereditary disease.

If at any time Kennel Club registered puppies are to be stocked then the Licensing Team must be notified and the requirement of condition 6 will apply."



Model Conditions for Pet Vending Licensing 2013



September 2013



This document has been prepared in the best interests of animal welfare and to improve pet shop management. No liability rests with contributing bodies for the circumstances arising out of the application of conditions contained within the document.

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Introduction

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 apply and enforce the licence conditions sensibly and appropriately.

These Model Conditions should not be considered as a complete manual on animal husbandry. It is 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 development in standards of animal welfare.

Local authorities in England, Scotland and Wales issue licences to proprietors of pet shops and other pet vendors under the provisions of the Pet Animals Act (1951). Before granting a licence the local authority must be satisfied that the animals are kept in accommodation that is suitable; that 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.

Under the Animal Welfare Act (2006)¹ which applies in England and Wales and the Animal Health and Welfare (Scotland) Act 2006² in Scotland those responsible for animals, including pet vendors, have a responsibility towards the welfare of the animals in their care. Under these Acts 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. 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

During the inspection, prior to the issue of a licence, it is important that the five needs as outlined above are considered. Defra, the Welsh Assembly Government and the Scottish Government have produced various Codes of Practice under the Animal Welfare Acts, which outline in more detail certain species' needs that can be referred to for guidance. Issues specific to pet shops and other pet vendors are covered in this document.

The Animal Welfare Acts 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. In Scotland, there is a prohibition on giving animals as prizes.

Another key objective in developing these model licensing conditions 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.

Humankind shares a world with animals; it is unsurprising therefore that we also share some diseases. Zoonoses, or zoonotic disease are infectious diseases transmissible between humans and other animals; many thousands of zoonotic disease have been identified. While the reported instances of transmission are infrequent, they nevertheless represent significant disease prevalence. The risk to humans depends on the kind of disease and the type of exposure.

¹ www.defra.gov.uk/foodfarm/farmanimal/welfare/act

² www.oqps.gov.uk/legislation/acts/acts2006/pdf/asp_20060011_en.pdf

Legislation/Orders that are relevant³:

England

- Pet Animals Act 1951
- Dangerous Dogs Act 1991
- Dangerous Wild Animals Act 1976
- Breeding of Dogs Act 1973
- EU Regulation on the protection of animals during transport (EC) 1/2005
- Welfare of Animals (Transport)(England) Order 2006
- Animal Welfare Act 2006
- Docking of Working Dogs' Tails (England) Regulations 2007
- Mutilations (Permitted Procedures)(England) Regulations 2007
- EU Wildlife Trade Regulations: Council Regulation (EC) No. 338/97, implements CITES (Convention on International Trade in Endangered Species of Flora and Fauna) in the European Community
- The Conservation of Habitats and Species Regulations 2010, implements the EU Habitats Directive: Council Directive 92/43 EEC.

Scotland

- Pet Animals Act 1951
- Dangerous Dogs Act 1991
- Control of Dogs (Scotland) Act 2010
- Dangerous Wild Animals Act 1976
- Breeding of Dogs Act 1973
- EU Regulation on the protection of animals during transport (EC) 1/2005
- Welfare of Animals (Transport)(Scotland) Order 2006
- Animal Health and Welfare (Scotland) Act 2006
- The Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2010
- The Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009

Wales

- Pet Animals Act 1951
- Animal Welfare Act 2006
- The Welfare of Animals (Transport) (Wales) Order 2007
- The Docking of Working Dogs' Tails (Wales) Regulations 2007
- Mutilations (Permitted Procedures) (Wales) Regulations 2007
- Dangerous Dogs Act 1991
- Dangerous Wild Animals Act 1976
- Breeding of Dogs Act 1973
- EU Regulation on the protection of animals during transport (EC) 1/2005
- The Conservation of Habitats and Species Regulations 2010, implements the EU Habitats Directive: Council Directive 92/43 EEC.

The working group agreed that the LGA Model Standards⁴ needed to be updated whilst anticipating secondary legislation under the Animal Welfare Act 2006. These conditions should therefore not be seen as a substitute for secondary legislation.

³ All legislation referred to in this document is intended to represent the most recent version

⁴ Local Government Association (1998) "The Pet Animals Act 1951: Model standards for pet shop licence conditions", LGA Publications

The groups consulted included:

- British Veterinary Association
- Cats Protection
- Chartered Institute of Environmental Health
- 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

Special thanks also to:

- Peter Scott – Zoo and Aquatic Veterinary Group/Companion Animal Welfare Council
- William H Wildgoose – Fish Veterinary Society/Midland Veterinary Surgery
- Ian Strachan – Scottish Government
- Wood Green Animal Shelters
- OneKind

Definition of terms

** A batch should be defined as a group of animals arriving from the same supplier, at the same time

**m² is a measurement of area. One m² measures one metre by one metre. Consequently two m² measures 2 metres by 1 metre. (4 square metres measures 2 metres by 2 metres).

Schedule A – General conditions

1. Licence Display

1.1 Condition

The licence or a copy of the licence must be suitably displayed to the public in a prominent position

Guidance

For security reasons, the licence should not display the licence holder's home address.

2. Accommodation

2.1 Condition

Animals must at all times be kept in accommodation designed to prevent escape and an environment suitable to their species and condition with respect to behavioural needs, situation, size, temperature, ventilation, and cleanliness. All accommodation must avoid drafts and overexposure to direct sunlight and must be kept in good repair.

Guidance

Animals should be able to move around freely, climb, fly, swim and jump where appropriate, and be comfortable in their environment. Definitions of appropriate sizes and materials are in the appropriate schedules to this document. Regular maintenance and repair will prevent injury from damaged housing. Temperature monitoring devices should be provided. It is important to avoid draughts.

2.2 Condition

Ventilation must be provided to all interior areas without the creation of excessive, localized draughts. Ventilation is important as an aid to disease control and aims to decrease smell accumulation and prevent excessive humidity of the atmosphere.

Guidance

The spread of airborne infections can be a significant risk. Excessive or inadequate humidity can cause other health problems.

2.3 Condition

If animals are displayed outdoors, they must have protection appropriate to their species

Guidance

This should include shelter from wind, rain or snow and/or the sun and predators if appropriate.

2.4 Condition

In order to control the spread of disease, and to prevent injury, housing must be constructed of non-porous materials or be appropriately treated. Junctions between all sections need to be fully cleanable.

Guidance

Appropriate housing will prevent direct transmission of disease and injuries. This will maintain structural integrity and ensure dry, easily cleansed surfaces. In general, untreated wood is not an appropriate material as it cannot be thoroughly cleaned.

2.5 Condition

Animals must be kept in housing which minimises stress from other animals or the public. Signage must be in place to deter public interference.

Guidance

An area to hide away, if needed, will help to reduce stress levels for the animals. In addition to signs, other measures maybe required, such as limiting access to some sides of animal enclosures. Care should be taken to avoid sensory contact between prey and predator species.

2.6 Condition

All animals for sale must be readily accessible and easy to inspect by staff.

Guidance

This should help to ensure that the cage is kept clean and hygienic and animals can be easily observed for illness or injury

2.7 Condition

Accommodation must be cleaned as often as necessary to maintain good hygiene standards

Guidance

To maintain a clean environment, a cleaning Standard Operating Procedure (SOP) should be provided and should detail the routine daily cleaning regime and the procedure for cleaning between periods of occupation. Soiled bedding should be removed frequently to ensure animals do not have to lie in it.

2.8 Condition

Where accommodation is on a tiered system, water, food or droppings must not be allowed to enter the lower housing

Guidance

This will prevent contamination of the lower cages. This does not apply to centrifuged fish systems or aviaries where perching and ground birds are housed together.

2.9 Condition

All accessories provided for environmental enrichment in the accommodation must be appropriate for the species.

Guidance

To stimulate the performance of natural behaviours.

3. Exercise Facilities

3.1 Condition

Suitable and sufficient facilities must be available where appropriate.

Guidance

Animals must be able to exhibit normal behaviour patterns and this may require the provision of suitable space for exercise.

4. Register of Animals

4.1 Condition

A purchase register must be maintained for all animals detailing their source and identification where appropriate,

Guidance

This can be by cross referenced to an invoice file. The purpose of the register is to ascertain the source of the animals.

4.2 Condition:

A sales register must be maintained for:

4.2.1 Dogs

4.2.2 Cats

4.2.3 Psittacines

4.2.4 Species contained in the Schedule to the Dangerous Wild Animals Act 1976

Guidance

The purpose of the register is for emergency contact of purchasers. The name, address and telephone number of the purchaser should be obtained. This is not required for other species.

4.3 Condition

Animals under veterinary treatment must be identifiable.

5. Stocking Numbers and Densities

5.1 Condition

No animals other than those specified in the licence, may be stocked.

The licence conditions should clearly state the numbers for each species or species group that may be kept on the premises, except fish. Please refer to Schedules for individual species for more details.

Animals are defined as any vertebrate animals; invertebrates are exempted from the regulations.

5.2 Condition

Where appropriate, all animals must be housed in social groups of suitable size.

Guidance

Details can be found in the relevant schedules.

6. Health Disease and Acclimatisation

6.1 Condition

All animals for sale must be in good health

Guidance

Vendors and staff are responsible for providing the animals' needs including good health care. Illness and obvious parasitic infection should be addressed before the animal is sold. Veterinary advice should be sought in any case of doubt.

Transport and the introduction to a novel environment are stressful and animals should be allowed to acclimatise before being further stressed by being offered for sale. Where animals are obtained for sale to a specific client it may be acceptable for the animal to be sold immediately.

All animals should receive appropriate vaccination where required for the species, as advised by the retailer's veterinary surgeon. Veterinary advice must be sought whenever necessary.

A Record of Treatment should be provided to the purchaser. Vaccination courses should begin at the appropriate age for each species.

6.2 Condition

Any sick or injured animal must receive appropriate care and treatment without delay. These must only be treated by appropriately competent staff or veterinary surgeons.

Guidance

"Care and treatment" may include euthanasia but under no circumstances may an animal be euthanised other than in a humane and effective manner. In case of doubt, veterinary advice must be sought.

6.3 Condition

Provision must be made for the isolation of sick/injured/infectious animals and those that might reasonably be expected to be carrying serious infectious diseases.

Guidance

Isolated animals should be kept in a secure, comfortable location where their condition and needs can be kept, also detailing treatment. 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 a proper size and maintained in accordance with manufacturers' recommendations.

6.4 Condition

Any animal with an abnormality which would materially affect its quality of life, must not be offered for sale. When in doubt, veterinary advice should be sought.

Guidance

Information on any known conditions should be provided to the new owner.

6.5 Condition

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

Guidance

Precautions should include regular cleaning (see 2.6) and good personal hygiene of staff in addition to effective quarantine of incoming groups of animals except for fish. Staff handling animals should wash or disinfect, and rinse if appropriate, their hands between groups. The shop should be registered with a veterinary practice and there should be veterinary input to SOPs where appropriate. It is important that the supplying breeders should have a policy for inherited and infectious disease control agreed. Staff should be aware of zoonotic transmission.

6.6 Condition

All necessary precautions must be taken to prevent harbourage, or the introduction to the premises, of rodents, insects and other pests.

Guidance

"Rodent" and "Insect" excludes animals for sale or feeding

7. Food and Drink

7.1 Condition

Animals must be supplied with adequate amounts of food and drink, appropriate to their needs at suitable intervals. All food must be suitable for the species concerned.

Guidance

Water should be available at all times except for those species where it may be harmful. An SOP should be produced for basic nutritional needs for each species or species group, and age group if appropriate. The owner should be advised to continue feeding consistent with the diet given by the pet shop.

7.2 Condition

Food and Drink receptacles must be appropriate to the species, constructed and positioned to minimise faecal and urine contamination and spillage. Receptacles must be cleaned out at regular intervals.

Guidance

Faecal and urine contamination is a risk to health. Maintaining a clean environment may require regular cleaning of receptacles. Receptacles should be thoroughly cleaned before being moved between batches/groups

8. Food Storage

8.1 Condition

All food, excluding live foods intended for feeding to animals on the premises, must be stored in impervious closed containers.

Guidance

Such containers prevent spoilage of the food or attraction of rodents or pests to the premises.

8.2 Condition

The containers and equipment used for feeding must be kept in a clean and sound condition.

Guidance

There must be suitable facilities for cleaning of receptacles and equipment which should be separate from staff facilities.

9. Observation

9.1 Condition

All animals must be attended to at regular intervals, except where defined in the schedule, at least once daily, and appropriate to the individual animal.

Guidance

Regular checks and observation records aid in early detection of illness, injury or behavioural problems and should be considered very important for all animals.

A system of recording observation should be maintained.

10. Disposal of Waste

10.1 Condition

All excreta and soiled bedding for disposal must be kept in a hygienic manner and stored in impervious containers with close fitting lids - away from direct sunlight.

Guidance

This is important for biosecurity and odour reduction.

Excreta and soiled bedding should be removed from the premises on a regular basis, at least weekly, disposed of to the satisfaction of the appropriate local authority, and in accordance with current regulations and good waste management practice. Premises should maintain a contract for removal with an appropriate company and adhere to local authority regulations.

There should be appropriate arrangements in place for removal of dead animals.

11. Transportation to the Premises

11.1 Condition

When receiving animals, the licensee must make reasonable effort to ensure that they are transported in a suitable manner.

11.2 Condition

Any animals received or consigned shall be transported according to the regulations laid down in current legislation.

11.3 Condition

Animals must be transported or handed to purchasers in suitable containers,

Guidance

Buyers should be advised how to transport animals home so as to minimise stress.

12. Sale of Animals

12.1 Condition

No mammal shall be sold un-weaned or, if weaned, at an age at which it should not have been weaned.

Guidance

Young mammals require nutritional and behavioural support from their mothers.

12.2 Condition

In the case of non-mammals, they must be capable of feeding themselves.

13. Dangerous Wild Animals as defined by the Dangerous Wild Animals Act 1976

13.1 Condition

When dangerous wild animals are kept, the cages must be of a secure construction appropriate to the species and kept locked.

Guidance

Safety of staff and the general public should be of utmost importance and safety barriers may aid in this, as well as prevention of escape.

13.2 Condition

The local authority must be notified in the event that the pet shop wishes to offer for sale, any animal on the Schedule to the Dangerous Wild Animals Act.

Guidance

The primary requirements of the Act are to protect the public but there are also welfare implications.

Although it is acknowledged that there is an exemption contained within the Act in relation to pet shops, it is recommended that consideration should be given to complying with any special requirement(s) specified in the Act for the safe accommodation and care of the animal.

Licensees selling animals on the Schedule to the Dangerous Wild Animals Act should inspect the purchaser's licence to keep such an animal, and inform the issuing authority of the details of the purchase. Licensees should take note of the latest guidance from Defra/Scottish Government.

14. Pet care advice, staff training and knowledge

Condition

New applicants must have a qualification or be registered with a recognized body such as City & Guilds. They must have suitably progressed in 12 months and have completed the qualification within 2 years.

Guidance

Qualifications should be City & Guilds or Level 3 equivalent and appropriate to the species kept.

14.1 Condition

The licensee must ensure that the purchaser is informed of the correct care of the animal covering feeding, housing, handling, husbandry, accessories and veterinary care.

Guidance

Pet care leaflets or other similar written instructions suitable for the species (or group of species) in question should be made available to customers free of charge at the time of purchase, in addition to any offer to purchase pet care books or leaflets. Information can be in the form of Codes of Practice issued by governments. In addition, information may also be made available electronically.

14.2 Condition

Appropriate reference materials on the care of each species must always be available for use by staff.

Guidance

Further advice can be obtained from the organisations listed in the 'Useful Contacts' section at the back of this document.

14.3 Condition

Staff members must be able to provide suitable advice to purchasers and answer questions as required by them.

No animal should be stocked or sold unless the staff or at least one member of staff on call is familiar with the care and welfare of the animals stocked and has a recognised qualification and/or suitable experience/training.

14.4 Condition

The licensee must be able to demonstrate appropriate staff training is carried out and that that staff are competent in pet shop management and animal handling.

Guidance

Further advice, guidance and training can be obtained from the organisations listed in the Useful Contacts section.

15. Fire and other emergency precautions

15.1 Condition

Suitable emergency precautions and written procedures must exist and be made known to all staff, including arrangements for evacuation of animals.

Guidance

Staff should be aware of these procedures and a copy should be displayed for staff to refer to as and when needed. Evacuation should be regularly practised and practices recorded. All staff should undergo regular training and records should be kept of such training.

15.2 Condition

Entrances and exits must be clear of obstructions at all times.

Guidance

To facilitate risk free evacuation if needed, when designing accommodation, consideration should be given to using systems which would allow timely removal of the animals in the case of emergency. This provision would not usually apply to aquaria and ponds.

15.3 Condition

Suitable fire fighting, prevention and detection equipment must be provided, maintained, regularly serviced and sited as advised by the local fire protection/prevention officer and approved by the local authority.

Guidance

This will ensure that, if needed, the equipment will function correctly. Staff should be properly trained on the use of equipment provided.

15.4 Condition

The licensee, or a designated key holder, must at all times be within reasonable travelling distance of the premises and available to attend in case of emergency.

Guidance

A reasonable distance would, in normal conditions, be interpreted as no more than 20 minutes travelling time.

15.5 Condition

A list of key holders must be logged with the local police and local authority.

Guidance

For contact in cases of emergency.

15.6 Condition

In the interests of animal welfare, the following notice must be displayed prominently at the front of the premises: "In case of an emergency dial 999".

Guidance

For information of the public in cases of emergency, when a staff member is not on site.

15.7 Condition

When pet shops are sited within other premises, the licensee or key holders must have access at all times to the premises containing the animals.

Guidance

This is vital for access to the animals at all times to ensure correct care is provided

15.8 Condition:

All electrical installations and appliances must be maintained in a safe condition.

Guidance

For health and safety of staff and animals.

15.9 Condition

There must be an effective contingency plan for essential heating, ventilation and aeration/ filtration systems, as appropriate.

Guidance

Some species are very sensitive to temperature fluctuation.

Schedule B – Dogs

1. Condition

Puppies must be weaned before leaving the mother.

Guidance

To ensure puppies can eat the food provided. Puppies must be 8 weeks old or over. Council Regulation (EC) No. 1/2005 on the protection of animals during transport and related operations prohibits the transport of puppies without their mother before this age.

2. Condition

The minimum kennel size must be:

- 2.1 For a batch of small breed puppies – max 6 pups – 1.5m² for sleeping, plus 2m² for exercise
- 2.2 For a batch of medium breed puppies – max 4 pups – 2m² for sleeping, plus 2m² for exercise
- 2.3 For a batch of large breed puppies – max 2 pups – 2m² for sleeping, plus 2m² for exercise

These are minimum requirements, for larger batches the size of the pens should be adjusted pro-rata accordingly. Ideally the puppies should have free access to the exercise area at all times. Any covered pens should have a minimum height of 1.8m or removable covers to allow adequate access by staff for cleaning. These are minimum standards and meeting the correct size of pens alone are not a defence if the welfare of the animals are in question.

Guidance

The kennel area should be large enough to allow separate sleeping and activity areas. The kennel should allow each puppy to be able to walk, turn around and wag its tail without touching the sides of the kennel. The puppies should have sufficient room to play, stand on their hind limbs and to lie down without touching another individual. The kennel size required will increase in relation to the size and number of puppies housed at any one time. The length and the width should be sufficient to allow all the puppies to lie outstretched without their noses or tails touching the walls or other individuals. In certain circumstances it is permissible to have separate exercise areas to sleeping areas but in such cases puppies must be given access to the exercise area at

least four times a day. Any separate exercise area should be fully cleaned and disinfected between its use by different batches of puppies.

3. Condition

Suitable and sufficient exercise facilities must be available and accessible where appropriate..

4. Condition

Extreme temperatures must be avoided.

Guidance

Puppies are relatively sensitive to high/ low temperatures. Temperatures should not normally go below 12°C or exceed 26°C

5. Condition

General bedding must include an adequate amount of absorbent material.

Guidance

The use of enough absorbent material allows urine and faeces to be contained and reduce contamination of the puppies.

6. Condition

Any soiled material must be removed at least four times a day or as required to ensure the puppy does not have to lie in a soiled area.

Guidance

Puppies do not discriminate in where they toilet and this maintains a clean environment. A cleaning schedule or SOP should be provided

7. Condition

A specific lying place must be provided lined with soft material,

Guidance

The use of soft material will prevent skin lesions being caused by soiling or pressure sores.

8. Condition

Puppies must be fed at least four times daily, at appropriate intervals.

Guidance

The diet should be appropriate for puppies.

9. Condition

Puppies must have frequent, quality contact time with staff.

Guidance

“Suitable intervals” for puppies to be visited are frequent, as they require to be socialised. It is recommended that this should be a minimum of 4 times per day with 20 minutes of interaction per batch. There should be an SOP.

10. Condition

Batches of puppies must not be mixed until they have been on the premises for seven days or have shown no sign of infectious disease for seven days.

Guidance

Puppies are particularly susceptible to disease as they have immature immune systems. The new owner should be advised to register the puppy with a vet.

11. Condition

Ideally, single puppies must not be left alone in a kennel, but where they are, special attention should be paid to specific human interaction. When they are mixed they should be of similar size, age and temperament and there should be good supervision of mixing.

Guidance

Isolating healthy puppies does not allow them to exhibit natural behaviour patterns.

12. Condition

There must be environmental enrichment in all kennels.

Guidance

To allow puppies to exhibit normal behaviour patterns. Toys should only be given under supervision and should be easily cleaned or replaced between batches.

** Please see ‘Schedule A – General Conditions’ for food, water and isolation conditions

Schedule C – Cats

1. Condition

Kittens must be weaned before leaving the mother.

Guidance

To ensure kittens can eat the food provided. Kittens must be 8 weeks old or over. Council Regulation (EC) No. 1/2005 on the protection of animals during transport and related legislation prohibits the transport of kittens without their mother before this age.

2. Condition

The minimum pen floor area for a batch of up to 4 kittens, up to 12 weeks of age, must be 1 m², with a minimum height of 0.6m (for example, 0.6m x 1 x 1) No dimension must be less than 0.6m. Any shelving or platforms must be in addition to the minimum floor area. Each additional kitten must have 0.25m² additional floor space.

Guidance

Kittens require adequate space to play together and to have space for a litter tray and bed. Varying heights to enable climbing should each also be provided. There should be adequate space for feeding, drinking, sleeping and litter tray to be kept separate.

3. Condition

Extreme temperatures must be avoided.

Guidance

Kittens are relatively sensitive to low temperatures owing to their small body weight. Temperatures should not normally go below 15°C or exceed 26°C.

4. Condition

Disposable or washable bedding must be provided and kept clean.

Guidance

Kittens need a warm sleeping, soft area, away from the litter tray and food.

5. Condition

A litter tray and appropriate litter must be available at all times and cleaned and disinfected at least once daily with an

appropriate disinfectant which is safe for use with cats and cleaned as appropriate. The disinfectant should be anti-viral and used in accordance with manufacturers' instructions, as some disinfectants are toxic to cats.

6. Condition

Kittens must be fed at least four times daily, at appropriate intervals.

Guidance

The diet should be appropriate for kittens.

7. Condition

Batches must not be mixed and if several batches are kept in one area then the pen must have solid sides.

Guidance

Diseases spread very easily between litters, both by direct contact or by sneezing. Kittens are particularly susceptible to disease as they have immature immune systems. The new owner should be advised to register the kitten with a vet.

8. Condition

Kittens must have frequent, quality contact time with staff.

Guidance

It is recommended that this should be a minimum of 4 times per day with 20 minutes of specific interaction per batch. Kittens should be protected from over-handling by staff or the public as they require time to rest.

9. Condition

There must be environmental enrichment in all cages such as toys, climbing frames and platforms.

Guidance

To allow kittens to exhibit normal behaviours, particularly climbing. Toys should be easily cleaned or replaced between batches.

Schedule D – Rabbits

1. Condition

Rabbits must be correctly sexed and housed in same sex groups.

Guidance

Rabbits are easier to sex at 8 weeks than any earlier, which will help prevent mis-sexing and unwanted litters.

2. Condition

The minimum enclosure size must be:

0.4m² for up to 4 standard juvenile rabbits and a height of 0.4m. 0.5m² for up to 2 giant breed juvenile rabbits and a height of 0.5m.

These are minimum requirements, for larger batches, larger breeds or adult rabbits the size of the pens should be adjusted pro-rata accordingly.

Guidance

Dwarf Lops/Dutch rabbits are the most commonly available in pet shops and weigh up to 4kgs. The height should allow the rabbit to rear up to perform natural behaviour. Rabbits should be kept in store in groups. Rabbits need to be able to move freely and to be able to perform vital behaviours such as caecotrophy and rearing.

3. Condition

There must be environmental enrichment in all enclosures. A hiding place must be provided.

Guidance

To allow rabbits to exhibit normal behaviours, indestructible toys; cardboard boxes; chewing substrates should be provided. Toys should be easily cleaned or replaced between batches. Rabbits are prey animals and should have the opportunity to hide if scared or stressed.

4. Condition

Extreme temperatures must be avoided.

Guidance

Ambient temperature should not normally go lower than 12°C or exceed 26°C. Providing cool water, cool packs in their bedding, air movement and air conditioning may each help to avoid the stress caused to rabbits by high environmental temperatures.

5. Condition

Rabbits must be provided with a suitable substrate and bedding material in sufficient amounts.

Guidance

Rabbits need a warm, softly-bedded sleeping area away from the litter and food/water.

6. Condition

Visibly soiled substrate and bedding must be removed daily. The pen should be thoroughly cleaned and disinfected before introducing a new animal.

Guidance

The disinfectant should be effective against both viral, bacterial and parasitic infection and safe for use on rabbits. Check with a vet or manufacturer if unsure. Diseases such as E-cuniculi can be spread via urine, so thorough cleaning is required between new occupants. Rabbits often choose to toilet in the sleeping area of a hutch and a litter tray could be placed here.

7. Condition

If batches are mixed you must ensure all animals are free from obvious parasitic infection.

Guidance

Diseases spread very easily between litters. Rabbits should be housed with batch mates where possible.

8. Condition

Rabbits must have a constant supply of fresh hay and water, and be offered an appropriate amount of dry food for the breed and age. Feed dishes should be suitable to ensure feed does not get contaminated by urine or faeces.

Guidance

Rabbits teeth are open rooted and therefore constant access to good quality hay is essential, for dental health, gastrointestinal health (without a constant supply of fibrous food, rabbit GI tracts slow down) and behavioural reasons (to relieve boredom). It is vital that hay is available throughout the day and sufficient provided for them at closing time to last them until the next business day. Dry food should be provided for youngsters to assist growth, see manufacturers instructions, but should not be fed ad-lib.

9 Condition

Animals must be provided with an appropriate diet and any new feeds must be introduced slowly.

Guidance

Due to the delicate digestive system, particularly under stress, if diets are to be changed then a slow transition between diets is advisable.

Schedule E – Other small mammals

1. Condition

All small mammals must be correctly sexed and housed in single sex groups unless a solitary species (or sold as a breeding pair),

Guidance

To help avoid unwanted litters, all animals should be sexed immediately on arrival to the premises and housed in single sex groups. Animals from different sources should not be mixed.

2. Condition

Animals must at all times be kept in suitably sized accommodation.

Guidance

Animals should be able to freely move around the accommodation and be able to perform natural behaviours. See attached table for species relevant sizing.

3. Condition

Animals must be provided with a suitable substrate in sufficient amounts.

Guidance

Providing sufficient and appropriate substrate keeps the accommodation clean and dry and allows digging where appropriate. There are a number of substrates available and the type used will depend on the animal kept.

4. Condition

Animals must be provided with a suitable bedding material in sufficient amounts.

Guidance

Bedding provides a place to sleep and rest, the type used will depend on the animal kept. It should be provided in sufficient quantities to enable the animal to feel secure and warm.

5. Condition

Animals must be provided with places to hide. Accessories and enrichment should be provided, suitable to the species.

Guidance

Animals must be given the opportunity to hide as a natural instinct and be given suitable accessories to allow for stimulation and to

reduce stress. Chinchillas and Degus should be given the opportunity to use a sand bath by offering one on a regular basis, e.g. 10 minutes daily. Rodents need to express natural behaviour such as running and chewing/ gnawing. Toys such as hides, tunnels, paper bags filled with hay and fruit twigs are ideal for expressing natural foraging behaviour. Animals should be able to move away from direct lighting. Cool hides should be provided to prevent over heating.

6. Condition

Suitable food and drink receptacles must be provided and positioned to avoid faecal contamination.

Guidance

Water for small animals is usually provided in clean gravity fill drinking bottles,(which should be of a suitable size for the species) or automatic or semi – automatic drinking systems. Fresh water should be available at all times, or as appropriate to the species; some desert-dwelling species such as jerboas [family Dipodidae] should not be given water ad- lib. Bottles should be kept clean and free from algae.

7. Condition

All rodents must be fed a suitable diet, ad lib and have free access to hay where required.

Guidance

The diet should be appropriate for the breed, life stage and species. Food should be refreshed regularly. Guinea pigs should have sufficient vitamin C in their diet. Guinea pigs are unable to synthesise Vitamin C.

8. Condition

All rodents must be fully weaned on admission.

Minimum accommodation requirements – small rodents

Area in square metres

No. of Animals	1-4	5	6	7	8	9	10	Minimum Cage Height (m)	Minimum Cage Depth (m)
Mice, Hamsters, Gerbils	0.068	0.079	0.09	0.100	0.113	0.124	0.135	0.30	0.25
Rats	0.135	0.157	0.18	0.202	0.225	0.247	0.27	0.30	0.28
Guinea Pigs, Degus	0.225	0.263	0.3	0.338	0.375	0.413	0.45	0.30	0.30
Chinchillas	0.25	0.375	0.5	0.625	0.75	0.875	1.0	0.45	0.45
Chipmunk	0.25	0.375	0.5	0.625	0.75	0.875	1.0	0.90	0.45

Schedule F – Ferrets

1. Condition

Ferrets must be at least eight weeks old

Guidance

Ferret kits can find separation from their mother very stressful and the stress response in a ferret often results in diarrhoea which can prove fatal.

2. Condition

Ferrets must be housed with batch companions

Guidance

Ferrets are naturally social animals that depend on the companionship of their own kind. Lone ferrets often suffer depression including poor appetite and lack of enthusiasm to move or play.

3. Condition

Ferrets must be housed in groups or pairs of either sex. Adult hobs (males) require individual accommodation.

Guidance

Ferret kits can be easily sexed at 8 weeks of age. Adult, un-neutered hobs (males) may exhibit dominant behaviour and fight, so requiring individual accommodation. House the Jill (female) kits at a reasonable distance to prevent aggression between the hobs as they mature at around 20 weeks. Adult jills (females) should be prevented from having repeated seasons. Jills (females) left in season are prone to estrogen induced anaemia, a factor in shortening their normal lifespan. Veterinary advice should be sought.

4. Condition

Batches of ferrets must not be mixed.

Guidance

Not mixing will reduce the risk of disease spreading. Mixing can be stressful for ferrets.

5. Condition

The minimum pen floor area for a litter of up to 4 ferrets, up to 12 weeks of age, must be 1 m², with a minimum height of 0.6m. No dimension must be less than 0.6m. Any shelving or platforms must be in addition to the minimum floor area. Each additional ferret must have 0.25m² additional floor space.

Guidance

Enclosures should be placed on a hard surface and anchored to the ground. Ferrets require space for their toilet area removed from their sleeping or eating areas. Ferrets require space to exhibit their normal active behaviour – running backwards, forwards and sideways and to climb, explore and play. Ferrets are naturally clean and will usually select one corner as their toilet

6. Condition

Sleeping quarters must be draught free and dark.

Guidance

Ideally sleeping quarters should be raised. Ferrets seek dark areas for sleeping and sleep for long hours, up to twenty a day in the winter. Their natural instinct is to hide whilst sleeping.

7. Condition

Ferrets must have suitable bedding.

Guidance

Suggested bedding includes fabric items that can be laundered, straw and dust extracted wood shavings.

8. Condition

Extreme temperatures must be avoided.

Guidance

Temperatures should not normally go below 12°C or exceed 26°C. Ferrets tolerate cold better than heat. Provide plenty of warm bedding for when it is cold. Be aware heat prostration is likely at 32°C.

9. Condition

Ferret kibble must be provided at appropriate intervals.

Guidance

Feed a recognised and branded ferret kibble / biscuit. Small, frequent meals or ad lib feeding are recommended as ferrets have a rapid rate of digestion

10. Condition

Water must be supplied in both a heavy based bowl and a water bottle attached to the side of the enclosure.

Guidance

Ferrets are renowned for tipping bowls

Schedule G – Birds

1. Condition

There must be adequate perching space for all birds at the same time. Outdoor aviaries must include sufficient sheltered and non-sheltered space. Cage size must be adequate to allow birds to open their wings fully in all directions. Cages must include appropriate environmental enrichment.

Guidance

Stocking densities will depend on the type of bird as well as cage dimensions and number of perches. Access to rain can be beneficial for plumage. Some species will need adequate space to fly. Chickens require an appropriate area and substrate to perch.

2. Condition

Perches must be positioned so that birds do not defecate on each other and must be of appropriate size and shape for each species.

3. Condition

Ambient temperature must be appropriate for the species. Extremes of temperatures must be avoided.

Guidance

Birds are more sensitive to high temperatures.

4. Condition

There must be adequate drinkers/feeders commensurate with the number of birds and these must be cleaned regularly. Bowls etc. must be positioned so that birds do not defecate in food/water.

Guidance

Birds should not have to compete for drinkers/feeders and risk exclusion. Passerines should have food available at all times. Enrichment and feeding devices need to be provided for larger psittacids. For parrots, it is preferable to use swinging systems such that the keeper does not need to enter the cage in order to change food/ water. Bowls should not be able to be removed from holders by the parrot.

5. Condition

Cages must be constructed from materials suitable to the type and size of birds. Materials must be safe to birds and in good repair.

Guidance

Enclosures should be placed on a hard surface. Some species require more robust materials. Materials such as loose zinc coating can be toxic to birds.

6. Condition

Windproof nest boxes must be provided in all outside housing and inside where appropriate.

Guidance

Many birds find sleeping or sheltering in nest boxes an essential form of security or for sheltering from inclement weather but it is recognised that some species, such as canaries, will rarely if ever voluntarily enter nest boxes.

7. Condition

Flooring must be drop-through or easily washed/hosed.

Guidance

If ground living birds are kept with perching birds then attention should be paid to flooring such that bumblefoot issues are addressed - i.e. no concrete/rough stone. Where natural turf flooring is used, parasite status of the birds should be checked on a regular basis every few weeks.

Stocking Densities for Birds in Cages

Type	Length of Bird (cm)	Floor Area (m ²) housing up to 4 birds	Linear cms per additional bird on either cage length or depth ^{*3}
Budgerigar		0.15	5
Canary		0.15	5
Cockatiel		0.48	7.5
Finches	Less than 12.5	0.113	5
	12.5 – 17.5	0.15	5
	more than 17.5	0.225	7.5
Parakeets and Lovebirds ^{*1}	less than 25	0.42	7.5
	25-30*1	0.48	7.5
	more than 30*1	0.675	7.5
Parrots	less than 30	0.225	10
	30 – 35*2	0.4050	15
	more than 35*2	0.4725	20
Chickens		1.6	
Bantams		1.6	
Quail		16	

- *1. It is recommended that, wherever possible, these species are displayed for sale in aviaries or flights rather than cages per se.
- *2. It is recommended that, wherever possible, these species are displayed for sale in aviaries or flights if more than two birds are housed together.
- *3. The extra-linear centimetre per additional bird, is intended to refer to an increase in either width or length or a combination of the two ie, a 20cm increase could refer to 20cm width, 20cm length or say 10cm width combined with 10cm length.

Stocking Densities for Birds in Aviaries and Flights

Type	Length of Bird (cm)	Number of Birds per 'Standard' Aviary (1.8 x 0.9 x 1.8 m)
Budgerigar		18
Canary		18
Cockatiel		8
Finches	Less than 12.5	24
	12.5 – 17.5	18
	more than 17.5	12
Parakeets and Lovebirds *1	less than 25	10
	25-35	6
	more than 35	4
Parrots	less than 30	10
	30 – 35	6
	more than 35	4
Chickens		4 (min height 0.9m)
Bantams		6 (min height 0.9m)
Quail		8 (min height 0.9m)

Schedule H – Reptiles and Amphibians

1. Condition

Stocking and density must be appropriate to the species.

Guidance

Most reptiles and amphibians are not social and may, therefore, be kept individually. Communal enclosures should not be stocked as to appear overcrowded, common sense should be observed.

Mixing of species, although possible, should be undertaken with caution. Some species may require or seek seclusion or privacy either sporadically or permanently and provision for this should be made.

Snakes: may be housed individually or in small groups, of the same species. Snakes known to be cannibalistic, e.g. king snakes (*Lampropeltis* sp.), should be housed individually.

Lizards: only species of similar size and from similar habitat and geographical areas should be kept communally. Lizards known to be cannibalistic, e.g. *Gambelia* sp, should be housed individually. Generally adult male lizards in breeding condition should not be housed together and groups of lizards housed communally should be regularly observed for signs of aggression.

Tortoises and Terrapins: only terrapins of similar size and habit and from the similar geographical area should be kept communally. Tortoises of different species should be housed individually. Also, adult males in breeding condition should be housed individually.

Frogs and Toads: only species of similar size, and from similar habitats and geographical areas, should be kept communally. Mixing of taxa (e.g. frog & toad) is not generally recommended. Cannibalistic species, such as horned frogs (*Ceratophrys* sp.) and African bull frogs (*Pyxicephalus* sp.) should be housed individually.

Newts and Salamanders: only species of similar size and from similar geographical areas should be kept together.

Generally mixed taxa [e.g. lizards and tortoises] are not recommended, although paludaria

which combine fish with small reptiles and/or amphibians of appropriate species are acceptable.

2. Condition

The enclosure size must be appropriate to the species and adjusted according to its size.

Guidance

Snakes: the length of the enclosure should be no less than two-thirds the overall length of the snake,.

Lizards: the length of the enclosure should be three times the full length of the lizard, or larger.

Tortoises and Terrapins: the length of the enclosure should be a minimum of 90cms, or four times the length of the animal, or larger. For aquatic species [turtles, terrapins] the enclosure should allow the animal to swim adequately, i.e. have water depth at least 4 times that of the animal, although some terrapins (e.g. *Cuora* sp., *Terrapene* sp. and *Glyptemys* sp.) do not require such deep water. Terrapins must also have an adequate land basking area.

Frogs and Toads: the length of the enclosure should be minimum 30cm x 30 cm x 30cm, or at least three times the length of the animal, or larger. For sedentary species, such as horned frogs (*Ceratophrys* sp.) and African bull frogs (*Pyxicephalus* sp.) the enclosure can be smaller. Fully aquatic species should be able to swim adequately, i.e. water depth should be at least 4 times the depth of the animal.

Newts and Salamanders: the length of the enclosure should be minimum 30cm x 30 cm x 30cm, or at least three times the full length of the amphibian, or larger. Aquatic species should be able to swim adequately, i.e. water depth should be at least 4 times the depth of the animal.

Height and Width: of the enclosure should be appropriate to the species, with arboreal species requiring more height than terrestrial species.

3. Condition

Temperature, humidity, lighting and ventilation must be appropriate to the species.

Guidance

Ambient and basking temperatures should be appropriate to the species concerned, with the following guidance for commonly kept species.

These are guidelines only and individual species should be researched as requirements for some species will fall outside of these recommendations. Vendors and staff must have access to relevant reference material (books, internet etc.). Basking spots may be provided by convection or radiant heat sources (e.g. light bulb, or heat mat), as appropriate to the species. Ventilation should be appropriate to the species and should allow sufficient change of air without jeopardising the temperature or humidity in the enclosure.

4. Condition

Lighting must be appropriate to the species.

Guidance

An appropriate light period should be observed. Species requiring UVB lighting, e.g. diurnal lizards and tortoises, should have appropriate UVB emitting lamps. These should be replaced according to manufacturer's recommendations. Mercury Vapour or Metal Halide UVB emitting lamps may also be used to provide a daytime heat source. UV light sources must not be screened by non UV transmitting glass or plastic. Animals should have areas of shade so that they can escape from the light if desired.

5. Condition

Substrate appropriate to the species must be present.

Guidance

Substrate should be appropriate to the species concerned and may include, but not be limited to: newspaper, paper towel, bark chip, wood chip, terrarium humus, moss, gravel, calcium carbonate, terrarium sand etc. Measures should be taken to ensure that substrate is not ingested.

6. Condition

Enrichment must be provided appropriate to the species.

Guidance

Décor should be appropriate to the species and should not be harmful, e.g. sharp rocks, toxic or injurious plants. Décor should be secure and not able to fall and cause injury. Enclosure should be furnished in such a fashion as to allow inhabitants to exhibit natural behaviour, e.g. climb or hide where appropriate.

7. Condition

Food and water must be provided in the appropriate manner for the species.

Guidance

Feeding habits vary between species and between individuals. Staff should have knowledge of the requirements for all the species held. Food should be presented in a form or pattern that is acceptable to the species concerned. Food supplements [vitamin and minerals] should be provided as appropriate to the species concerned. Live food intended for use should be housed in suitable escape proof containers, and fed appropriately. Fresh foods [salads] should be kept refrigerated where appropriate. Frozen foods intended for use must be stored in an appropriate deep freeze and defrosted thoroughly before use. Feeding records for hatchling snakes should be kept and made available to purchasers. Fresh water should be available at all times, with the exception of certain desert species, such as *Uromastyx* sp. which should be offered water periodically. Certain species, such as chameleons, do not drink from standing water and should be offered water appropriately, e.g. by a dripper system or sprayer.

8. Condition

Hygiene: enclosures must be cleaned appropriately.

Guidance

Spoiled food stuffs should be removed at appropriate time periods, at least daily. Substrates should be replaced as appropriate, and spot cleaned daily. Décor should be sanitised as appropriate. Enclosures should be disinfected with appropriate disinfectant as necessary and always between different batches of animals. Disinfectant should be

appropriate for the contaminants likely to be encountered. Disinfectant hand gels should be available for staff to use between animals, to prevent the external environment being contaminated. Water bowls should be cleaned as appropriate and disinfected at least weekly. Slough [shed skins] should be removed daily.

9. Condition

Handling must be kept to a minimum at all times.

Guidance

Handling must be kept to a minimum at all times. Staff should receive training on how to handle animals and animals which may be aggressive should only be handled by competent staff. Staff and customers should wash hands after handling specimens, and any equipment used should also be disinfected.. Customers handling animals prior to purchase should be supervised and offered facilities to wash their hands afterwards.

Schedule I – Fish

1. Condition

Water quality is a key determinant of fish welfare. To assess it, levels of ammonia and nitrite must be checked first. Only if such measurements exceed the recommended standards below, or there is an unexplained problem, is there any need to proceed further. Minimum water standards must be:

Cold Water Species

Free Ammonia	max 0.02mg/l
Nitrite	max 0.2mg/l
Dissolved Oxygen	min 6mg/l
Nitrate	max 50mg/l above ambient tap water

Tropical Freshwater Species

Free Ammonia	max 0.02mg/l
Nitrite	max 0.2mg/l
Dissolved Oxygen	min 6mg/l
Nitrate	max 50mg/l above ambient tap water

Tropical Marine Species

Free Ammonia	max 0.01mg/l
Nitrite	max 0.125mg/l
Nitrate	max 100mg/l
pH	min 8.1
Dissolved Oxygen	min 4.0 mg/l

Guidance

It is virtually impossible to determine the quantity of aquatic organisms to be kept in a system purely on a weight or number of aquatic organisms per unit, volume, or water surface area. The variation in holding system used, the quality of husbandry and the types of aquatic organisms stocked vary so greatly that it would render any such system too complicated to be practical or too simple to be useful. The maintenance of water quality standards can be used to determine working stocking densities. The water quality standards should not be met at the expense of a correct feeding regime. Exceptions to these standards might occur e.g. when aquatic organisms are diseased, after transport or other stress. However in these cases appropriate remedial actions e.g. treatment,

acclimatisation or isolation should be undertaken. Sea water holds less oxygen than fresh water. The recommended level is 5.5 mg/l so extra care is needed to ensure that levels do not routinely fall below this.

2. Condition

Water quality must be checked regularly and records kept of all tests. Centralised systems must be tested weekly. 10% of individually filtered tanks or vat must be tested weekly. On aquaria or vats in which visual inspection indicates unusual behaviour or deaths, water quality inspections should be undertaken.

Guidance

One test is representative of all the water in the system of centralised systems. Standalone systems must each be tested. Poor water quality is often the underlying cause of problems presenting as disease or mortalities.

3. Condition

Holding systems must be cleaned and checked regularly.

Guidance

Aquaria must be checked daily and cleaned as often as is necessary to maintain good hygiene standards, consistent with the rate of stock turnover and consequent stocking densities.

4. Condition

No aquatic organisms should be exposed to excessive light or heat, or lack of adequate warmth.

Guidance

No fish or other aquatic organism should be subject to rapid fluctuation in light (lights should be on dimmers if automated), temperature and chemical composition of their water, other than for the controlled treatment of disease or as part of a controlled breeding programme. There are in excess of 4000 fish species in trade and thus the acceptable conditions may vary substantially and often counter intuitively. In case of doubt expert advice should always be sought.

Information

Register of Wild Animals and Endangered Species

Some species are listed on the Annexes of EU Wildlife Trade Regulations which implement CITES [Convention on International Trade in Endangered Species]. Species listed on Annex A of EU Wildlife Trade Regulations [Council Regulation (EC) No. 338/97] must have a valid Article 10 Certificate and may require microchipping or closed ring. Species listed on Annex B do not require Certificates but the vendor should be able to provide proof the animal was acquired legally.

Further information is available from Animal Health, Wildlife Licensing and Registration Service:
1-15 Temple Quay House, 2 The Square,
Bristol, BS1 6EB

Wild-caught specimens listed on Annex IV of the EU Habitats Directive [Council Directive 92/43 EEC] collected within the EU require the appropriate Certification. Captive-bred specimens are exempted from such requirements.

Breeding and Sale of Dogs Act

Puppies/dogs should be identifiable whilst at the shop. Under this legislation, the record should show:

- The identification of the animal
- The date of birth, breed, sex and any distinguishing features
- Details of any veterinary care provided while under care of the shop In addition, it is also good practice to record:
 - Details of any feedback provided to the breeder on health issues such as disease or inherited defects
 - Details of any health screening tests performed on the parents

Microchip is the preferred method of identification.

Useful Contacts

All pet shop licences are issued by your local authority who should be your first point of contact

General

British Veterinary Zoological Society

Email: secretary@bvzs.org

Chartered Institute of Environmental Health

Chadwick Court, 15 Hatfields, London SE1 8DJ
Telephone: 020 7928 6006
www.cieh.org

Department for Environment, Food and Rural Affairs

Animal Welfare Unit, Nobel House, 17 Smith Square
London SW1P 3JR Telephone: 08459 33 55 77
Email: helpline@defra.gsi.gov.uk
<https://www.gov.uk/government/topics/wildlife-and-animal-welfare>

Local Government Association,

c/o LGconnect, Local Government Group,
Local Government House, Smith Square,
London SW1P 3HZ
Telephone: 020 7664 3000
Email: info@local.gov.uk
www.lga.gov.uk

Veterinary Contacts

British Small Animal Veterinary Association

Woodrow House, 1 Telford Way,
Waterwells Business Park, Quedgeley,
Gloucester GL2 2AB
Telephone: 01452 726700
www.bsava.com

British Veterinary Association

7 Mansfield Street,
London W1G 9NQ
Telephone: 020 7636 6541
Email: bvahq@bva.co.uk
www.bva.co.uk

Royal College of Veterinary Surgeons

Belgravia House, 62-64 Horseferry Road,
London SW1P 2AF
www.rcvs.org.uk

All Species

The Blue Cross

Shilton Road, Burford, Oxon OX18 4PF
Tel: 01993 822651
Email: info@bluecross.org.uk
www.bluecross.org.uk

Pet Industry Federation

Bedford Business Centre,
170 Mile Road, Bedford MK42 9TW
Telephone: 01234 273 933
www.petcare.org.uk

People's Dispensary for Sick Animals (PDSA)

Head Office, Whitechapel Way,
Priorslee, Telford, Shropshire TF2 9PQ
Telephone: 01952 290999
www.pdsa.org.uk

Royal Society for the Prevention of Cruelty to Animals

RSPCA Enquiries Service, Wilberforce Way,
Southwater, Horsham, West Sussex RH13 9RS
Telephone: 0300 1234 555
www.rspca.org.uk

Wood Green Animal Shelters

Kings Bush Farm, London Road,
Godmanchester, Cambs PE29 2NH
Telephone: 0844 248 8181
Email: info@woodgreen.org.uk
www.woodgreen.org.uk

Cats

International Cat Care

Taeselbury, High Street, Tisbury,
Wiltshire SP3 6LD
Telephone: 01747 871872
Email: info@icatcare.org
www.icatcare.org

Governing Council of the Cat Fancy

5 King's Castle Business Park,
The Drove, Bridgwater, Somerset TA6 4AG
Telephone: 01278 427575
Email: info@gccfcats.org
www.gccfcats.org

Dogs

Dogs Trust

17 Wakley Street, London EC1V 7RQ
Telephone: 0207 833 7685
Email: info@dogstrust.org.uk
www.dogstrust.org.uk

The Kennel Club

1-5 Clarges Street, Piccadilly, London W1J 8AB
Telephone: 08444 633 980
Email: info@thekennelclub.org.uk
www.thekennelclub.org.uk

Fish

Ornamental Aquatic Trade Association

1st Floor Office Suite, Wessex House,
40 Station Road, Westbury,
Wiltshire BA13 3JN
Tel: 01373 301353
www.ornamentalfish.org

Permanent identification databases

Microchipping Advisory Group

[www.bsava.com/Advice/MicrochipAdvice/
tabid/154/Default.aspx](http://www.bsava.com/Advice/MicrochipAdvice/tabid/154/Default.aspx)

National Dog Tattoo Register

Telephone: 01255 552455
www.dog-register.co.uk

Animalcare

Telephone: 01904 487 687
Email: office@animalcare.co.uk
www.animalcare.co.uk

AVID Plc

PO Box 190, Lewes, East Sussex BN7 9GD
Telephone: 0800 652 7 977
Email: pettrac@avidplc.com
www.avidplc.com

Petlog

The Kennel Club, 4A Alton House,
Gatehouse Way, Aylesbury, Bucks HP19 8XU
Telephone: 0844 463 3999
Email: petlogadmin@thekennelclub.org.uk
www.petlog.org.uk

Pet Protect

Furness House, 53 Brighton Road,
Redhill, Surrey RH1 6RD
Telephone: 0800 587 0660
www.petprotect.co.uk

Rabbits and small mammals,

British Rabbit Council

Purefoy House, 7 Kirkgate,
Newark, Notts NG24 1AD
Telephone: 01636 676042
www.thebrc.org

Rabbit Welfare Association and Fund

PO Box 603, Horsham,
West Sussex RH13 5WL
Telephone: 0844 324 6090
Email: hq@rabbitwelfare.co.uk
www.rabbitwelfare.co.uk

Reptiles

REPTA (Reptile & Exotic Pet Trade Association)

Telephone: 02380 440999
Email: info@repta.org www.repta.org

Qualifications and Training

Contact your trade association, local technical
or agricultural college for information on current
training and qualifications

Animal Medicines Training Regulatory Authority

Unit 1c, Woolpit Business Park,
Windmill Avenue, Woolpit,
Bury St. Edmunds IP30 9UP
Telephone: 01359 245801
Email: info@amtra.org.uk
www.amtra.org.uk

City & Guilds

1 Giltspur Street, London EC1A 9DD
Telephone: 0844 543 0000
www.cityandguilds.com

LANTRA

Lantra House, Stoneleigh Park,
Coventry, Warwickshire CV8 2LG
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Email: connect@lantra.co.uk
www.lantra.co.uk



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Registered charity no. 290350

TITLE	Criminal Convictions Policy For Licensed Drivers And Operators
FOR CONSIDERATION BY	Licensing and Appeals Committee 21 November 2017
WARD	Non-specific
DIRECTOR	Josie Wragg, Interim Director for Environment

OUTCOME / BENEFITS TO THE COMMUNITY

Members of the Licensing and Appeals Committee are asked to consider a consultation exercise in respect of adoption of a new criminal convictions policy for licensed drivers and operators.

RECOMMENDATION

Members are asked to agree:

1. That a consultation exercise will be carried out with all existing hackney carriage and private hire licence holders in respect of adoption of a new criminal convictions policy for licensed drivers and operators, as at Annex B, and for any responses to be reported on for consideration at a future meeting of the Committee.

SUMMARY OF REPORT

It is good practice to keep policies under review and where necessary update them so they better reflect the present need within the local area and national agenda. The existing policy can be found at Annex A, and the proposed new policy at Annex B. The recommendation, if adopted, would see a comprehensive review of the current policy applied when making decisions on licensing of drivers and operators, to produce a document which sets out clearly the process and options for decision making.

Background

The Local Government (Miscellaneous Provision) Act 1976 provides that a Licensing Authority must satisfy them selves that the applicant is a fit and proper person to hold a driver's licence. This has not been judicially defined but in the case of a suspension of a driver in Leeds City Council v Hussain it was said by the Judge *"To prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty and that they are people who would not take advantage of their employment to abuse or assault passengers"*.

There have been a number of nationwide high profile incidents in recent years particularly relating to child protection and sexual attacks on women. It is therefore vital to ensure the authority has a robust and clear criminal convictions policy to apply when making decisions as to whether persons are safe and suitable to drive licensed vehicles. Hackney carriages and private hire vehicles are used by a large selection of the public but most regularly they are used by vulnerable groups such as children, the elderly, disabled people, lone females and the intoxicated – all of whom place

themselves and their personal safety, completely in the hands of a licensed driver.

The Council at present requires applicants and licensed drivers to provide medical certificates and DVLA licences on request, In addition they must also undertake tests on their knowledge of the relevant law and the local area. All these elements are considered within the “fit and proper” test. Applicants for hackney carriage and private hire driver licences are exempt from the Rehabilitation of Offenders Act 1974. This means that there are no ‘spent’ convictions and any and all criminal convictions can be taken into account by a local authority in assessing safety and suitability. Enhanced Disclosure and Barring Service (DBS) certificates are obtained by the authority in respect of a new applicant and these are renewed every 3 years.

Analysis of Issues

If the authority does not have a robust policy in place then there is an increased risk of successful challenges to decisions made by the Council.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	No impact	N/A	N/A
Next Financial Year (Year 2)	No impact	N/A	N/A
Following Financial Year (Year 3)	No impact	N/A	N/A

Other financial information relevant to the Recommendation/Decision

None

Cross-Council Implications

There are no implications arising from the recommendation in this report.

List of Background Papers

LGA Taxi and PHV Licensing – A Handbook for Councillors – August 2017
LGA Taxi and PHV Licensing Criminal Convictions Policy - August 2017

Contact Laura Driscoll	Service Public Protection Partnership
Telephone No 01344 352517	Email laura.driscoll@westberks.gov.uk
Date 29 October 2017	Version No. 1

Wokingham Borough Council

STATEMENT OF POLICY ABOUT CONVICTIONS: DRIVER LICENCE

General

This policy is relevant to the consideration of whether a person is “fit and proper” to hold a Dual or Private Hire Driver Licence.

By virtue of The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2003 the Rehabilitation of Offenders Act 1974 does not apply to driver licences.

NB - Any reference to “conviction(s)” in this policy will include cautions, endorsable fixed penalties and/or convictions (both spent and unspent).

Relevance of Convictions

Although each case will be assessed on its own merits, having regard to this policy, there is an overriding issue of public safety. Wokingham Borough Council will take these into consideration when deciding whether or not an individual is a “fit and proper” person to hold a licence.

Wokingham Borough Council will check with the Disclosure & Barring Service (DBS) for the existence and content of any criminal record held in the name of an applicant. Information received from the DBS will be kept in strict confidence while the licensing process takes its course and will be retained for no longer than is necessary.

A conviction will not automatically bar an applicant from obtaining a licence. In deciding whether to grant a licence, Wokingham Borough Council will consider the following;

- i. The nature of the offence
- ii. The sentence given by the court
- iii. The age of the conviction

Some discretion may be appropriate if the conviction is isolated and there are mitigating circumstances. Similarly, multiple convictions or a series of convictions over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account.

The following examples afford a general guide on the action, which might be taken where the applicant or licence holder has a conviction.

Dishonesty Offences

Licence holders are in a position of trust and maintain close contact with members of the public. As a consequence, convictions involving dishonesty are viewed seriously by Wokingham Borough Council.

Generally a period of 3 years prior to the date of the application, free of conviction should be required before an application could be entertained.

An existing licence holder with a conviction involving dishonesty will have their licence reviewed immediately.

Violence

Wokingham Borough Council has an overriding duty to protect members of the public and therefore any conviction involving violence will be considered seriously by Wokingham Borough Council.

The more serious the degree of violence involved and/or the frequency of convictions, the less likely it is that an applicant will be deemed to be a “fit and proper” person. Generally at least 3 years free of convictions of violence should be shown before an application can be entertained.

An existing licence holder with a conviction for violence will have their licence reviewed immediately.

Indecency Offences

Any applicant with a conviction of a sexual or indecent nature will be expected to show a substantial period (of at least 5 years) free of such convictions, before an application can be entertained.

Where the applicant has an indecency conviction involving children, an application will not normally be entertained, except in exceptional circumstances.

An existing licence holder with a conviction involving indecency will have their licence reviewed immediately.

Drug Related Offences

Where the applicant has a drug related conviction, an application will not normally be entertained, except in exceptional circumstances.

If, in exceptional circumstances an application is considered, applicants will normally be required to show a period of at least 5 years free from taking drugs and/or 5 years after detoxification treatment if they were an addict.

An existing licence holder with a drug related conviction will have their licence reviewed immediately.

Traffic Offences

a) Minor Traffic Convictions

Isolated convictions for minor traffic offences (for example obstruction, speeding, failing to comply with a stop sign) will not normally be a basis on which to refuse to entertain an application. However, Wokingham Borough Council will take into consideration the number, type and period of time over which these offences have been committed. If there are several convictions then Wokingham Borough Council will normally require the applicant to show a period free of conviction of at least 6 calendar months.

In relation to existing licence holders; a conviction for an isolated minor traffic offence should not affect the validity of their licence (although it must still be reported to the Council under the conditions of the licence), but more than one such conviction in a twelve calendar month period may cause their licence to be reviewed.

b) Major Traffic Convictions

An isolated conviction, without disqualification, for an offence such as dangerous driving or driving without due care and attention will require careful consideration by Wokingham Borough Council. Where there is a conviction within 6 calendar months, prior to the date of the application, or there is more than one conviction for this type of offence within the last 5 years, then this will be reviewed before a licence is granted.

An existing licence holder with a major traffic conviction will have their licence reviewed immediately.

c) Disqualification from Driving

Where the applicant or a licence holder has been disqualified from driving, an application will not be entertained until they have, since the period of disqualification ended, held a full driving licence for a continuous period of three years without further endorsement.

Convictions under the Town and Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976

Convictions under these Acts are taken very seriously, as the legislation is in place to protect members of the public. In particular an application will not normally be entertained where the applicant has been convicted of an offence under the Acts at any time during the 6 calendar months prior to the application or has more than one conviction within the last 2 years prior to the application.

An existing licence holder with any conviction under this legislation will have their licence reviewed immediately.

Drunkness

This covers any conviction involving drunkenness.

a) Not in control of a motor vehicle

An isolated conviction may not debar an applicant or an existing licence holder from obtaining/continuing to hold a licence. However, a number of convictions will usually result in a review of the "fit and proper" status of the applicant/licence holder.

b) In control of a motor vehicle

A serious view is taken of any convictions of driving or being in charge of a vehicle whilst under the influence of drink. Any isolated conviction may not debar an applicant, but more than one conviction involving drunkenness will give rise to grave doubts as to whether the applicant is "fit and proper" to hold a licence.

If an application is made less than 3 years after the restoration of the driving licence, the situation will be reviewed before a licence is granted.

In relation to existing licence holders, any conviction of this nature will result in an immediate review of their licence. Wokingham Borough Council will need to consider whether their conviction is an indication that they have seriously fallen below the standard required of licensed drivers.

Cautions and Endorsable Fixed Penalties

For the purposes of these guidelines formal cautions and endorsable fixed penalties shall be treated as though they were convictions.

Where the conviction is not of a nature which would have any bearing on whether the applicant is a “fit and proper” person to hold a driver licence, then such a conviction will be disregarded other than in consideration of an overall adherence to law.

STATEMENT OF POLICY ABOUT CONVICTIONS: OPERATOR LICENCE

General

This policy is relevant to the consideration of whether a person is “fit and proper” to hold a Private Hire Operator Licence.

NB - Any reference to “conviction(s)” in this policy will include cautions, endorsable fixed penalties and/or convictions.

Relevance of Convictions

Where the applicant has a conviction which has not been rehabilitated in terms of the Rehabilitation of Offenders Act 1974, the conviction will be taken into consideration before a licence is granted. Particular attention will be paid to any relevant convictions.

A relevant conviction, for the purposes of this policy is a conviction, which would mean the operator, is a risk to members of the public. This would include a conviction involving any of the following (although the list is not exhaustive);

- Violence
- Indecency Offences
- Drug Related Offences
- Dishonesty Offences

Although each case will be assessed on its own merits, having regard to this policy, there is an overriding issue of public safety. Wokingham Borough Council will take this into consideration when deciding whether or not an individual is a “fit and proper” person to hold a licence.

An unspent conviction will not automatically bar an applicant from obtaining a licence. In deciding whether to grant a licence, Wokingham Borough Council will consider the following;

- i. The nature of the offence (for example whether it is a relevant conviction)
- ii. The sentence given by the court
- iii. The age of the conviction

Some discretion may be appropriate if the conviction is isolated and there are mitigating circumstances. Similarly, multiple convictions or a series of convictions over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account.

TITLE	CUMULATIVE IMPACT POLICY REVIEW
FOR CONSIDERATION BY	Licensing and Appeals Committee 21 November 2017
WARD	Non-specific
DIRECTOR	Josie Wragg, Interim Director of Environment

OUTCOME / BENEFITS TO THE COMMUNITY

This report sets out a summary of the work carried out so far in respect of consideration of a cumulative impact policy, including the current legal position and associated guidance. Should the committee decide to pursue this further as a part of the review of the Council's Statement of Licensing Policy (due to be reviewed and re-published by September 2018), the policy would be a tool to address cumulative impact of licensed premises particularly in the Remenham area.

RECOMMENDATION

Members are asked to consider whether to progress to a formal consultation process in respect of the adoption of a cumulative impact policy for (a) the parish of Remenham and/or (b) any other specific areas within the Borough.

SUMMARY OF REPORT

For a number of years now, concerns have been raised by residents of Remenham in respect of the increase in levels of visitors to the area as a result of events (with a variety of histories/traditions/commercial interests) that they consider has negatively impacted upon their quality of life.

This matter was most recently considered by this Committee in September 2016. At that time, it was resolved that there be an external review of evidence to support to adoption of a cumulative impact policy for Remenham, subject to the agreement of the Executive Member for Resident Services due to the financial implications. The Executive Member authorised the review subject to it being borough-wide. As an initial step, legal advice was obtained from Philip Kolvin QC in respect of the issues surrounding the events held in the Remenham area. Further research by officers into the Licensing Act and cumulative impact has been undertaken, and it is now considered that the policy would need to be site specific.

Key to cumulative impact is the ability of the licensing authority to evidence concerns. Informal consultation to gauge initial views in respect of the impact of events in Remenham, and Henley Royal Regatta has been carried out. The Council is due to review the Statement of Licensing Policy by September 2018 and the committee is asked to resolve whether a cumulative impact policy should be included in this relating to the Remenham area especially given the resource (staff and financial) implications that are associated with this.

Background

Licensing authorities can adopt a cumulative impact policy (CIP) where there is evidence that the concentration of licensed premises in an area is negatively impacting on the licensing objectives that underpin the Licensing Act 2003, namely the prevention

of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

Adoption of a CIP within an area has the effect that there will be a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

A special policy should never be absolute. Each application should be considered on its own merits and the licensing authority must consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case. If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one or more of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

Special policies should never be used as a ground for revoking an existing licence or certificate when representations are received about problems with those premises. A review must relate specifically to individual premises.

Special policies can also not be used to justify rejecting applications to vary an existing licence or certificate except where those modifications are directly relevant to the policy and are strictly appropriate for the promotion of the licensing objectives.

Special policies must not impose quotas – based on either the number of premises or the capacity of those premises. Quotas that indirectly have the effect of predetermining the outcome of any application should not be used because they have no regard to the individual characteristics of the premises concerned.

CIPs are due to be put on a statutory footing as a result of section 141 of the Policing and Crime Act 2017 – this is not yet in force but likely to be so by April 2018. The change will be to add section 5A(1) to the Licensing Act as follows: *A licensing authority **may** publish a document (“a cumulative impact assessment”) stating that the licensing authority considers that the number of [premises licences or club premises certificates] in respect of premises in one or more parts of its area described in the assessment is such that it is **likely** that it would be inconsistent with the authority’s duty [to promote the licensing objectives] to grant **any** further [premises licences or club premises certificates] in respect of premises in that part or those parts.*

The cumulative impact assessment (CIA) must set out the evidence for the authority’s opinion as set out in the assessment and may relate to all relevant authorisations or only to relevant authorisations of a kind described in the assessment (e.g. only alcohol, or only late night refreshment or only after certain time etc.) There would need to be a consultation, and the CIA would have to be reviewed every 3 years, and if there is a wish for it to continue there would need to be evidence to justify this.

Information which licensing authorities may be able to draw on to evidence the cumulative impact of licensed premises on the promotion of the licensing objectives includes:

- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
- statistics on local anti-social behaviour offences;
- health-related statistics such as alcohol-related emergency attendances and hospital admissions;
- environmental health complaints, particularly in relation to litter and noise;
- complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
- residents' questionnaires;
- evidence from local councillors;
- evidence obtained through local consultation;
- evidence obtained from a specific study to assess the position.

The absence of a special policy does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

Given that the key to cumulative impact is the ability of the licensing authority to evidence concerns, informal consultation to gauge initial views in respect of the impact of events in Remenham, and Henley Royal Regatta in particular, has been carried out with the following results:

1. Thames Valley Police Operations: No response received at time of writing report, but hopefully data will be available for review by Committee
2. Thames Valley Police Licensing Officer: In 2015, there was an issue with overcrowding at one of the venues, but this was resolved and alterations made to prevent the same thing happening again. In 2017, other than a few minor skirmishes all of which were dealt with by the onsite security, there has been nothing of such a nature that they would deem any action such as review of any premises licences to be necessary.
3. SCAS/Hospitals: No response received at time of writing report, but hopefully data will be available for review by Committee
4. Highway Authority: Complaints about litter associated with the Regatta are not specifically recorded, but the team who would receive these has indicated that as an average over the last five years they have not received more than 2 complaints per annum. There were two slight personal injury accidents in 2015 and 2016, neither of which were directly attributable to the traffic management used during the event but were linked to the error of the person involved. This information suggests a good a safety record during the event.
5. Environmental Health: Two complaints about music noise (both reference Mahiki Henley) were received in 2015. One complaint received about music noise from The Angel on the Bridge in 2016. No complaints at all were received in 2017.
6. Parish Council/Ward Member: Between May and September each year, Remenham is subject to impact and nuisance from a variety of events which run consecutively and in some cases concurrently. The area is rural and two very

narrow country lanes are totally unsuitable for the huge volumes of traffic, including commercial vehicles which service the needs of those attending the events. Whilst Remenham is generally welcoming to events, it is the view of the parish council, ward members and residents that a cumulative impact policy would be appropriate to allow the Licensing Authority the opportunity to take these factors into consideration should any new applications be received for licences in this area.

Analysis of Issues

It is a matter for the Committee to decide if the initial evidence is sufficient that they believe it is appropriate to continue to a full consultation in respect of a cumulative impact policy specifically for Remenham and/or any other specific areas in the Wokingham Borough.

Should the Licensing Committee resolve to progress a cumulative impact policy for the Remenham area, as set out above, more research would need to be undertaken. This will have resource implications for the shared service, due to the full public consultation required and the assessment of any responses received to that consultation. A draft policy would be required to be in place ready for review by the Committee in March 2018 and this would form part of the Council's wider Statement of Licensing Policy. This may require additional resource, including legal advice, to be brought in to assist the process. However, carrying out the consultation is not in itself a concern, as officers believe this can be done as part of the required consultation on the review of Statement of Licensing Policy.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	Resource will be required in order to carry out and consider the results of the public consultation	N- approx £5000 may be required for legal advice and £1000 in additional resource to carry out any further work required	R
Next Financial Year (Year 2)	No impact	N/A	N/A
Following Financial Year (Year 3)	No impact	N/A	N/A

Other financial information relevant to the Recommendation/Decision

There is no specific resource to develop the policy and resources would need to be redirected from other areas

Cross-Council Implications

Other services within PPP may need to be reduced for funding and resource to be allocated to the work to progress a cumulative licensing policy for Remenham.

List of Background Papers

Statement of Licensing Policy
Secretary of State Guidance to Licensing Act issued under s182

Contact Laura Driscoll	Service Public Protection Partnership
Telephone No 01344 352517	Email laura.driscoll@westberks.gov.uk
Date 10 November 2017	Version No. 1

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Agenda Item 18.

TITLE	Government Response To House Of Lords Select Committee Report On Licensing Act 2003
FOR CONSIDERATION BY	Licensing and Appeals Committee 21 November 2017
WARD	Non-specific
DIRECTOR	Josie Wragg, Interim Director for Environment

OUTCOME / BENEFITS TO THE COMMUNITY

Members of the Licensing and Appeals Committee are asked to note the response of the Government to the House of Lords Select Committee Report following their review of the Licensing Act 2003.

RECOMMENDATION

None.

SUMMARY OF REPORT

The report summarises the key conclusions of the Government in response to the House of Lords Select Committee Report on the Licensing Act 2003.

Background

On 25 May 2016, the House of Lords appointed a Select Committee to “consider and report on the Licensing Act 2003”. The report of this Committee, “The Licensing Act 2003: post-legislative scrutiny” was published on 4 April 2017.

The introduction to the report concluded that ‘while the implementation of the Act leaves a great deal to be desired, to a large extent this is caused by an inadequate statutory framework whose basic flaws have, if anything, been compounded by subsequent piecemeal amendments. A radical comprehensive overhaul is needed, and this is what our recommendations seek to achieve’.

There were a number of recommendations in the report, including the suggestion that Planning committees should take over the Licensing function. The Government’s response to this report was published on 6 November. Their key conclusions are summarised as follows:

- The Government does not intend to take the approach recommended by the Select Committee to transfer the functions of Licensing Committees and Sub-Committees to the Planning Committees. However, the Government accepts that the Report raises important points on the effectiveness and consistency of implementation of the licensing processes and decision making, but believes that these can be improved with better training and providing stronger Guidance to the Licensing Act 2003 published under section 182 of the Licensing Act 2003.
- Councils will be made to publish reasons for compromising appeals so that parties involved in the original hearing understand what has changed since then.
- Guidance to be amended to require licensing committees to give reasons for deciding to hear matters where all parties agree it's not necessary.

- It is not intended to change the Appeals process so that appeals go to the Planning Inspectorate rather than the Magistrates.
- Guidance to make it clear that a quorum of 3 councillors is required for hearings.
- Newspaper adverts to stay.
- No change to the existing fees regime in the immediate future. It notes that the revaluation of business rates that came into effect in April 2017 resulted in increased rates for many licensed premises, with an additional impact in some cases of those premises moving up a fee band, meaning an increase in business rates and licensing fees as a result.
- No intention to permit councils to introduce an outright ban on super-strength alcohol across premises in their areas.
- The Government proposes that the section 182 guidance should recommend that licensing authorities consider how to bring TENs to the attention of residents who may be particularly affected, for example if there have been previous complaints about a premises (licensed or not), however, there will not be an extension to the current regulations in terms of who can object to TENs.
- There will be no amendment to allow for TENs to be amended by the licensing committee at hearings. They are to remain either accepted or not.
- Cumulative Impact Policies are to be placed on a statutory footing at the next available opportunity.
- Allow licensing authorities to target the Late Night Levy in geographical areas where the night time economy places demands on policing; give licensing authorities the power to charge the levy to premises licensed to sell late night refreshment; give PCCs the right to formally request that a licensing authority propose a levy triggering a consultation on whether to introduce a levy and require Licensing Authorities to publish information about how the revenue raised from a levy is spent.
- No intention to implement a national personal licence database.
- No new licensing objectives, for example promotion of health and wellbeing.
- Minimum Unit Pricing remains under review, subject to the outcome of the legal case between the Scottish Government and the Scotch Whisky Association and any subsequent decision of the Scottish Government to introduce a minimum unit price for alcohol, the Government will consider the evidence of its impact once it is available.
- Group Review Intervention Powers (GRIPs) - the Government intends to proceed with a consultation on the introduction of GRIPs, but will explore beforehand whether similar measures can be achieved within the existing system.
- Community Ancillary Sales Notices (CANs) – the Government is giving further consideration to these (which allow for a simpler form of licence for ancillary sales of alcohol, for example, at bed and breakfasts) but has not committed to repealing these, as requested by the Select Committee.

Analysis of Issues

Members will be kept abreast of any consultations relating to changes to the Act or Guidance.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	No impact	N/A	N/A
Next Financial Year (Year 2)	No impact	N/A	N/A
Following Financial Year (Year 3)	No impact	N/A	N/A

Other financial information relevant to the Recommendation/Decision

None

Cross-Council Implications

There are no implications arising from the recommendation in this report.

List of Background Papers

House of Lords Select Committee Report on the Licensing Act 2003 -

<https://publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf>

Government response to the report from the House of Lords Select Committee on the Licensing Act 2003 - <https://www.gov.uk/government/publications/the-government-response-to-the-report-from-the-house-of-lords-select-committee-on-the-licensing-act-2003>

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