



**LICENSING COMMITTEE**  
**THURSDAY 3<sup>RD</sup> NOVEMBER 2011 AT 5.30 P.M.**  
**COUNCIL CHAMBER, PARK NORTH, NORTH STREET, HORSHAM**

<b>Councillors:</b>	Christian Mitchell (Chairman)	
	Jim Sanson (Vice-Chairman)	
	Peter Burgess	David Jenkins
	George Cockman	Gordon Lindsay
	David Coldwell	Chris Mason
	Christine Costin	Josh Murphy
	Helena Croft	Sue Rogers
	Leonard Crosbie	David Skipp
	Brian Donnelly	

*You are summoned to the meeting to transact the following business*

**TOM CROWLEY**  
Chief Executive

## AGENDA

	<b>Page No.</b>
1. Apologies for absence	
2. To approve as a correct record the minutes of the meeting of the Committee held on 9 <sup>th</sup> June 2011	<b>1</b>
3. To receive the minutes of the meeting of the Licensing Sub-Committee held on 25 <sup>th</sup> July 2011	
4. To receive any declarations of interest from Members of the Committee	
5. To receive any announcements from the Chairman of the Committee or the Chief Executive	
6. To consider the following report of the Head of Planning & Environmental Services:	
(i) Public Health & Licensing – Licence Fees for 2012/2013	<b>5</b>
(ii) Hackney Carriage and Private Hire Licence Fees	<b>10</b>
(iii) Review of Pet Shop Licence Conditions	<b>15</b>
7. Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances	





**LICENSING COMMITTEE**  
**9<sup>th</sup> June 2011**

Present: Councillors: Peter Burgess, George Cockman, Christine Costin, Helena Croft, Brian Donnelly, Gordon Lindsay, Chris Mason, Christian Mitchell, Josh Murphy, Sue Rogers, Jim Sanson, David Skipp

Apologies: Councillors: David Coldwell, Leonard Crosbie, David Jenkins

Also present: Councillor Claire Vickers

LI/1 **ELECTION OF CHAIRMAN**

RESOLVED

That Councillor Christian Mitchell be elected Chairman of the Committee for the ensuing Council year.

LI/2 **APPOINTMENT OF VICE-CHAIRMAN**

RESOLVED

That Councillor Jim Sanson be appointed Vice-Chairman of the Committee for the ensuing Council year.

LI/3 **MINUTES**

The minutes of the meeting held on 10<sup>th</sup> February 2011 were approved as a correct record and signed by the Chairman.

LI/4 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

LI/5 **ANNOUNCEMENTS**

There were no announcements.

LI/6 **INTRODUCTION OF DRIVER AND VEHICLE LICENSING AGENCY CHECK FOR LICENSED DRIVERS**

The Head of Planning & Environmental Services reported that, at present, when drivers applied for or renewed their hackney carriage or private hire driver licences, the Council's policy required sight of the applicant's Driver and Vehicle Licensing Agency (DVLA) driver licence and counterpart, which was taken at face value and no other checks were made with the DVLA.

LI/6 Introduction of Driver and Vehicle Licensing Agency Check for Licensed Drivers (cont.)

An on-line web based system was now available, the 'Data Check' system by Intelligent Data Systems (IDS), which would enable the Council to check electronically all drivers' details. The IDS system would provide guaranteed up to date information within 48 hours of a search and therefore should not delay the licensing process. It was proposed that the applicants would bear the cost of the check, which would be £5.75 per check.

Once an applicant/licensee had signed the mandate, the Council would have authorised access to individual records for three years.

It was considered that the new system would benefit existing drivers as they would no longer have to attend the Council's offices in order to renew their hackney carriage/private hire driver licence.

RESOLVED

- (i) That the use of the electronic checking system provided by Intelligent Data Systems be approved and the policy in respect of checking driving licences be amended accordingly.
- (ii) That the cost of undertaking the electronic checks, currently £5.75 per check, be added to the application fee.

REASON

To protect the public by using the most up to date information available to ensure that only fit and proper persons are granted hackney carriage/private hire licenses

The meeting ended at 5.35pm having started at 5.30pm

CHAIRMAN

**LICENSING SUB-COMMITTEE**  
**25<sup>TH</sup> JULY 2011**

Present: Councillors: Brian Donnelly, Christian Mitchell, Sue Rogers,  
Jim Sanson

LIS/1     **ELECTION OF CHAIRMAN FOR THE MEETING**

RESOLVED

That Councillor Christian Mitchell be elected Chairman for  
the meeting.

LIS/2     **APOLOGIES FOR ABSENCE**

None.

LIS/3     **DECLARATIONS OF INTEREST**

There were no declarations of interest.

LIS/4     **ANNOUNCEMENTS**

There were no announcements.

LIS/5     **TO CONSIDER THE APPLICATION FOR A NEW PREMISES  
LICENCE: THE BEST KEBAB SHOP, 44 EAST STREET, HORSHAM  
RH12 1HN**

**DETAILS OF APPLICATION: To allow the Sale by Retail of Alcohol  
for consumption off the premises from Sunday to Wednesday  
inclusive between 10:00am and 01.30am and between Thursday to  
Saturday inclusive between 10.00am and 02.30am in addition to  
allow such sales to take place until 3.00am on Christmas Eve and  
New Years Eve.**

The Licensing Officer presented a report, which set out details of the application and representations made by the responsible authorities and interested parties. The report also referred to the relevant parts of the Council's Statement of Licensing Policy for Regulated Entertainment and the Sale and Supply of Alcohol (dated December 2010).

LIS/5 To Consider The Application For A New Premises Licence (cont):

Representations had been received from:

Responsible Authorities: Sussex Police and the Environmental Health Officer

Interested Parties: Ward Councillor and four members of the public.

The Chairman set out the procedure for the hearing and heard from the responsible authorities, and the applicant. Ward Councillor, Councillor David Sheldon, also spoke at the meeting. The sub-committee had regard to the written representations from members of the public.

Members considered all the evidence and submissions before them including the representations made on the application, and the answers to questions given to the sub-committee by those present. They expressed concerns that the sale of alcohol could lead to an increase in noisy anti-social behaviour from patrons congregating outside the premises giving rise to late night and early morning disturbance. They were also concerned at the current shortcomings in management of the premises. On balance, the sub-committee decided that their concerns could not be overcome by the imposition of conditions.

RESOLVED

That the application for a Premises Licence to allow the Sale by Retail of Alcohol for consumption off the premises from Sunday to Wednesday inclusive between 10:00am and 01.30am and between Thursday to Saturday inclusive between 10.00am and 02.30am in addition to allow such sales to take place until 3.00am on Christmas Eve and New Years Eve be refused.

The parties were informed of the rights of appeal and the Licensing Authority's position on Enforcement of Conditions.

The meeting closed at 1.45pm having commenced at 9.30am.

## Report to Licensing Committee

3<sup>rd</sup> November 2011

By the Head of Planning and Environmental Services

**DECISION REQUIRED**

Not exempt



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### PUBLIC HEALTH AND LICENSING – LICENCE FEES FOR 2012/2013

#### Executive Summary

Set out at Appendix 2 to this report are the proposed fees for 2012/2013 for the various licences issued by the Public Health and Licensing Department. The agreed fees will take effect on 1<sup>st</sup> April 2012.

#### Recommendations

The Committee is recommended:

- i) To approve the fees set out at Appendix 2 to this report to take effect from 1<sup>st</sup> April 2012

#### Reasons for Recommendations

- i) The setting of fees for licences is the responsibility of the Licensing Committee, and
- ii) To ensure openness and transparency in decision making.

**Background Papers:** Budget Working Papers

**Consultation:** Finance Department

**Wards affected:** All

**Contact:** John Batchelor Ext 5417

## **Background Information**

### **1 Introduction**

#### **The purpose of this report**

- 1.1 Set out at Appendix 2 to this report, for the Committee's consideration, are the proposed fees for 2012/2013 for Licences issued by the Public Health and Licensing Department. The new fees once approved will take effect from 1<sup>st</sup> April 2012. The individual licence fees are calculated to recover the cost of issuing the licence and enforcing the requirements of the legislation. There are other Licences issued by the Public Health and Licensing Department which are set by statute and these can not be changed.

### **2 Statutory and Policy Background**

#### **Statutory background**

- 2.1 This is set out in the various Acts under which licences are issued.

#### **Relevant Government policy**

- 2.2 This is set out in the various Acts under which licences are issued.

#### **Relevant Council policy**

- 2.3 The Council's policy is to set fees to recover the costs of services provided, where appropriate. As such the Public Health and Licensing Department seeks to recover from applicants the cost of issuing and enforcing licences so that these costs do not fall on the general Charge Payer.

### **3 Details**

- 3.1 The fees are calculated taking into account officer time, transport and any external costs that the Council incurs. The Council has recommended that fees and charges should go up by a minimum of 3% for the financial year commencing 1<sup>st</sup> April 2012.

### **4 Next Steps**

- 4.1 The Committee are recommended to agree the various licence fees set out at Appendix 2 to this report to take effect on 1<sup>st</sup> April 2012.

### **5 Outcome of Consultations**

- 5.1 None

**6 Other Courses of Action Considered but Rejected**

6.1 None

**7 Staffing Consequences**

7.1 There are no staffing consequences arising from this report.

**8 Financial Consequences**

8.1 The financial consequences of the review of fees and charges have been incorporated into the budgets for 2012 / 2013.

**Appendix 1**

**Consequences of the Proposed Action**

<p>What are the risks associated with the proposal?</p> <p>Risk Assessment attached No</p>	<p>Not to increase the fees to cover the cost of issuing and enforcing licenses would mean the extra costs being met by the general charge payer.</p>
<p>How will the proposal help to reduce Crime and Disorder?</p>	<p>The fees and charges set out in the Appendix seek to recover the Council's legitimate costs in enforcing the licence conditions.</p>
<p>How will the proposal help to promote Human Rights?</p>	<p>The fees and charges set out in the Appendix seek to recover the Council's legitimate costs in providing these services.</p>
<p>What is the impact of the proposal on Equality and Diversity?</p> <p>Equalities Impact Assessment attached Not relevant</p>	<p>No negative impact on the equalities groups was foreseen directly as a result of this report</p>
<p>How will the proposal help to promote Sustainability?</p>	<p>The fees and charges set out in the Appendix seek to recover the Council's legitimate costs in providing these services.</p>

Appendix 2Proposed Fees and charges 2012/ 13

	2011/2012 Current Fee	2012/2013 Proposed Fee
<b>Riding Establishments Act 1964</b>		
Less than 5 horses	£230.00	£237.00
5 – 15 horses	£275.00	£283.00
More than 15 horses	£355.00	£365.00
<b>Animal Boarding Establishments Act 1963</b>		
	£101.00	£104.00
<b>Pet Animals Act 1950</b>		
	£101.00	£104.00
<b>Dangerous Wild Animals Act 1976</b>		
	£437.00	£450.00
<b>Breeding of Dogs Act 1973</b>		
New license	£244.00	£251.00
Renewal	£101.00	£104.00
<b>Street Trading</b>		
Annual Consent	£706.00	£727.00
Consent for special occasions	£43.00	£44.00
<b>Sex Establishments</b>		
Application fee	£3375.00	£3476.00
Renewal	£3375.00	£3476.00
Transfer	£3375.00	£3476.00
<b>Acupuncture, Tattooing, Ear Piercing and Electrolysis</b>	£92.00	£95.00
<b>Motor Salvage Operators</b>	£95.00	£98.00

## Report to Licensing Committee

Date of meeting 3<sup>rd</sup> November 2011

By Head of Planning and Environmental Services

**DECISION REQUIRED**

Not exempt



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### Hackney Carriage and Private Hire Licence Fees

#### Executive Summary

This report sets out the proposed fees for hackney carriage and private hire licences for the three financial years 2012/13 to 2014/15. The legislation requires that Councils consult on the fees and take into account any comments received from the trade before coming to a final decision.

Fees for hackney carriage and private hire licences were last set in 2009. Setting fees for a period of three years at a time allows the trade to be able to plan their business development and be certain of their fees over that period.

Set out in appendix 2 to the report is a draft advert for placement in the West Sussex County Times on Thursday 17<sup>th</sup> November 2011 seeking any comments by Wednesday 14<sup>th</sup> December 2011.

#### Recommendations

##### The Committee are recommended to:

- i) To agree the draft advert at appendix 2 for consultation with the trade, and
- ii) To instruct officers to bring a report to the Licensing Committee meeting in January 2012 setting out any representations received and making recommendations on fees to take effect on 1<sup>st</sup> April 2012.

#### Reasons for Recommendations

- i) To ensure compliance with legislative requirements, and.
- ii) To ensure transparency and openness in decision making.

#### Background Papers

**Consultation:** To be conducted

**Wards affected:** All

**Contact:** A Skipper x 5326.

## **Background Information**

### **1 Introduction**

#### **The purpose of this report**

- 1.1 The purpose of this report is to agree the fees for hackney carriage and private hire licences for consultation with the trade. The proposed fees are set for three years and the first years fees will take effect on 1<sup>st</sup> April 2012.

#### **Background**

- 1.2 Local Government (Miscellaneous Provisions) Act 1976
- 1.3 The Council is responsible for the licensing of hackney carriage and private hire drivers, vehicles and operators

### **2 Statutory Background**

- 2.1 Local Government (Miscellaneous Provisions) Act 1976

#### **Relevant Government policy**

- 2.2 Fees for hackney carriage and private hire licences can only be agreed following consultation with the trade.

#### **Relevant Council policy**

- 2.3 Council policy is that fees set should cover the costs of the licensing regime and not be a burden on the general charge payer. Under the Council's constitution the setting of fees is delegated to the Licensing committee to determine.

### **3 Details**

- 3.1 Fees for hackney carriages and private hire licences were last set in 2009. Setting fees for a period of three years at a time allows the trade to be able to plan their business development and be certain of their fees over that period.
- 3.2 Set out at appendix 2 to this report is the proposed fee table for the three financial years 2012/13 to 2014/15. The legislation requires the Council to consult with the trade and take into account any representations received before finalising the fees.
- 3.3 Any fees agreed will take effect on 1<sup>st</sup> April 2012, 1<sup>st</sup> April 2013, and 1st April 2014.

**4 Next Steps**

- 4.1 Subject to agreement by the Licensing Committee the fees advert set out at appendix 2 will be placed in the West Sussex County Times on 17<sup>th</sup> November 2011 with a reply deadline of 14<sup>th</sup> December 2011.
- 4.2 Any comments received will be reported to the meeting of the Licensing Committee in January 2012 with recommendations regarding the fees.

**5 Outcome of Consultations**

- 5.1 Will be reported to the Licensing Committee at the January meeting.

**6 Other Courses of Action Considered but Rejected**

- 6.1 None

**7 Staffing Consequences**

- 7.1 None

**8 Financial Consequences**

- 8.1 The financial implications arising from this report have been built into budget assumptions for the financial year 2012/13 and will be included in budgets for future years.

Appendix 1

**Consequences of the Proposed Action**

<p>What are the risks associated with the proposal?</p> <p>Risk Assessment attached Yes/No</p>	<p>The increase in fares will ensure an active local taxi service that is safe thereby protecting not only the operators but also the public who use the service.</p>
<p>How will the proposal help to reduce Crime and Disorder?</p>	<p>The provision of an active local taxi service in town helps to reduce crime and disorder by providing means of transport for people to leave the area rather than having to wait for the next taxi to arrive.</p>
<p>How will the proposal help to promote Human Rights?</p>	<p>No impact</p>
<p>What is the impact of the proposal on Equality and Diversity?</p> <p>Equalities Impact Assessment attached Yes/No/Not relevant</p>	<p>No negative impact on the equality groups is foreseen directly as a result of this proposal.</p>
<p>How will the proposal help to promote Sustainability?</p>	

Appendix 2

**Horsham District Council**  
**Local Government (Miscellaneous Provisions) Act 1976 sec 53 and 70**  
**Fees for Hackney Carriage and Private Hire Vehicles, Operators and Drivers**

In the exercise of powers given by section 53 and 70 of the Local Government (Miscellaneous provisions) Act 1976, Horsham District Council has determined to vary the fees set out in the said section 70(2) and proposes that the following shall apply:

Licence	Current	Proposed		
		1/4/12	1/4/13	1/4/14
<b>Hackney Carriage Vehicle</b>				
On first application	284.00	295.00	307.00	319.00
Renewal	260.00	270.00	281.00	292.00
Transfer	51.00	53.00	55.00	57.00
<b>Hackney Carriage Driver</b>				
Grant	99.00	103.00	107.00	111.00
Renewal	70.00	73.00	76.00	79.00
Conditions / Knowledge Test	26.00	27.00	28.00	29.00
<b>Private Hire Operators Annual</b>				
1 Vehicle	157.00	163.00	170.00	177.00
Each Additional Vehicle	45.00	47.00	49.00	51.00
<b>Private Hire Vehicle</b>				
On first Application	260.00	270.00	281.00	292.00
Renewal	234.00	243.00	253.00	263.00
Transfer	51.00	53.00	55.00	57.00
<b>Private Hire Driver</b>				
Grant	75.00	78.00	81.00	84.00
Renewal	70.00	73.00	76.00	79.00
Conditions / Knowledge Test	26.00	27.00	28.00	29.00
<b>Hackney Carriage / Private Hire Driver Dual Badge</b>				
Dual Badge (Must run concurrently) New	129.00	134.00	139.00	145.00
Dual Badge (Must run concurrently) Renewal	105.00	109.00	113.00	118.00

Any objections to the proposed fees must be made in writing and addressed to Head of Planning and Environmental Services, Park House, North Street, Horsham, West Sussex RH12 1RL, by no later than Wednesday 14<sup>th</sup> December 2011.

A copy of this notice is available for public inspection at Park North, North Street, Horsham, during normal office hours.

If no objection is made or if objections are duly made but withdrawn then the fees proposed will come into force 1<sup>st</sup> April 2012.

Dated: 17<sup>th</sup> November 2011.

R. Brown

Head of Planning and Environmental Services

## Report to Licensing Committee

Date of meeting: 3<sup>rd</sup> November 2011

By the John Batchelor

**DECISION REQUIRED**

Not exempt



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### Review of Pet Shop Licence Conditions

#### Executive Summary

Horsham District Council's Environmental Services Committee adopted standard conditions for Pet Shop Licences in 1992 (minute no 1639). Revised guidance and model conditions for the licensing of pet shops was issued in 1998 and these amendments were incorporated into the Council's Pet Shop Licence Conditions. The model conditions were drafted prior to the introduction of the Animal Welfare Act 2006 and the trade in some animals, particularly puppies, has changed significantly since that time. The RSPCA has worked with a number of local authorities in drafting revised Pet Shop Licence Conditions and has requested that Horsham District Council consider adopting these conditions.

#### Recommendations

The Committee is recommended:

- i) To approve the licence conditions for Pet Shop Licences as detailed in Appendix 3 of this report
- ii) To apply the new conditions to all Pet Shop Licences issued with effect from 1<sup>st</sup> January 2012

#### Reasons for Recommendations

- i) To protect the welfare of animals whilst on the pet shop's premises

#### Background Papers

Consultation

Wards affected

Contact John Batchelor x 5417

## **Background Information**

### **1 Introduction**

#### **The purpose of this report**

- 1.1 The purpose of this report is to consider adopting new licence conditions for Pet Shop Licences as recommended by the RSPCA

#### **Background/Actions taken to date**

- 1.2 Pet Shops are licensed under the Pet Animals Act 1951 and are subject to conditions approved by the Council. The conditions are basic minimum standards considered necessary to ensure the health, safety and welfare of animals in pet shops.
- 1.3 Horsham District Council's Environmental Health Department currently license 11 pet shops of which only 2 sell puppies.

### **2 Statutory and Policy Background**

#### **Statutory background**

- 2.1 Pet Animals Act 1951

#### **Relevant Government policy**

- 2.2 None

#### **Relevant Council policy**

- 2.3 Pet Shop licences - Standard Conditions.

### **3 Details**

- 3.1 Horsham District Council's Environmental Services Committee adopted standard conditions for Pet Shop Licences in 1992 (minute no 1639) as drafted by the Association of District Councils, the British Veterinary Association and the Pet Trade and Industry Association. Revised guidance and model conditions for the licensing of pet shops was issued in 1998 by the Local Government Association, the British Veterinary Association, the Chartered Institute of Environmental Health, the Pet Care Trust and the Ornamental Aquatic Trade Association Limited, and these amendments were incorporated into the Council's Pet Shop Licence Conditions (Appendix 2).
- 3.2 The model conditions were drafted prior to the introduction of the Animal Welfare Act 2006. Anyone running a pet shop must also comply with the Animal Welfare Act and ensure that the welfare needs of animals in their care are met.

## Agenda Item 6(iii)

- 3.3 Whilst most pet shop owners care about the welfare of the animals they sell and operate within the law, there are some who do not. One such example is the rise of puppy farms and the practice of trafficking puppies. A puppy farm is a place where puppies are bred, purely as a way to make money, without any regard for the welfare of the dogs involved. It could be any size, any location and any number of dogs involved. Puppy farmers will cut as many costs as possible including breeding from bitches too often and from too young an age; cramming dogs into unsuitable kennelling and feeding only enough for them to survive and breed; not providing proper veterinary care or vaccinations; and sending puppies off for sale when they are too young to leave their mothers. Puppies that come from a puppy farm can often have physical defects, parasitic infestations, skin infections, hereditary diseases and/or behavioural problems. After a period of time in a pet shop they often acclimatise and appear healthy. However, puppies may succumb to illness after the final trauma of moving to their new home.
- 3.4 Many puppy farms are outside the UK, often in Southern Ireland. Most people would not deliberately buy from a puppy farm and presume that buying from a licensed UK pet shop would avoid the trade. However, it is not illegal, under current UK legislation, for licensed pet shops to source puppies from puppy farms to sell to their customers. Whilst local authorities are able to attach conditions to pet shop licences they issue, which are aimed at ensuring the animals welfare whilst on the pet shop's premises, what a licence can not do is prohibit the pet shop selling puppies from a puppy farm.
- 3.5 The RSPCA are very concerned with the problem of puppy farming and the sale of unfit puppies. They have advised that since the beginning of 2009 they have received 30 puppy / dog related complaints regarding neglect from the licensed pet shop in Partridge Green and 40 complaints about the licensed premises in Pulborough (this includes complaints from their previous address in East Sussex). Whilst the RSPCA appreciate that local authorities cannot control where pet shops source their puppies, they have developed a set of model pet shop licence conditions (Appendix 3) which make it hard for pet shops to sell puppies that are not fit for sale. These conditions were developed with Chelmsford Borough Council and have been adopted other local authorities and the RSPCA has requested that Horsham District Council consider adopting these conditions.
- 3.6 The suggested new licence conditions are based on the existing model conditions and include additional conditions aimed at safeguarding the health of the animals sold from pet shops, particularly puppies and kittens. The main additional requirements are as follows:
- Additional registration and record keeping requirements (conditions 4.1 and 4.3)
  - Additional conditions covering health, disease and acclimatisation (conditions 5.6 to 5.9 and 5.13 to 5.15)
  - Conditions on the vaccination on of puppies and kittens (conditions 6.1 to 6.6 and 7.1)
  - Conditions covering transportation (conditions 12.1 to 12.3)

**4 Next Steps**

- 4.1 The committee is recommended to approve the new licence conditions for Pet Shop Licences as recommended by the RSPCA and detailed in Appendix 3 of this report and to agree to apply the new conditions to all Pet Shop Licences issued with effect from 1<sup>st</sup> January 2012

**5 Outcome of Consultations**

- 5.1 None.

**6 Other Courses of Action Considered but Rejected**

- 6.1 None.

**7 Staffing Consequences**

- 7.1 There are no staffing consequences arising from this report.

**8 Financial Consequences**

- 8.1 There are no financial consequences arising from this report as the licence fees are set to recover the Council's costs in issuing licences

**Appendix 1**

**Consequences of the Proposed Action**

<p>What are the risks associated with the proposal?</p> <p>Risk Assessment attached No</p>	<p>There are no risks associated with this proposal. Should the new licence conditions be approved they will assist in improving animal welfare in pet shops.</p>
<p>How will the proposal help to reduce Crime and Disorder?</p>	<p>Should the new licence conditions be approved they will help combat the problem of puppy farming and the sale of unfit puppies.</p>
<p>How will the proposal help to promote Human Rights?</p>	<p>The issues of Human Rights have been taken into consideration in the licensing regime set by central government.</p>
<p>What is the impact of the proposal on Equality and Diversity?</p> <p>Equalities Impact Assessment attached Not relevant</p>	<p>No negative impact on the equalities groups is foreseen directly as a result of this report</p>
<p>How will the proposal help to promote Sustainability?</p>	<p>Should the new licence conditions be approved they will help to ensure the animals welfare whilst on the pet shop's premises</p>

**The Standard Licence Conditions**

**1.0 Licence display**

- 1.1 The licence, or a copy of the licence, should be suitably 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 appropriately 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 the 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 sq. metres (26 sq.ft.) should be provided. Exercise areas should have a minimum height of 1.8 metres (6 ft.) 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 attached to these licence conditions. No other animals, 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
- 5.2 Schedule 1 – cage birds

- 5.3 Schedule 2 – small juvenile mammals
- 5.4 Schedule 3 – ornamental fish
- 5.5 Schedule 4 – other species
- 6.0 Health, disease and acclimatisation**
- 6.1 All stock for sale must be in good health and free from obvious parasitic infestation 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 euthanased 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 manufacturers’ 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 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.
- 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.
- NB ‘Rodent’ and ‘insect’ excludes livestock for sale or for feeding.*
- 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 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 organisation listed in Annex*

## **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 obstruction 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 in the front of the shop: "In the 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.

## **Further Recommendations**

### **1.0 Sale of livestock**

- 1.1 No animal should be sold to any person under the age of 16 years who is unknown to the retailer unless that person is accompanied by a parent or legal guardian or provides appropriate written consent. Subsequent sales to a juvenile less than 16 years (but over 12 years) of age who is known to the retailer can be carried out in the absence of a parent or legal guardian or appropriate written consent, provided that the retailer is satisfied as far as possible that:-

The parent/guardian would not object to the acquisition.

The juvenile is sufficiently knowledgeable as to the needs, care and nature of the species acquired.

The juvenile's intention towards the acquisition is consistent with the well-being of the animal concerned.

### **2.0 Application for a licence**

- 2.1 Although not provided for in the Act, it is recommended that applicants consult their local authority prior to submitting an application.

### **3.0 Trade associations**

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

### **4.0 Boarding of animals**

- 4.1 No pet shop should be used for the purpose of boarding any species of animal for which they are not licensed to sell. If it is intended to board cats and dogs, suitable and sufficient accommodation must be provided.

*N.B. Boarding of cats and dogs is subject to separate licence issued under the Animal Boarding Establishments Act.*

## 5.0 Categories of animals which a pet shop may be licensed to keep

1. Dogs and cats (puppies and kittens).
2. Smaller domesticated mammals e.g. rabbits, guinea pigs, gerbils, hamsters, rats, mice, chinchillas, chipmunks, ferrets.
3. Larger domesticated mammals e.g. goats, pot-bellied pigs.
4. Primates e.g. marmosets.
5. Other mammals.
6. Parrots, parakeets and macaws.
7. Other birds.
8. Reptiles.
9. Amphibians.
10. Fish and aquatic invertebrates.
11. Other vertebrates.

### Schedule 1 stocking densities – cage birds

- 5.2.1 “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”.

This refers to the Wildlife and Countryside Act 1981 which should not be contravened (especially Section 8 of the Act).

- 5.2.2 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.
- 5.2.3 A quality padded net should be used when catching birds in an aviary.
- 5.2.4 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	1010	1125	1235	1350	30	30
Guinea pigs	Sq.cm	1350	1570	1800	2020	2250	2470	2700	30	30
Rabbits up to 2kg, kittens, ferrets, chinchillas, chipmunks	Sq.cm	2250	2625	3000	3375	3750	4125	4500	30	30
Puppies up to age of 12 weeks maximum	Sq.cm	1000 0	1250 0	1500 0	1750 0	2000 0	2250 0	2500 0	Double height at shoulder minimum 50	0.9m

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

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

- 5.3.3 Temporary (up to six days) rehousing of adult rabbits in smaller cages than specified above should be considered as acceptable.
- 5.3.4 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.
- 5.4.1 It is virtually impossible to determine the quantity of fish to be kept in a tank purely on a weight/volume or numbers of fish/volume ratio.
- 5.4.2 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.
- 5.4.3 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

Tropical marine species	
*Dissolved oxygen	-min 5.5mg/litre
*Free ammonia	-max 0.01mg/litre
Nitrite	-max 0.125mg/litre
Nitrite	-max 40mg/litre. This is an absolute figure; it does not relate to ambient tapwater
*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.

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

**Water quality criteria**  
(1mg/litre – 1ppm)

**Cold water**

*Dissolve 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**

*Dissolve oxygen	-min	6mg/litre
*Free ammonia	-max	0.02mg/litre
Nitrite	-max	0.2mg/litre
Nitrate	-max	50mg/litre above
Ambient tap water		

**Schedule 4 stocking densities – other species**

- 5.5.1 Other species should be housed in accommodation appropriate to size, age and type of species; and to avoid overcrowding. There 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.
- 5.5.2 The advice and approval of the Licensing Authority should be sought wherever there is doubt about a species being sold.

**Annex 1 – further advice**

Further advice may be obtained from the following organisations:

The Local Government Association  
26 Chapter Street  
London SW1P 4ND

Chartered Institute of Environmental Health  
Chadwick House  
15 Hatfields

Tel: 0171 834 222  
Fax: 0171 664 3030  
Website: <http://www.lga.gov.uk>

London SE1 8DJ  
Tel: 0171 928 6006  
Fax: 0171 827 5865

The British Veterinary Association  
7 Mansfield Street  
London  
W1M 0AT  
Tel: 0171 636 6541  
Fax: 0171 436 2970

R S P C A Head quarters  
Wilberforce Way  
Southwater  
Horsham  
West Sussex  
Tel: 08703335999

The Pet Care Trust  
Bedford Business Centre  
170 Mile Road  
Bedford  
MK42 9TW  
Tel: 01234 273933  
Fax: 01234 273550

Universities' Federation of Animal Welfare  
The Old School  
Brewhouse Hill  
Wheathampstead  
Hampshire AL4 8AN  
Tel: 01582 831818  
Fax: 01582 831414

Ornamental Aquatic Trade  
Association Ltd  
Unit 5  
Narrow Wine Street  
Trowbridge  
Wiltshire  
BA14 8YY  
Tel: 01225 777177  
Fax: 01225 775523  
Website: <http://www.ornamentalfish.org>

Environment Agency  
Millbank Tower  
25th Floor  
21-24 Millbank  
London  
SW1P 4XL  
Tel: 0171 863 8600  
Fax: 0171 863 8650

British Small Animal Veterinary  
Association  
Kingsley House  
Church Lane  
Shurdington  
Cheltenham  
Gloucestershire GL51 5TQ  
Tel: 01242 862994  
Fax: 1242 863009

Health and Safety Executive  
(Information line)  
Tel: 0541 545500

Licensees should also refer any  
queries to their local authority  
environmental health  
departments.

## **Annex 2 – any other relevant legislation**

This is not a comprehensive list of legislation. If you are in any doubt, contact your local authority.

### **Health and Safety at Work etc Act 1974**

There is a duty on all employers and employees to ensure safety of themselves; workmates; visitors to the site and contractors. This also extends to the self-employed.

- ii) An accident book (B150) must be provided to record details of notifiable accidents and dangerous occurrences. Ideally, near-miss accidents should also be recorded to help ensure that they do not happen again. An annual review will indicate how to keep staff safer by introducing safer practices based on experience.

Regard should be paid to providing safe systems of work for staff.

- iv) An establishment employing more than four people requires a written safety policy.
- v) There is a requirement for a risk assessment to be carried out to identify hazards in the workplace and assess risks, e.g. number of people affected etc, in order to assess any health and safety risk in an objective manner as far as possible.

Legislation is evolving all the time and reference should be made to enforcement authorities for up-to-date advice.

More details will be available from your local authority, or from *Management of health and safety at work – approved code of practice* (ISBN 0 11 886 330 4) available from HSE books, telephone number 01787 881165 (mail order) or other HMSO stockists.

### **Electricity at Work Regulations 1989....**

.....apply to every employer or self-employed person; and you, therefore, have a duty to comply with these regulations ensuring your electrical fittings and equipment are maintained in a safe condition.

In the event of something going wrong, you will be asked to say why you thought the equipment was safe, which means that regular testing of fittings is advisable.

### **Control of Substances Hazardous to Health Regulations 1994 (COSHH)** (as amended January 1997)

- i) These are known as the 'COSHH' regulations. They require you to keep chemical substances on your premises in a safe manner, to review whether you are able to reduce the number of chemicals used, and to see if you are able to use chemicals which are less hazardous in order to do the same job.
- ii) They also deal with Zoonoses (diseases transmitted from animals to people, such as psittacosis (chlamydia), salmonellosis, toxocariasis and toxoplasmosis) and you should bring suitable advice on risks and precautions to the attention of your staff, and advise that they are suitably vaccinated or otherwise protected from exposure to these diseases.

For further advice contact your medical practitioner and/or the environmental health department of your local authority.

### **Environmental Protection Act 1990**

The Environmental Protection Act 1990 places a duty of care on businesses to ensure that waste is disposed of by a registered carrier to an appropriately licensed or authorised disposal facility.

Reference to the local authority will help clarify the position with regard to waste material generated from pet shops.

Dog faeces and 'sharps' such as needles, scalpels etc, constitute 'clinical' waste and are likely to be subject to specific disposal conditions.

### **Controlled Waste Regulations 1992**

The definition of clinical waste in these regulations includes animal tissue, blood or other pharmaceutical products, swabs, dressings or syringes, needles or other sharp instruments which, unless rendered safe, may prove hazardous to any person coming into contact with it.

The Health and Safety Commission's guidance document *Safe disposal of clinical waste* advises on best practice in the handling and disposal of such waste, and you can also seek advice from the Environment Agency Regional Office.

### **The Control of Dogs Order 1992 (SI 1992/901)**

Every dog whilst in a place of public resort must wear a collar with the name and address of the owner inscribed upon it.

'Public Place' means any street, road or other place (whether or not enclosed) to which the public have, or are permitted to have, access; whether for payment or otherwise, and includes the common parts of a building containing two or more separate dwellings.

It should be noted that premises may also be visited from time to time under the Animal Protection Acts. These Acts are principally concerned with animal welfare and the prevention of cruelty.

### **Dangerous Dogs Act 1991**

The Act prohibits persons from having in their possession or custody dogs belonging to specific types bred for fighting; it imposes restrictions in respect of such dogs. It enables restrictions to be placed on other types of dog which present a serious danger to the public, and makes further provision for ensuring that dogs are kept under proper control.

**CONDITIONS SUBJECT TO WHICH THE LICENCE TO KEEP A PET SHOP IS GRANTED**

**1.0 Licence Display**

The licence, or a copy of the licence, should be displayed to the public in a prominent position.

*Note: For security reasons, the licence should not display the licence holder's home address unless this is also the business address.*

**2.0 ACCOMMODATION**

**2.1** Animals must at all times be kept in accommodation and an environment suitable to their age, size and type of 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** The maximum numbers of animals to be stocked on the premises will be governed by the accommodation available as detailed in the Stocking Density Lists detailed in Schedules 1, 2, 3 and 4 attached to these licence conditions. No other animals, other than those specified in the licence, may be stocked without prior written approval from the licensing authority.

The stocking density schedules provide minimum sizes of animal accommodation only. Additional space may be necessary depending upon the age, size or weight of some species or individual animals and circumstances.

*Note: Under the Animal Welfare Act 2006, it is an offence not to take reasonable steps to ensure an animals need to be able to exhibit normal behaviour patterns. To this end the accommodation must be suitable.*

**2.3** Accommodation must be constructed of non-porous materials or be appropriately treated. All internal surfaces used in the construction of walls, floors, partitions and door frames to be durable, smooth and impervious. There must be no projections or rough edges liable to cause injury.

**2.4** For kennels - partition walls between kennels must be of solid construction to a minimum height of 1.2m and junctions between vertical and horizontal sections should be coved or sealed. Floors of all buildings, individual exercise areas and kennels used by puppies and dogs must be constructed and maintained to prevent ponding of liquids.

**2.5** If animals are displayed outdoors they must have protection appropriate to their species.

**2.6** 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 interfered with, or disturbed, by other animals or by the public.

**2.7** 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, by an authorised officer of the local authority at all reasonable times.

**2.8** Accommodation must be thoroughly cleansed and disinfected as often as necessary to maintain good hygiene standards and be consistent with the rate of stock turnover.

*Note: Disinfectant must be suitable for animal environments.*

- 2.9 Where accommodation is on a tiered system, water, food or other droppings must not be allowed to enter the lower housing.
- 2.10 All accessories provided in the accommodation must be suitable for the species housed therein.
- 2.11 All animals must, where appropriate to the species, be provided with suitable bedding material. In the case of puppies/dogs the bedding equipment must be capable of being easily and adequately cleaned and sanitized. All bedding material must be maintained in a clean, sanitized, parasite free and dry condition.

*Note: When designing accommodation, consideration should be given to using systems which would allow removal of the animals in the 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.
- 3.2 For puppies and kittens a covered exercise area of at least 2.46 square metres (26 sq ft) must be provided. Puppies and kittens must have access to this area at least twice a day for a **minimum** period of 30 minutes on each occasion. Exercise areas should have a minimum height of 1.8 metres (6ft) to facilitate adequate access by staff for cleaning. Cleansing and disinfection must be undertaken between use by different litters. Litters of puppies and kittens should not be mixed in exercise areas other than in accordance with condition 5.9.

*Note: Under the Animal Welfare Act 2006, it is an offence not to take reasonable steps to ensure an animals need to be able to exhibit normal behaviour patterns. To this end the exercise facilities available and in use for **every species** must be suitable. In some circumstances this may be in excess of the requirements specified in condition 3.2 above.*

### **4.0 REGISTER OF ANIMALS**

- 4.1 A livestock **purchase** register must be maintained for **all** livestock received (whether by purchase, donation or other circumstance) onto the premises. This must specify:
- i. The name, address and telephone number of the breeder and supplier of each animal received.
  - ii. The date of purchase and the date of receipt (ie date of arrival at premises) if different to the date of purchase.
- 4.2 A **sales** register must be must be maintained for:
- i. puppies;
  - ii. kittens;
  - iii. psittacines;
  - iv. species contained in the Schedule to the Dangerous Wild Animals Act 1976 (as modified).

The name, address and telephone number of the purchaser of each individual animal i – iv above must be obtained, together with the date of sale.

*Note: this can be cross-referenced to an invoice file. The purpose of the register is to ascertain the source of livestock and for emergency contact of purchaser*

#### 4.3 Additional Records to be kept in respect of Puppies/Dogs and Kittens/Cats

With respect of puppies/dogs cats//kittens the following additional information must be recorded for each individual animal.

- i. A description of the puppy/dog or cat/kitten, (including its breed, colour and any microchip No) to which all other records relate.
- ii. The date of birth of the puppy or kitten

*Note: Under the Breeding and Sale of Dogs (Welfare) Act 1999 it is an offence for a licensed breeding establishment to sell any dog to a licensed pet shop which is not wearing a collar with an identifying tag or badge.*

*It is an offence for the keeper of a licensed pet shop to sell a dog which, when delivered to him, was wearing a collar with an identifying tag or badge but is not wearing such a collar when delivered to the person to whom he sells it.*

*An identifying tag or badge is a tag or badge which clearly displays information indicating the licensed breeding establishment at which it was born, an identifying number, if any, allocated to the dog by the licensed breeding establishment at which it was born and any other information required by regulations.*

#### 5.0 HEALTH, DISEASE AND ACCLIMATISATION

- 5.1 All stock for sale and/or sold must be in good health and free from obvious parasitic infestation as far as can be reasonably determined without veterinary inspection.
- 5.2 All reasonable precautions must be taken to prevent the outbreak and spread of disease.
- 5.3 On arrival at the licensed premises all animals must be checked for significant abnormalities and signs of disease.
- 5.4 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 must be sought. Any animal which is not for sale for medical reasons should be clearly identified (for example on the outside of its accommodation) that it is not for sale if displayed in an area that the public have access.
- 5.5 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, appropriate veterinary advice sought and the animal treated.
- 5.6 All animals must be allowed a suitable acclimatisation period before sale. During the acclimatisation period the animals must be monitored and checked to ensure they are fit for sale.
- 5.7 A minimum period of 24 hours acclimatisation period is required for all puppies and kittens. In the case of **puppies or kittens** travelling in excess of 65KM/40 miles a 3 day acclimatisation period will be required. In the case of puppies/kittens imported from outside the United Kingdom they must be quarantined for a minimum of 7 days.

5.8 Where quarantine of **puppies/kittens** is required they must be kept in a **separate room or building** to existing stock. During quarantine and at the end of the quarantine period, animals must be checked for signs of sickness and disease. Any puppy or kitten showing signs of disease must not be offered for sale and veterinary advice must be promptly sought.

5.9 All individual litters of puppies and kittens must be kept in accommodation separate from others unless they have received a **complete course** of vaccination against:

A . for puppies: Canine Distemper, Infectious Canine Hepatitis (Canine Adenovirus), + Leptospirosis (Leptospira canicola and Leptospira icterhaemorrhagiae) and Canine Parvovirus (normally administered at 8 and 12 weeks of age)

And

B For kittens: *for Cat Flu (feline Herpes Virus and Calicivirus) and Feline Infectious Enteritis (panleucopenia)* (normally administered at 9 and 12 weeks of age)

and there is a signed veterinary certificate (see condition 6.4) in force certifying that the puppy/dog or kitten/cat has received the vaccinations and the vaccinations are up-to-date.

To be kept separate for the purposes of this condition means separation with a minimum distance of 625mm (2ft) distance or kept in accommodation with suitable physical barriers (for example this may be a full length sneeze barrier between pens provided to a minimum height of 1.2m (4ft)).

5.10 Any sick or injured animal must receive appropriate care and treatment without delay. Inexperienced staff should not treat sick animals unless under appropriately experienced supervision. Veterinary advice must be sought wherever necessary or in case of doubt. Records of any veterinary attendance or treatment must be kept for a minimum period of 1 year and details of any treatment provided to the new owner.

*Note: 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 any doubt veterinary advice must be sought.*

5.11 Facilities must be provided to isolate sick or diseased animals away from other stock and away from new stock undergoing quarantine.

*Note: For ornamental fish, in-line UK 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.*

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

*Note: 'Rodent' and 'insect' excludes livestock for sale and for feeding.*

5.13 All puppies and kittens must be routinely treated for worms, with a preparation suitable for their weight and age, on the day of arrival. Details of the preparation and dosage given, worm species treated and date to be recorded.

- 5.14 All puppies and kittens must be routinely treated with a suitable insecticidal spray or spot on preparation (for the treatment of fleas and other parasites) on the day of arrival to reduce any parasite build up in the environment. This should be documented in the register.
- 5.15 All animals must receive appropriate inoculations where required for the species as advised by the veterinary surgeon. Veterinary advice must be sought whenever necessary. In the case of puppies please see conditions under Conditions 6.0 - additional requirements for puppies and for kittens please see conditions 7.0 – additional requirements for kittens.

## **6.0 Additional requirements for Puppies (and kittens)**

- 6.1 No puppy/dog shall be accepted, or permitted, on the premises unless there is a signed veterinary certificate (see condition 6.4) in force certifying that the puppy/dog has received its first, (or first and second ) Canine Distemper, Infectious Canine Hepatitis (Canine Adenovirus), Lepotspirosis (Leptospira canicola and Leptospira icterhaemorrhagiae) and Canine Parvovirus vaccination in accordance with vaccine manufacturer's data sheet **and the vaccinations are up-to-date.**

The full course of vaccinations should only be started once the puppy has been fully weaned at the age of 8 weeks.

- 6.2 Puppies/dogs should not commence their journey to the pet shop for a minimum of 7 days from the date of vaccination. Puppies/dogs arriving at the pet shop prior to this timescale must not be accepted onto the premises.
- 6.3 If follow-on/second vaccinations are required to complete the course of inoculation in accordance with manufactures requirements or veterinary advice, whilst the puppy remains at the pet shop then these must be administered by a suitably qualified practicing Veterinary Surgeon and the vaccination certificate updated in accordance with condition 6.4. This second inoculation will normally be administered four weeks from the date of the first vaccine, when the puppy reaches the age of 12 weeks.
- 6.4 All vaccination certificates referred to in these conditions must provide an accurate description of the puppy/dog (or kitten/cat), including its breed, sex and full date of birth (day, month and year) The vaccine brand and batch number must be specified along with the date of administration and be signed by a fully qualified, practicing Veterinary Surgeon a member of the RCVS or Veterinary Ireland or equivalent professional body in the country of origin. The card will clearly show the veterinary surgeon's name, business name, address and contact telephone number.
- 6.5 The original vaccination certificate record card to be given to the new owner of the puppy/ dog (and kitten) at point of sale and a copy retained at the pet shop for a minimum of one year. The original certificate, or copy if the puppy/dog has been sold, must be made available to an authorised officer of the Local Authority upon request.
- 6.6 The purchasers of puppies (or kittens) sold before they have received their follow-on vaccinations to complete the course of inoculation must be clearly advised that the course has not been completed and that the puppy/dog (or kitten) requires further vaccination and that they should speak to a vet for further guidance for their particular puppy.

*Note: In the event of any query regarding vaccinations please contact the licensing authority and as necessary seek veterinary advice.*

## 7.0 Additional requirements for Kittens

- 7.1 If kittens reach the end of their ninth week of age whilst on the premises they must receive their first vaccination for Cat Flu (feline Herpes Virus and Calicivirus) and Feline Infectious Enteritis (panleucopenia). If they remain on the premises when the follow on vaccination is due (normally 3 weeks later at 12 weeks of age) they must receive their follow on vaccination to complete the course of inoculation in accordance with manufactures requirements or veterinary advice. These must be administered by a suitably qualified practicing Veterinary Surgeon and the vaccination certificate updated in accordance with conditions 6. 4, 6.5 and 6.6 above.

Note: **Conditions 6.4, 6.5 and 6.6 apply to kittens/ cats as well as puppies/dogs.**

It is also recommended, **but not a condition of the licence**, that the kitten is also inoculated against Feline Leukaemia (FeLV).

*In the event of any query regarding vaccinations, please contact the licensing authority and as necessary seek veterinary advice. If there is any veterinary reason as to why the vaccination cannot be undertaken at the specified time/age the Licensing Authority must be notified within 1 working day.*

## 8.0 FOOD AND DRINK

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

## 9.0 FOOD STORAGE

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

## 10.0 OBSERVATION

- 10.1 All livestock must be attended to at regular intervals, appropriate to the species. In no circumstances will this be less than daily.

Note: *It is recommended that a system of recording observation is maintained.*

- 10.2 With regards to Fish - water quality testing should be carried out at least once a week in centralised systems. In individually filtered aquaria or holding vats at least 10% of them should be tested in the same way at least once a week. Unsatisfactory 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. While no general rule for the normal behaviour of all fish can be given, if they are gasping at the surface, or normally active species are lethargic, then water quality testing or other investigation may be necessary.

Tests should be undertaken at different times of the day to ensure that the readings are representative of normal conditions in the aquarium or pond.

All results must be recorded in a register together with the corrective the need.

*For further information see Schedule 3 – stocking densities – ornamental fish*

## 11. EXCRETA AND SOILED BEDDING

- 11.1 In order to maintain standards of hygiene, all excreta and soiled bedding must be kept in a hygienic manner and stored in impervious containers (away from direct sunlight) with close fitting lids pending removal from the premises.
- 11.2 Excreta and soiled bedding must be removed from the premises on a regular basis, at least weekly, and disposed of to the satisfaction of the appropriate local authority and in accordance with current regulations and good waste management practice.
- 11.3 All containers must be kept in a clean condition.

*Note: Under the Environmental Protection Act 1990 (section 33) if you operate any form of business you have a legal responsibility to safely manage, store and legally dispose of any waste produced by your business. Proper records of disposal must be kept for at least two years for inspection by an authorised officer of the Local Authority.*

## 12. TRANSPORTATION

- 12.1 When receiving stock, the licensee must make every effort to ensure that it is transported in a suitable manner.

*Note: It is recommended that the registration number of vehicles transporting livestock be recorded.*

- 12.2 Any livestock received or consigned shall be transported according to the regulations laid down in current legislation.
- 12.3 For animals to which the Welfare of Animals in Transport Order 2006 apply, a copy of the animal transport certificate for each delivery and a copy of the certificate of competence of the driver should be obtained.

*Note: The Welfare of Animals Transport Order 2006 (WATO 06) has replaced the Welfare of Animals (Transport) Order 1997. In the fitness to travel section is a condition that dogs and cats are not fit for transport under the age of **8 weeks unless accompanied by the mother.***

*Note: The Welfare of Animals Transport Order 2006 (WATO 06) requires, in the case transporting animals for commercial purposes and where the journey exceeds 65 KM/40 miles the transporter shall obtain a transport certificate for each delivery and a certificate of competence of the driver. This will be obtained from Animal Health in England or the equivalent body in the country of origin.*

*Note: For air transportation, the IATA Live Animals Regulations must be followed as a minimum legal standard. For rail transportation, the British Rail guidelines must be followed.*

### **13.0 TRANSPORTATION CONTAINERS**

13.1 Livestock must be transported or handed to purchasers in suitable containers as appropriate to the species and breed.

### **14.0 SALE OF LIVESTOCK**

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

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

14.3 No puppy may be sold at less than 8 weeks of age and must have received the appropriate period of acclimatisation or quarantine. (See also condition 6.6 and 6.7)

*Note: The Welfare of Animals Transport Order 2006 (WATO 06) has replaced the Welfare of Animals (Transport) Order 1997. In the fitness to travel section is a condition that dogs and cats are not fit for transport under the age of 8 weeks unless accompanied by the mother. Therefore, having regard to vaccination requirements and the period of quarantine required by these licence conditions, in the case of puppies imported from outside the UK, the puppies should not be sold under 10 weeks of age.*

### **15.0 DANGEROUS WILD ANIMALS**

15.1 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.

15.2 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.

15.3 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.

### **16.0 PET CARE ADVICE**

16.1 Pet care leaflets or other similar written instructions must be made available free of charge, to the purchaser, at the time of purchase. This must be in addition to any offer by the customer to purchase pet care books or leaflets.

16.2 Purchasers must be given proper advice on the care of the animal purchased and, where appropriate, on the maintenance and use of any accessories.

16.3 Appropriate reference materials regarding the care of the different species kept must always be available for use by staff.

*Note: Further advice can be obtained from the organisations listed in Annex 1 attached to this document.*

16.4 Comprehensive documentation must be given to the purchaser detailing any:

- attendance or treatment given by a veterinary surgeon to the animal purchased,
- vaccination status
- worming status and
- dietary advice.

## **17.0 STAFF TRAINING AND LIVESTOCK KNOWLEDGE**

17.1 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.

17.2 In respect of new applications (not renewals) the licence holder who works at the premises, or at least one member of staff working at the 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.

17.3 The licensee must formulate a written training policy for all permanent staff and will be required to demonstrate that systematic training is carried out.

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

## **18.0 FIRE AND OTHER EMERGENCY PRECAUTIONS**

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

*Note: The general maxim of “people first” is good advice.*

18.2 Entrances and exits must be clear of obstruction at all times.

18.3 Suitable fire fighting equipment must be provided, maintained and regularly serviced and sited as advised by the local Fire Protection/Prevention Officer and in consultation with the local authority.

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

*Note: It is strongly recommended that smoke detectors and residual current circuit breakers are installed.*

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

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

18.6 A list of key holders must be lodged with the local police and with the Local Authority.

18.7 In the interests of animal welfare, the following notice must be displayed at the front of the shop: “In case of emergency, dial 999”. The number of the local police station should also be displayed.

*Note: It is recommended that the licensee or key holder’s telephone No also be displayed.*

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

## **19.0 RECORDS**

19.1 All records referred to in these conditions must be retained and kept available for inspection by authorised officers of the council at all reasonable times for a minimum period of 12 months. The records must be kept in such a manner as to allow an authorised officer easy access to such information.

19.2 Where records are computerised, a back-up copy must be kept. The register must also be available to key members of staff of the establishment at all times.

19.3 If medication is to be administered, this must be recorded.

*Note: A table summarising the records required under these licence conditions is provided after condition No 20.*

## **20.0 Sale of Livestock**

20.1 No animal should be sold to any person under the age of 16 years

*Note: Under section 11 of the Animal Welfare Act 2006 it is an offence to sell or otherwise transfer an animal to someone under the age of 16 years.*

### **Note To Licencees Regarding The Animal Welfare Act 2006**

In addition to the requirements of these License Conditions under the Pet Animals Act 1951, vertebrate animals kept in pet shops will also be subject to protection under the Animal Welfare Act 2006. Under Section 9 of this Act it is an offence not to take such steps as reasonable in all the circumstances to ensure that the needs of an animal for which s/he is responsible are met to the extent required by good practice.

For the purposes of the Animal Welfare Act an animals needs shall be taken to include:

- its need for a suitable environment,
- its need for a suitable diet,
- its need to be able to exhibit normal behaviour patterns,
- any need it has to be housed, with or apart from, other animals and
- its need to be protected from pain, suffering, injury and disease.

**TABLE SUMMARISING THE RECORDS TO BE KEPT AS REQUIRED BY THESE CONDITIONS**

Record Requirement	Animals To Which The Conditions Apply				
	Puppies	Kittens	Psittacines	Dangerous Wild Animals	All Other Species
Name Address and telephone number of the <b>breeder</b> (Condition 4.1)	Yes	Yes	Yes	Yes	Yes
Name Address and telephone number of the <b>supplier</b> (Condition 4.1)	Yes	Yes	Yes	Yes	Yes
Date of purchase by the pet shop <b>and</b> Date of arrival at the premises if different to date of purchase (Condition 4.1)	Yes	Yes	Yes	Yes	Yes
Name, Address and Telephone number of the purchaser of each individual animal, together with the date of sale (Condition 4.2)	Yes	Yes	Yes	Yes	
Full Description, including breed, colour and any microchip No. to which other records relate (Conditions 4.3 i)	Yes	Yes			
Date of birth of the individual animal (Conditions 4.3 ii.)	Yes	Yes			
Period of acclimatisation (condition 6.6) or quarantine (Condition 6.7) as appropriate. Specify start date, finish date, location and observations	Yes	Yes			
Insecticidal treatment carried out - Specify date of treatment and product type (Condition 5.14)	Yes	Yes			
Worming treatments carried out - Specify date of treatment, preparation type, dosage and worm species treated ( Condition 5.13)	Yes	Yes			
Original Veterinary Certificate for Puppy Vaccinations – original to be given to purchaser and full copy retained for records (Condition 6.5)	Yes				
Original Veterinary Certificate for Kitten Vaccinations – original to be given to purchaser and full copy retained for records (Condition 6.5)		Yes			
Details of any veterinary attendance or treatment to the individual animal (Condition 5.10)	YES	YES	YES	YES	YES
Details contained on an identifying tag or badge supplied by the licensed breeder – the original must be worn by the dog on a collar when transferred to the purchaser. <i>(The Breeding and Sale of Dogs (Welfare) Act 1999)</i>	Yes				

**SCHEDULE 1 STOCKING DENSITIES – CAGED 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.

<b>MINIMUM FLOOR AREA FOR CAGED BIRDS – PARROTS, PARAKEETS, BUDGERIGARS ETC</b>			
	<b>FLOOR AREA (sq. cm)</b>		
	<b>Length (cm)</b>	<b>Single</b>	<b>Each Additional</b>
African Grey		1250	625
Amazon	Up to 35	1000	500
	35-40	1250	625
	Over 40	2000	750
Budgerigar		650	200
Cockatiel		1000	250
Cockatoo	Up to 35	1250	625
	35-40	2000	1000
	Over 40	2750	1325
Lovebird		750	200
Macaw	Up to 40	1250	625
	40-60	2250	1000
	Over 60	3750	1200
Parakeet (including Conure, Kakariki, Rosella)	Up to 25	1000	250
	25-30	1000	250
	Over 35	1400	450
Parrott (including Caique, Pronus Senegal, Meyer's)	Up to 30	800	275
	30-35	1250	625
	Over 35	1500	750
Parrotlet		400	200
Hanging Parrot		450	250
Lories and Lorikeets	Up to 22.5	800	250
	2.5-30	1250	375
	Over 30	2000	500

**MINIMUM FLOOR AREA FOR CAGED BIRDS  
SEEDEATERS**

	FLOOR AREA (sq. cm)		
	Length (cm)	Single	Each Additional
Canary		650	250
Cardinal		1000	250
Dove and Pigeon	Up to 22.5	450	250
	Over 22.5	1250	625
Finch (including Mannikin, Silverbill, Sparrow, Waxbill)	Up to 12.5	650	100
	12.5-17.5	750	150
	Over 17.5	1000	200
Grossbeak		1000	200
Quail	Up to 15	450	250
	15-20	650	375
	Over 20	1000	500
Weaver	Up to 15	650	150
	Over 15	1000	200
Whydah (male with full tail)	Up to 40	1000	200
	Over 40	2000	275
- female and male in non-breeding plumage as Weaver.			

**MINIMUM FLOOR AREA FOR CAGED BIRDS  
SOFTBILLS**

	FLOOR AREA (sq. cm)		
	Length (cm)	Single	Each Additional
Barbet	Up to 20	1250	275
	Over 20	1400	450
Bulbil, Fruitsucket		1000	250
Fairy bluebird, Oriole		1250	250
Jay. Jay-thrush (laughing thrush)	Up to 25	1500	250
	25-35	2000	500
Magpie	Over 35	4000	1000
Mynah hill		1500	250
Pekin robin, Mesia		1000	200
Starling (including small mynahs)	Up to 20	1000	250
	Over 20	1500	375
Tanager, Sugar bird	Up to 15	1000	250
	Over 15	1000	250
Thrush (including Shama)		1000	375
Toucan		3750	1000
Toucanette, Aracari		2000	625
Flouraco		2000	625
Zosterops		750	100

**SCHEDULE 2 STOCKING DENSITIES – JUVENILE SMALL MAMMALS**

<b>SPACE RQUIRED PER SPECIES IN SQ CM</b>									
<b>SPECIES</b>	<b>NUMBER OF ANIMALS IN THE ENCLOSURE</b>							<b>MINIMUM CAGE HEIGHT (CM)</b>	<b>MINIMUM CAGE DEPTH (CM)</b>
	<b>1-4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>		
<b>Mice, hamsters, gerbils</b>	450	525	600	675	750	825	900	25	25
<b>Rats</b>	675	785	900	1010	1125	1235	1350	30	30
<b>Guinea pigs</b>	1350	1570	1800	2020	2250	2470	2700	30	30
<b>Rabbits up to 2kg, kittens, ferrets, chinchillas, chipmunks</b>	2250	2625	3000	3375	3750	4125	4500	30	30
<b>Puppies, up to the age of 12 weeks maximum</b>	10,000	12,5000	15,000	17,500	20,000	22,500	25,000	Double height at shoulder, minimum 50	0.9m

**NOTE:**

1. **In addition to the above suitable and sufficient exercise facilities must be made available to ensure the animals can exhibit its need to be able to exhibit normal behaviour patterns. Failure to take reasonable steps to ensure these needs are met is an offence under the Animal Welfare Act 2006.**
1. The range of behavioural opportunities for many of the animals listed in the above Schedule will be increased by enriching the environment with such appropriate accessories (including shredded paper, pieces of wood, toilet rolls, lengths of piping etc)
2. The installation of shelving in rabbit cages is particularly beneficial to rabbits as they like to spend a lot of time off the cage floor.
3. The above recommended stocking densitites 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

It is virtually impossible to determine the quantity of fish to be kept in a system purely on weight or numbers of fish per unit volume, or area of water surface.

The variation in holding system used, the quality of husbandry and types of fish 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.

#### Water quality testing

Water quality testing should be carried out at least once a week in centralised systems. In individually filtered aquaria or holding vats at least 10% of them should be tested in the same way at least once a week. Unsatisfactory 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. While no general rule for the normal behaviour of all fish can be given, if they are gasping at the surface, or normally active species are lethargic, then water quality testing or other investigation may be necessary.

Tests should be undertaken at different times of the day to ensure that the readings are representative of normal conditions in the aquarium or pond.

Water Quality Criteria			
(1mg/litre – 1ppm)			
<b>Cold Water Species</b>			
	*Dissolved Oxygen	min	6mg/litre
	*Free Ammonia	max	0.02mg/litre
	Nitrate	max	0.2mg/litre above
	Nitrate	max	50mg/litre above ambient tap water
<b>Tropical Fresh Water Species</b>			
	*Free Ammonia	max	0.02mg/litre
	*Nitrate	max	0.2mg/litre
	Nitrate	max	50mg/litre above ambient tap water.
	Dissolved Oxygen	min	6 mg/litre
<b>Tropical Marine Species</b>			
	*Free Ammonia	max	0.01mg/l
	*Nitrate	max	0.125mg/litre
	*pH	min	8.1
	*Dissolved Oxygen	min	recommended 5.5mg/litre (never lower than 4.0 mg/litre)
	Nitrate	max	100mg/litre

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

*Note: Criteria in accordance with advice from the Ornamental Aquatic Trade Association (OATA) - Water Quality Criteria Version 2.0 March 2008.*

*Further advice and guidance on water quality criteria can be obtained from the Ornamental Aquatic Trade Association – contact details provided in Annex 1.*

#### **SCHEDULE 4 STOCKING DENSITIES – OTHER SPECIES**

Other species should be housed in accommodation appropriate to size, age, and type of species; and to avoid overcrowding. There 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.

The advice and approval of the Licensing Authority should be sought wherever there is doubt about a species being sold.

## **ANNEX 1 – FURTHER ADVICE**

Licencees may refer any queries to the Licensing Authority:

Environmental Health and Licensing Department  
Horsham District Council  
Park House  
North Street  
Horsham  
West Sussex  
RH12 1RL  
Tel: 01403 215641  
Email: [publichealth.licensing@horsham.gov.uk](mailto:publichealth.licensing@horsham.gov.uk)

Further advice may be obtained from the following organisations:

The Local Government Association  
26 Chapter Street  
London SW1P 4ND  
Tel: 0171 834 222  
Fax: 0171 664 3030  
Website: <http://www.lga.gov.uk>

The British Veterinary Association  
7 Mansfield Street  
London  
W1M 0AT  
Tel: 0171 636 6541  
Fax: 0171 436 2970

The Pet Care Trust  
Bedford Business Centre  
170 Mile Road  
Bedford  
MK42 9TW  
Tel: 01234 273933  
Fax: 01234 273550

Ornamental Aquatic Trade  
Association Ltd  
Unit 5  
Narrow Wine Street  
Trowbridge  
Wiltshire  
BA14 8YY  
Tel: 01225 777177  
Fax: 01225 775523  
Website: <http://www.ornamentalfish.org>

British Small Animal Veterinary  
Association  
Kingsley House  
Church Lane  
Shurdington  
Cheltenham  
Gloucestershire GL51 5TQ  
Tel: 01242 862994  
Fax: 01242 863009

Chartered Institute of Environmental Health  
Chadwick House  
15 Hatfields  
London SE1 8DJ  
Tel: 0171 928 6006  
Fax: 0171 827 5865

R S P C A Head quarters  
Wilberforce Way  
Southwater  
Horsham  
West Sussex  
Tel: 08703335999

Universities' Federation of Animal Welfare  
The Old School  
Brewhouse Hill  
Wheathampstead  
Hampshire AL4 8AN  
Tel: 01582 831818  
Fax: 01582 831414

Environment Agency  
Millbank Tower  
25th Floor  
21-24 Millbank  
London  
SW1P 4XL  
Tel: 0171 863 8600  
Fax: 0171 863 8650

Health and Safety Executive  
(Information line)  
Tel: 0541 545500

Licencees should also refer any  
queries to their local authority  
environmental health  
departments.

## Response to Government Consultation Licensing Act 2003

### Consultation on a proposal to examine the deregulation of Schedule One of the Licensing Act 2003

#### Proposal Impacts: Questions

Q1: Do you agree that the proposals outlined in this consultation will lead to more performances, and would benefit community and voluntary organisations? If yes, please can you estimate the amount of extra events that you or your organisation or that you think others would put on?

*The proposal if implemented would undoubtedly lead to more outdoor performances although not in the form envisaged by the Government. This is a "ravers" get out of gaol free card. We are already seeing Temporary Event Notice Applications which are pushing the limits and to try and estimate how many extra open air "events" would be likely to take place is impossible but I can envisage a number of unscrupulous event organisers loving this. No licence means no event management plan, no need to tell anyone including the Police and/or local Environmental Health Officers and if anything were to go wrong what chance of finding the person responsible for hosting the event.*

*I can not imagine that any Police Force across the country would view this proposal with anything other than horror and deep concern for the number of "Raves" that they will have to respond to.*

Q2: If you are replying as an individual, do you think this proposal would help you participate in, or attend, extra community or voluntary performance?

#### *Replying on behalf of Horsham District Council*

Q3: Do you agree with our estimates of savings to businesses, charitable and voluntary organisations as outlined in the impact assessment? If you do not, please outline the areas of difference and any figures that you think need to be taken into account (see paragraph 57 of the Impact Assessment).

*We are concerned that monetary considerations are being put before public safety. The authority thought that Public Safety was one of the fundamental cornerstones of the 2003 Act, hence it being included as one of the Licensing Objectives and both the Fire and Rescue Services and Health and Safety Authorities being included as Responsible Authorities/Statutory Consultees.*

*In our experience charities do tend to use Temporary Event Notices for this type of activity. If you want to assist Registered Charities remove the Statutory Fees which they currently have to pay under the 2003 Act.*

***We would go even further and class all Registered Charities and Educational Establishments as Community Buildings under the Act and exempt them from all Statutory Fees.***

Q4: Do you agree with our estimates of potential savings and costs to local authorities, police and others as outlined in the impact assessment? If you do not, please outline the areas of difference and any figures you think need to be taken into account.

***No. There will be a substantial loss of income to the authority but there is likely to be a massive increase in terms of Policing costs, Waste disposal, and other associated costs which this consultation has not even considered. The fact is that the authority does not make money on this type of event as the costs far outweigh the current Statutory Application Fee of £21.00.***

***The cost to local authorities and the police having to act reactively have not been properly considered and would be considerable. The cost of obtaining injunctions and prosecutions can be prohibitive, as it is not unusual for Councils not to receive costs awarded by a Court.***

Q5: Would you expect any change in the number of noise complaints as a result of these proposals? If you do, please provide a rationale and evidence, taking into account the continuation of licensing authority controls on alcohol licensed premises and for late night refreshment.

***Yes, particularly where the events include activities that are being conducted out doors at unlicensed venues, where there are no controls built in to prevent noise nuisance other than that difficult to prove under other legislation.***

***Simple controls such as keeping windows and doors closed, as well as controls requiring noise limiting devices and restricting hours of operation currently reduce the number of noise complaints. In addition, if such controls exist they are simply enforced without the need to prove a statutory noise nuisance exists. It should be remembered that conditions are only applied by a Licensing Sub Committee if they promote one or more of the Licensing Objectives.***

Q6: The Impact Assessment for these proposals makes a number of assumptions around the number of extra events, and likely attendance that would arise, if the deregulation proposals are implemented. If you disagree with the assumptions, as per paragraphs 79 and 80 of the Impact Assessment, please provide estimates of what you think the correct ranges should be and explain how those figures have been estimated.

***There are indeed many types of entertainment activity where large numbers of people gather in one place without an entertainment licence***

***but in most of those cases the activity is covered by other substantial legislation or other non statutory controls for example, some Sporting events are covered by primary legislation as in the case of football or by other sporting regulatory bodies.***

***Most community groups already use licensed community halls, so there would no increase. The concern would be an increase in large “pay-parties” in rural areas.***

Q7: Can you provide any additional evidence to inform the Impact Assessment, in particular in respect of the impacts that have not been monetised?

***The cost of local authorities being reactive rather than acting to control impacts in advance, in a planned measured manner***

Q8: Are there any impacts that have not been identified in the Impact Assessment?

***The proposal, if adopted is likely to lead to an increase in Insurance Premiums.***

Q9: Would any of the different options explored in this consultation have noticeable implications for costs, burdens and savings set out in the impact assessment? If so, please give figures and details of evidence behind your assumptions.

***No view***

Q10: Do you agree that premises that continue to hold a licence after the reforms would be able to host entertainment activities that were formerly regulated without the need to go through a Minor or Full Variation process?

***If the provision of some Regulated Entertainments were to be deregulated why would they need to appear on a Premises Licence? We believe that conditions have been imposed for valid reasons but if a particular condition relates only to a non regulated activity then it is difficult to see how they could be enforceable and that being the case, using the Wednesbury rules they should not appear on the licence.***

#### **The Role of Licensing Controls: Questions**

Q11: Do you agree that events for under 5,000 people should be deregulated across all of the activities listed in Schedule One of the Licensing Act 2003?

***No. Think Safety of the Public and the ability for criminals to actively involve themselves in the organisation of outdoor live and/or recorded music events which tend to attract young people and which are often***

***associated with drug misuse and criminality. Additionally, how does Parliament expect Council Officers being called out a short notice to an unregulated event without prior notice to be able to count the number of people attending an event.***

Q12: If you believe there should be a different limit – either under or over 5,000, what do you think the limit should be? Please explain why you feel a different limit should apply and what evidence supports your view.

***See above***

Q13: Do you think there should be different audience limits for different activities listed in Schedule One? If so, please could you outline why you think this is the case. Please could you also suggest the limits you feel should apply to the specific activity in question?

***See above***

Q14: Do you believe that premises that would no longer have a licence, due to the entertainment deregulation, would pose a significant risk to any of the four original licensing objectives? If so please provide details of the scenario in question.

***Absolutely, Yes.***

***Particularly where open air events are planned there is a risk of all four Licensing Objectives being compromised. Imagine an unlicensed/unregulated event held on private land with 5,000 persons in attendance. The organiser does not advertise or even have a bar selling alcohol so there is no statutory requirement to notify anyone including the Police.***

***If something goes wrong what chance have the Police of closing down the event? How could the Police hope to gather sufficient resources to close down an event with potentially up to 5,000 people attending without prior notice of the event in question.***

***Also without prior notice there is likely to be no agreed event management plan, even if the event organiser had heard of such a thing, and no agreed or imposed conditions.***

***We recently received a Temporary Event Notice Application for such an event where the numbers were restricted to 499. The Police objected on the grounds of crime and disorder and following a hearing the application was refused. The applicant then went back to the Police, and discussed an event management plan which included consulting with local Environmental Health Officers and the local Fire and Rescue Service. As a result a new Temporary Event Notice Application was received accompanied by an agreed event management plan, the Police***

***did not object and on the day both Police and EHO officers attended to monitor the event which went off without incident.***

***The cost to the authority in terms of ensuring that the site was safe, monitoring the event, and then dealing with follow up issues from the public exceeded £1,500.00. The cost to the applicant was £21.00. It should be noted that they were charging up to £45.00 per ticket.***

***The event as originally planned, if it had gone ahead could have led to crime and disorder and even though it was monitored there were a few minor noise complaints and some evidence of drug misuse at the venue throughout the event.***

Q15: Do you think that outdoor events should be treated differently to those held indoors with regard to audience sizes? If so, please could you explain why, and what would this mean in practice.

***Very definitely yes, see above. We have already seen an increase in the number of people making enquiries about hosting such events in 2012. I understand that a number of local landowners across the country are advertising their fields for hire as suitable venues for outdoor parties.***

Q16: Do you think that events held after a certain time should not be deregulated? If so, please could you explain what time you think would be an appropriate cut-off point, and why this should apply?

***If events/activities go on beyond 23:00hrs (11:00pm) then it is not unreasonable to expect that some form of conditioning will be put in place to ensure the rights of local residents are respected and controlled.***

***This is particularly important when the venue is in a residential area where it is likely that families may include children. In that case, 22:00hrs (10:00pm) is more reasonable, and in a lot of cases a more acceptable hour.***

Q17: Should there be a different cut off time for different types of entertainment and/or for outdoor and indoor events? If so please explain why.

***Members of the public have a right to a home life and an expectation that when at home they are able to enjoy a degree of comfort. In our experience most residents are tolerant when it comes to licensed premises provided that there is a cut off at a reasonable hour where they should be able to expect uninterrupted sleep after a certain time.***

***Outdoor events should have an earlier finishing time set at a reasonable hour to allow residents to enjoy the comfort of their own homes. Certainly no later than 23:00hrs (11:00pm).***

Q18: Are there alternative approaches to a licensing regime that could help tackle any potential risks around the timing of events?

***Possibly Yes, but we have a statutory system that for all its faults does work.***

Q19: Do you think that a code of practice would be a good way to mitigate potential risks from noise? If so, what do think such a code should contain and how should it operate?

***A code of practice, like guidance is open to interpretation and if the event organiser were to chose the provisions of the code what action could be taken to control/prevent the activity going ahead and who is going to have to enforce the code and what powers will Parliament give them. Bearing in mind that Local Authorities were given responsibility for administration and compliance of the provisions of the 2003 Act, but their Licensing Officers were not given any powers under the Act.***

Q20: Do you agree that laws covering issues such as noise, public safety, fire safety and disorder, can deal with potential risks at deregulated entertainment events? If not, how can those risks be managed in the absence of a licensing regime?

**Regulated entertainment has the potential on any scale to cause nuisance to law abiding neighbouring residents through:**

- **Excessive noise, noise at unreasonable hours, noise for long duration, and**
- **Related Public Nuisance, Crime and Disorder.**

**The time and resource required by local authorities to deal with an occurrence of a public nuisance is burdensome and costly. Council resources are already stretched as many council's no longer operate 'out of hours' service. Many regulated entertainments take place outside of normal working hours. Council Officers dealing with these issues often work alone and are being put at unnecessary risk to their health and safety.**

**The consultation document accuses Local Authorities of taking an overcautious line. Councils in the main support community events involving regulated entertainment and see them as having great benefit to enhancing social cohesion and the wellbeing of the local area. They do not want to stop such events taking place, on the contrary, they wish to see community events flourish by being safe to attend and having minimal impact from noise and disturbance for tax paying residents who have a right to peace and quiet.**

Because of this council's often seek compromise between event organisers and the local community prior to the event taking place. Working in partnership with other organisations such as the Police, Fire Brigade, etc, councils often seek early involvement to assist in management plans and risk assessments.

Council Officers possess great skills and knowledge when advising on noise nuisance, crowd control, health & safety, waste management, etc. This often leads to an event taking place but with sensible and workable conditions which both allay the fears of the community and permit the organisers to host a safe and nuisance free event. In many cases event organisers positively value the Councils input and expertise.

Deregulation of entertainment events will mean that Councils and the Police will be required to use existing laws to deal with public nuisance or crime issues if an event gets out of control. If the event is large with many thousand people in attendance it will push resources to the limit. Managing such an incident would mean having sufficient resources on stand-by, which the police do not have access to on a routine basis. If regulated entertainment events are deregulated there is the potential for events to pop up without prior knowledge or intelligence, these would be very difficult to manage if problems were to arise.

*The onus must be on the event organiser to have produced adequate safety plans before the event starts. The risks to members of the public attending are too high. Even though controls on places of public entertainment have existed for many years, tragic accidents, such as loss of life during stampedes still occur.*

Q21: How do you think the timing/duration of events might change as a result of these proposals? Please provide reasoning and evidence for any your view.

*Applicants are already trying to push time limits. We have seen one application for an event to run from a Friday afternoon through to the following Monday evening (80 hours of potentially non stop live and recorded music in a rural residential area) for 499 people.*

Q22: Are there any other aspects that need to be taken into account when considering the deregulation of Schedule One in respect of the four licensing objectives of the Licensing Act 2003?

*Yes, there would be no obligation on event organisers to consider, in advance the environmental impact and safety issues associated with the*

***event. Organisers may not properly consider the cost of the controls (eg the cost of employing adequate numbers of marshals).***

### **Performance of Live Music: Questions**

Q23: Are there any public protection issues specific to the deregulation of the performance of live music that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?

***Chapter 3 assumes that alternative controls already exist. This is true but these controls are reactive. The police do have the power to close noisy pubs but do not do so, because of the public disorder that would occur if a public house full of patrons was suddenly forced to close would be considerable. The chapter refers to the use of the Noise Act. Again, this power is not used, in quiet rural areas as the 34 dB (A) level inside the complainant's home, is far too high. The offence also only occurs after 23:00, this means residents could be disturbed every night until 23:00 without an offence being committed. Some event organisers would consider the fine imposed for committing a night-time noise offence as a business cost.***

***Without license conditions there would be no controls over traffic, car parking or the provision of toilets at outdoor events.***

***The chapter states that it is illogical that a premises used for large political or religious events does not require a licence, whereas a premises used for a ballet does. This is true but it should be remembered that many licensed premises are used for non-licensable activities. The conditions that apply still protect the person attending the ballet and the political conference.***

Q24: Do you think that unamplified music should be fully deregulated with no limits on numbers and time of day/night? If not, please explain why and any evidence of harm.

***No. It is not just the performance or the performers that are the problem it includes the number of people making up the audience either in the open air or in confined indoor venues. The provision under the 1964 Act allowed a maximum of two performers indoors ensured that these types of musical entertainment tended to be restricted to small pubs, clubs and village halls. Although we would point out that drums and other forms of unamplified music can still create a noise nuisance.***

Q25: Any there any other benefits or problems associated specifically with the proposal to deregulate live music?

***We think a maximum of two, three or even four performers playing unamplified music in an indoor venue where the maximum number of persons present, including staff and performers would not exceed 100 persons would allow small venues to expand their business profile without putting the public at risk of harm.***

### **Performance of Plays: Questions**

Q26: Are there any public protection issues specific to the deregulation of the performance of plays that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?

***No view***

Q27: Are there any health and safety considerations that are unique to outdoor or site specific theatre that are different to indoor theatre that need to be taken into account?

***Yes. Outdoor events are particularly hazardous and need careful controls as they involve temporary electrical installations in wet environments and temporary structures that must be properly constructed on uneven ground.***

Q28: Licensing authorities often include conditions regarding pyrotechnics and similar HAZMAT handling conditions in their licences. Can this type of restriction only be handled through the licensing regime?

***No view***

Q29: Any there any other benefits or problems associated specifically with the proposal to deregulate theatre?

***No view***

### **Performance of Dance: Questions**

Q30: Are there any public protection issues specific to the deregulation of the performance of dance that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?

***Part 1 Paragraph 2(1)(g) A Performance of Dance would need to be amended to exclude strip tease and pole dancing or any other performance of dance which includes the removal of clothing resulting in the exposure of the breasts and/or genital areas of the human body. Performance of dance is already being used in some areas to justify this type of entertainment.***

Q31: Any there any other benefits or problems associated the proposal to deregulate the performance of dance?

**Yes, see above**

#### **Exhibition of Film: Questions**

Q32: Do you agree with the Government's position that it should only remove film exhibition from the list of regulated activities if an appropriate age classification system remains in place?

**Yes, but is it really necessary. See below.**

Q33: Do you have any views on how a classification system might work in the absence of a mandatory licence condition?

**Yes, other additional primary legislation. We already have adequate protection built in to the Licensing Act 2003 so why complicate things when the current provisions provide adequate protection and are easily enforceable.**

Q34: If the Government were unable to create the situation outlined in the proposal and above (for example, due to the availability of Parliamentary time) are there any changes to the definition of film that could be helpful to remove unintended consequences, as outlined earlier in this document - such as showing children's DVDs to pre-school nurseries, or to ensure more parity with live broadcasts?

**The Minister has been incorrectly advised, the showing of a DVD to a nursery does not currently require a license. It is an exemption in the Act.**

**Deregulate the showing of films for all Registered Charities and All Educational Establishments and exempt all films, videos and DVDs which are either unclassified or carry a "U ~ Suitable for all" rating.**

Q35: Are there any other issues that should be considered in relation to deregulating the exhibition of film from licensing requirements?

**Deregulating film is an open invitation to some Premises Licence Holders to show inappropriate and/or pornographic films in their premises. Some pubs and clubs operating under a Premises Licence are already showing this type of material regularly as either background images behind the bar or adult only film nights.**

#### **Indoor Sport: Questions**

Q36: Are there any public protection issues specific to the deregulation of the indoor sport that are not covered in chapter 3 of this consultation? If yes, please outline the specific nature of the sport and the risk involved and the extent to which other interventions can address those risks.

**No view**

Q37: Are there any other issues that should be considered in relation to deregulating the indoor sport from licensing requirements?

**No view**

### **Boxing and Wrestling, and Events of a Similar Nature: Questions**

Q38: Do you agree with our proposal that boxing and wrestling should continue to be regarded as “regulated entertainment”, requiring a licence from a local licensing authority, as now?

**We agree that it should continue to be classed as Regulated Entertainment for the following reason:**

***This type of activity attracts an almost exclusively young and potentially volatile male audience whose emotions can run high, particularly when alcohol has been consumed.***

Q39: Do you think there is a case for deregulating boxing matches or wrestling entertainments that are governed by a recognised sport governing body? If so please list the instances that you suggest should be considered.

**No, see above**

Q40. Do you think that licensing requirements should be specifically extended to ensure that it covers public performance or exhibition of any other events of a similar nature, such as martial arts and cage fighting? If so, please outline the risks that are associated with these events, and explain why these cannot be dealt with via other interventions.

**Yes, see answer to question 38 above.**

### **Recorded Music and Entertainment Facilities: Questions**

Q41: Do you think that, using the protections outlined in Chapter 3, recorded music should be deregulated for audiences of fewer than 5,000 people? If not, please state reasons and evidence of harm.

**Generally, no.**

***However in the case of non-licensed restaurants and cafes as well as non commercial premises such a village halls, schools and hospitals***

*this makes sense as these types of premises are unlikely to attract large audiences.*

*The idea that current legislation such as the Environmental Protection Act 1990 and/or the Health and Safety at Work Act 1974 can adequately provide the level of protection currently offered by the Licensing Act 2003 shows a complete lack of knowledge and understanding on the part of the authors of the consultation as to what is actually occurring in the real world.*

*We have seen in the past year an increase in the number of applications for outdoor music events without alcohol provision, where intervention by the Police has led to events being cancelled or appropriate safety provisions being put in place to ensure this type of event has an adequate and proportionate event management plan in place.*

Q42: If you feel that a different audience limit should apply, please state the limit that you think suitable and the reasons why this limit is the right one.

*The current limit of 499, including performers and ancillary staff is perfectly adequate for "one off" events and does not need to be amended.*

Q43: Are there circumstances where you think recorded music should continue to require a licence? If so, please could you give specific details and the harm that could be caused by removing the requirement?

*Yes. All outdoor events other than those associated with school and church activities; i.e. Performances by school, youth and/or Church Choirs. Unregulated outdoor events are likely to compromise all four of the current licensing objectives in particular Crime and Disorder with excessive noise resulting in Public Nuisance and Public Safety being compromised.*

*We would also point out that this type of event is likely to attract young and naive people who may be susceptible to trying new experiences (Drugs and/or Alcohol). In our experience outdoor parties seldom operate a bar but alcohol is brought in by those attending and becomes readily available as do drugs leading to associated Crime and Disorder issues.*

Q44: Any there any other benefits or problems associated specifically with the proposal to deregulate recorded music?

*There are benefits to some small venues which would be able to provide music related entertainment but these are far outweighed by the problems that the Police and Environmental Health Departments can expect with deregulated outdoor events involving up to 5,000 people.*

***Recorded music can be played at very high volumes and cause disturbance to neighbours, leading to a detrimental affect on the health and well-being of communities. There would be an increase in noise complaints, noise complaints from licensed premises are almost entirely as a result of noise from amplified music. Simple controls such as keeping windows and doors closed, as well as controls requiring noise limiting devices and restricting hours of operation currently reduce the number of noise complaints. In addition, if such controls exist they are simply enforced without the need to prove a statutory noise nuisance exists.***

Q45: Are there any specific instances where Entertainment Facilities need to be regulated by the Licensing Act, as in the current licensing regime? If so, please provide details.

***Yes. All outdoor venues for the reasons stated above. The only premises that should be deregulated should be bona fide Educational Establishments, Village Halls and/or Community Buildings operated by a Local Authority including Parish or District Councils.***

#### **Unintended consequences: Questions**

Q46: Are there any definitions within Schedule One to the Act that are particularly difficult to interpret, or that are otherwise unclear, that you would like to see changed or clarified?

***Part 1 Paragraph 2(1)(g) A Performance of Dance to be amended to exclude strip tease and pole dancing or any other performance of dance which includes the removal of clothing resulting in the exposure of the breasts and/or genital areas of the human body.***

Q47: Paragraph 1.5 outlines some of the representations that DCMS has received over problems with the regulated entertainment aspects of the Licensing Act 2003. Are you aware of any other issues that we need to take into account?

***Yes. The examples given are poor (if true) and misleading and should certainly not be used to justify changing the Act. Whilst accepting that some Licensing Officers may have been over-zealous or simply wrong if licensing these activities, this is not a good reason to remove controls on all regulated entertainment.***

***Private events where a charge is made to raise money for charity: these are normally covered by a TEN unless the event takes place in a***

*community hall which has an existing licence permitting Regulated Entertainment.*

*School plays and productions:* *these are normally covered by a TEN when open to the public and a fee is charged. If this is for educational purposes then it is exempt under the 2003 Act.*

*Punch and Judy Performances:* *these are normally covered by a TEN unless the event takes place in a community hall which has a free licence. We have never received complaints or representations about such events.*

*Travelling Circuses:* *A licence or other lawful authority is only required if Regulated Entertainment takes place as part of the performance.*

*Children's films shown to toddler groups:* *this may be exempt under the Act provided that it is shown for educational purposes..*

*Brass Bands in the local park:* *normally covered by the Council's own premises licence. The general consensus is that marching bands do not require a licence although a performance whilst stationary using a bandstand would require licensing.*

*School discos:* *these are normally covered by a TEN.*

*Exhibition of dancing by pupils at school fetes:* *not currently a licensable activity, it is incidental to the event.*

*Costumed Storytellers:* *this is not a licensable activity, it is not a play. We have never received a licence application or enquiry.*

*Folk Duos:* *normally even folk duos have amplified music and can cause a noise nuisance especially if the noise from a folk duo in a public house can be heard in a neighbour's bedroom.*

*Pianists in restaurants:* *this is not currently a licensable activity, it is incidental.*

*Magician Shows:* *this is not currently a licensable activity, it is not a play.*

Performances by street artists: not generally a licensable activity.

Performances by a barber shop quartet: Could be Regulated Entertainment if advertised but a performance in a shopping precinct as background would not be licensable.

#### Adult Entertainment: Question

Q48: Do you agree with our proposal that deregulation of dance should not extend to sex entertainment? Please provide details.

***Yes. Sex Entertainments are covered by other primary legislation and any deregulation could lead to abuse of that legislation. There is also the fact that the sex industry has since time immemorial been controlled by criminals and unscrupulous/immoral individuals with all the policing and society problems that entails.***

## **Proposed Response of Horsham District Council to the Government Consultation the Deregulation of Regulated Entertainment**

### **General Comments**

Horsham District Council is opposed to this proposal.

This proposal would remove licensing conditions on all premises currently licensed for regulated entertainment in the district. It would have a detrimental affect on the quality of life of the residents of the Horsham District.

The Horsham District includes one large town, several smaller towns and numerous villages but is predominantly rural in nature.

The imposition of regulated entertainment without any controls would lead to widespread disturbance to local people including this in rural areas where entertainment events could and have been held on farm land. Were an event to go ahead without any notice to, and pre-planning by the Council and police it is likely to result in major crime and disorder problems?

Although the Council and the police could prosecute for offences that occurred, this would occur after the event and not before. Without licensing powers the Council may have to resort to the expensive route of applying for last minute injunctions to prevent large “raves” and “pay-parties”. This summer the Council and the police successfully prevented a number of such events by identifying unlicensed events being advertised on social networking sites. If this proposal went ahead, it is likely that more “pay parties” would occur in rural areas, as the sanctions would be less.

The Licensing Committee is aware that noise and public nuisance is usually the subject of representations from neighbours. Generally, if an application has included regulated entertainment, the Council imposes carefully measured conditions to control noise. This proposal would permit live and recorded music to take place at any venue, inside a building or outside, without requiring a licence, with no more than 5000 people in attendance. This would effectively mean no venue in the district would require a licence for any regulated entertainment.

The present system of conditions being imposed by Licensing Sub Committees made up of Ward Members works very well. It is open, transparent and measured. Applications for licenses only have to be applied for once, unless subject to variation and thereafter the only obligation is to pay the annual fee.

A licensed premise that is authorised to sell alcohol can also be licensed to provide regulated entertainment for no additional fee. Licenses are granted unless there are valid representations which results in a Licensing Sub Committee Hearing. Having heard the representations the sub committee can, if they believe they are necessary to promote one or more of the

Licensing Objectives impose conditions. These conditions can be tailored to fit the relevant activity being conducted on the premises.

For an event involving more than 499 persons including staff and performers a Premises Licence must be obtained as these fall outside the provisions for Temporary Events. The event organiser is aware in advance what the controls will be and therefore the costs of running the event are known in advance. It is an alarming thought that someone can organise an event for 4999 people in a field, without carefully thinking through the implications in terms of the safety of those attending and the noise and nuisance impact on local residents.

Although noise which is a statutory nuisance can be controlled using the Environmental Protection Act 1990, this is essentially a reactive control; that is the Council can only serve an abatement notice normally after the noise nuisance has occurred. The advantage of the present licensing regime is that it requires the applicant to consider noise and other safety controls in advance. The controls can be considered by the authority and amended as appropriate. If this proposal is accepted the worst case scenario would be an outdoor music event for 4999 people, over a number of days, taking place without the need for a Premises Licence. If a statutory noise nuisance occurred, the Council would then be obliged to serve a notice prohibiting the event continuing, but as it would be likely that public disorder would occur if the event were stopped, the event would proceed. The only action the Council could then take would be to prosecute the persons responsible after the event if they were able to identify that person.

The consultation seeks the views of local authorities and others and asks the question (paragraph 1.7): "what would happen if this activity were no longer licensable". The provision of live and recorded music without adequate licensed conditions being imposed is likely to lead to the disturbance of residents living near premises, particularly a premises open late at night, or where the activity takes place outdoors. The number of persons attending a licensed activity does not determine the degree to which, and the number of residents, whose quality of life would be severely affected. It should be remembered that conditions can only be imposed by a Licensing Sub Committee at a hearing.

As stated above, the use of the Environmental Protection Act 1990 is reactive and does not prevent disturbance occurring. This Act only applies to premises; it cannot control noise in the street.

The consultation includes a financial impact assessment. The assessment concludes that this deregulation will save £38 million over 10 years. There being an annual cost of £600,000 and annual benefit of £5.02 million. The document contains no background supporting information but appears to be seriously flawed. It assumes most complaints will be resolved informally, but that there will be more reviews of licenses which permit the sale of alcohol. It is difficult to see how an authority could review a licence that permitted the

sale of alcohol, if the only evidence being offered related to a non licensable activity (as is proposed).

The impact assessment states “there will be a potential cost to the general public through wellbeing loss due to noise nuisance, although we expect the number of incidents to be small”. This is incorrect. In a quiet district, like Horsham, the impact of noise outside, late at night, over a number of nights could severely affect a large number of residents. The cost of reactive enforcement for the Council and the police would be high and ineffective, in as much as our enforcement actions could only occur after people had been disturbed. Officers do not believe these costs have been properly accounted for. The assessment appears to assume that the benefit for businesses includes a reduction in fees paid. This would be negligible as many Premises Licenses that permit the sale of alcohol, also permit regulated entertainment, for exactly the same fee (if the audience is less than 10,000). The assessment also assumes a saving for community groups and schools. Again, it appears this saving is exaggerated as community halls can be licensed for regulated entertainment and there is no fee payable. The Statutory Fee for holding an event, in premises that does not already hold a Premises Licence is currently £21.00 (Temporary Event Notice (96 hours, maximum number of people 499)). The true cost to this local authority in administering a notice has been estimated at £60.00 therefore this authority makes a loss on every Temporary Event Notice it deals with. Between 1 April and 31 October 2011 this authority dealt with 432 applications a loss to this authority of £16,848.

The current fee of £21.00 is totally inadequate.

Any financial saving to businesses are likely to be negated by Local Authorities imposing Late Night Levies in an attempt to recover the additional costs of policing and enforcement of unregulated events.

The provision of live and recorded music without adequate licensed conditions being imposed is likely to lead the disturbance of residents living near premises, particularly premises open late at night or where the activity takes place outdoors. The numbers of persons attending a licensed activity does not determine the degree to which and the numbers of residents whose quality of life would be severely affected. It should be remembered that conditions are only applied if there are representations.

Local authorities have licensed particular entertainments for many decades to protect the public health of that district. Elected Members have made proactive decisions to place conditions on licences so foreseeable problems were dealt with publicly prior to the event. Conditions specified noise levels, measures to contain noise, timing of the event, provision of basic sanitation, traffic management, numbers of door supervisors and/or marshals etc. This system has served both the local community and the regulated entertainments community well. The Licensing Sub Committee allows all the relevant parties to meet, debate and resolve publicly the conditions for that regulated entertainment.

The local authority will have its public health concerns addressed, the business will know what is being asked of them and can budget accordingly and the public have an opportunity to have their concerns raised and the ability to comment on the conditions imposed.

Should regulated entertainment be deregulated the local authority could not take any proactive decisions. The control on entertainments would then be reactive, that is officers could only deal with these events as they became aware of them. If the system were to be deregulated it is thought that an increased number of outdoor events would take place and would be of the "amateur, rogue and rave" category attracting a mainly young, vulnerable and naïve audience with the potential for criminal elements to become involved resulting in Crime and Disorder issues.

Every sensible person would want unnecessary bureaucracy and expense to be prevented; however there is nothing in this proposal which offers the degree of safeguard that the legislation currently allows.

## Licensing Committee Meeting

3 November 2011

### **Re Consultation proposal to examine the deregulation of Schedule One of the Licensing Act 2003:**

The Government is consulting on a proposal to remove licensing requirements for most activities currently defined as regulated entertainment in Schedule 1 of the Licensing Act 2003.

In any instance the Government intends to retain the licensing requirements for:

- Any performance of Live Music, theatre, dance, recorded music, indoor sport or exhibition of a film where the audience is of 5,000 people or more.
- Boxing or wrestling
- Any performance of dance that may be classified as sexual entertainment, but is not exempt from separate sexual entertainment venue regulations.

The consultation ends on 3 December 2011.

The Government only intends to retain licensing requirements for any performance of live music, theatre, dance, recorded music, indoor sport or exhibition of a film with an audience of 5000 or more people. In addition, for boxing and wrestling and any performance of dance that may be classed as sexual entertainment, but if exempt from separate sexual entertainment, regulations will still require the venue to be licensed.

The consultation states: "Before the General Election both coalition parties recognised the need for reform, and in the Coalition Programme for Government, we made a firm commitment to remove red tape affecting live music in small venues. Then, as part of the growth review which was published alongside the Budget this year, we announced an examination of "regulated entertainment", with the aim of removing the licensing regulation that unnecessarily restricts creativity or participation in cultural and sporting events. This consultation is the result of that work".

This proposal would remove licensing conditions on all premises currently licensed for regulated entertainment in the district.

Local authorities have licensed particular entertainments for many decades to protect the public health of that district (enforcing the Public Entertainments Acts, Theatres and Cinemas Act). Elected Members have made proactive decisions to place conditions on licences so foreseeable problems were dealt with publicly prior to the event. Conditions specified noise levels, measures to

contain noise, timing of the event, provision of basic sanitation, traffic management, numbers of door supervisors and/or marshals etc. This system has served both the local community and the regulated entertainments community well. The licensing panel allows the two parties to meet debate and to resolve publicly the conditions for that regulated entertainment. The local authority will have its public health concerns addressed and the business will know what is asked of them and can budget accordingly.

Should regulated entertainment be deregulated the local authority could not take any proactive decisions. The control on entertainments would then be reactive, that is officers could only deal with these events as they became aware of them. As the system would be deregulated it is thought that an increased number of outdoor events would take place and would be of the "amateur and rogue" category rather than the professional events which would have made a successful well thought- out application anyway.

The full consultation document can be read at

[www.culture.gov.uk/consultations/8408.aspx](http://www.culture.gov.uk/consultations/8408.aspx)

A copy of the financial impact assessment can be found at

[www.culture.gov.uk/images/consultations/IA\\_deregulation-scheduleone\\_2011.pdf](http://www.culture.gov.uk/images/consultations/IA_deregulation-scheduleone_2011.pdf).

In my view were this authority not to respond to the consultation the Council will most certainly face criticism from the general public once the full implication of these Government proposals are understood.

Ahmed Ramiz  
Licensing Officer  
Horsham District Council

01403 215578