



## Consultation on the review of animal establishment licensing in England

This is a joint response on behalf of the Ornamental Aquatic Trade Association (OATA), the Pet Industry Federation (PIF) and the Reptile and Exotic Pet Trade Association (REPTA). Further background on OATA, PIF and REPTA can be found in Annexes 1 to 3 respectively.

**Between us, we represent the interests of 3,000 businesses ranging in size from single person enterprises to multi-site PLCs, and covering all sectors.** Among our members are pet retailers, importers, breeders, wholesalers, manufacturers, kennels, catteries, home boarders and dog groomers.

PIF OATA and REPTA welcome these proposals to consistently raise standards and so improve animal welfare. **We believe the overriding principle should be that any activity which has a commercial aspect involving animals should be regulated, preferably by licensing.**

Many of the issues raised in this consultation directly affect our pet business members. Our members experience widely inconsistent and often inefficient licensing and enforcement from Local Authority regulation. The Pet Industry Federation carried out a survey of the pet industry in Jan-Feb 2016 regarding this licensing consultation to understand from an industry perspective how licensing of pet businesses could work better for them. Our submission reflects many of those views as representatives of the pet industry, and an executive summary of the PIF survey can be found at annex 6. OATA's FOI<sup>1</sup> requests to local authorities confirm that standards applied in licensing pet shops across the country have been very varied.

Professionals working within the pet industry are vastly experienced and well qualified. In a recent survey of OATA members, for example, respondents had 5,565 years of experience of keeping fish at home, 2,845 years of working in pet shops and 871 years of product development. Among respondents were 56 with qualifications below degree level (many in fish husbandry), 54 with degrees (marine biology, aquaculture and fish husbandry, marine biology, zoology and such) and 18 with post graduate qualifications including vets, PhDs and MScs). Professional memberships included but were not limited to at least the following Fellowships and Members of the Royal Society of Biology, Members of the Institute of Fishery Management, a Fellow of the Institute of Medical Laboratory Sciences, members of the European Association of Fish Pathologists. Clearly this is an informal survey but we recognise the outcomes from our personal knowledge. It probably represents a response from less than 5% of those working in the sector.

PIF OATA and REPTA welcome the opportunity to implement accreditation verified by UKAS and would propose establishing an industry accreditation scheme in a commercial partnership with the Corporation of London. Corporation of London already acts as a Primary Authority for OATA and PIF. Establishing a scheme

<sup>1</sup> [http://www.ornamentalfish.org/wp-content/uploads/2014/04/FOI-Request-on-Pet-Shop-Licensing\\_FINAL.pdf](http://www.ornamentalfish.org/wp-content/uploads/2014/04/FOI-Request-on-Pet-Shop-Licensing_FINAL.pdf)



with an existing local authority means that any licence issued to members within that scheme would meet statutory licensing legislation, which require a local authority to issue a licence.

For a such an accreditation scheme to be viable local authorities must be held to similar standards of regulation.

In an industry comprising many small business, any proposals for a hybrid scheme involving accreditation being combined with continuing Local Authority regulation must be firmly rejected as it adds regulatory burden with no animal welfare benefits.

Before answering each of the questions in the consultation in turn we wish to make some general points. These points **MUST** be regarded as applying to the answers given to individual questions.

### **Definitions and terms**

At Annex 4 we outline definitions for a variety of terms including "animal establishment", "pet animal", "pet keeper" and "operator". We would also like to see the name 'animal establishment licence' changed to 'animal enterprise licence', as this reflects the diverse nature of many animal-related businesses, some of which may not operate from a traditional 'bricks and mortar' establishment, such as pet fairs, consolidators and performing animals.

Licences for pet shops are currently required for "businesses" i.e. commercial enterprises that trade in animals. It is important to clarify what is meant by the term 'trade', in order to:

- ensure that those trading in animals can be identified and that checks are in place to ensure they protect animal welfare and can be held to account for any shortcomings;
- ensure a level playing field between businesses by making sure all requiring licences face the same costs of inspection and all have been properly established as businesses with insurance, tax numbers, planning etc.
- ensure that business to consumer sales are not passed off as consumer to consumer sales and thus deprive the consumer of their rights under the law

To achieve this, we believe the "badges of trade"<sup>2</sup> identified by HMRC should be robustly applied to all transactions in which animals change hands.

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<sup>2</sup> <http://www.hmrc.gov.uk/manuals/bimmanual/bim20205.htm>

## Enforcement

Irrespective of how well written legislation is, it is of limited value without good enforcement. Indeed, without good enforcement the outcomes can be entirely contrary to their intention. Good businesses will do their best to abide by the law and the less scrupulous ones will ignore it. This makes it more likely that the unscrupulous, by avoiding the costs of compliance, will succeed, while good businesses carrying the costs of compliance will be undercut and fail to thrive. Good enforcement thus facilitates economic growth and relevant regulators to meet their statutory Growth Duty.

From analysis of the responses to FOI<sup>3</sup> requests to local authorities, it is clear that the standards applied in licensing pet shops across the country have been very varied. A similar exercise has been undertaken this year, the interim results demonstrate that there is still a very picture-of-particular note is the fact that 44% of Councils have not yet adopted the most recent CIEH Guidelines on pet vending<sup>4</sup>. This is unacceptable, because it demonstrates that some local authorities could have failed to meet the welfare needs of animals in their area for over 60 years.

We welcome change as long as it brings consistent, coherent standards that are well enforced by inspectors who hold the appropriate qualifications and experience necessary to undertake inspections of animal establishments. Even the best legislation is not effective without good enforcement. Businesses investing in maintaining the welfare of animals in their care deserve recognition. The public should be able to easily identify businesses meeting the welfare needs of the animals they are wishing to buy. Any new licensing scheme must meet these key points.

As well as raising standards among licensed businesses, any future licensing scheme must also robustly enforce the law against those who choose to ignore the law. The investment in training, education and equipment by licensed and responsible premises must not be eroded by those who flout the law and undercut them commercially by failing to protect the welfare of animals. Any future enforcement regime should ensure that bad practice is stamped out and that good business practices are protected and rewarded with 'earned recognition'.

**Any licence issued should enable a pet business to provide reassurance to its customers that the welfare of the pets is vital consideration within that business.**

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<sup>3</sup> [http://www.ornamentalfish.org/wp-content/uploads/2014/04/FOI-Request-on-Pet-Shop-Licensing\\_FINAL.pdf](http://www.ornamentalfish.org/wp-content/uploads/2014/04/FOI-Request-on-Pet-Shop-Licensing_FINAL.pdf)

<sup>4</sup> Report in preparation. See Annex 5 for summary of data received to 4 March 2016.



**Question 1: To what extent do you agree or disagree with the proposal to introduce a single Animal Establishment Licence? Please provide any comments or evidence to support your answer.**

OATA, PIF and REPTA agree with the principle of introducing a single generic Animal Establishment Licence and welcome the proposal to introduce revised regulations under the Animal Welfare Act 2006 to update and consolidate the animal licensing system.

A single generic licence makes sense from a policy, administrative and operational level. However, it is essential that the conditions which apply to each regulated activity will ensure the welfare of the animals involved in the regulated activities. It is also essential that licence conditions are consistently applied by all Local Authorities to each of the regulated activities.

Licences should be required by any enterprise satisfying the "badges of trade" test. Certainly anyone buying vertebrate pet animals in (especially if imported) and selling them on to consumers (either from physical sites, via the internet or even if they just trade from the back of a vehicle) should automatically require a licence.

Any relevant enterprise meeting the "badges of trade" test should be able to demonstrate that they meet the norms of being a business before being issued a licence. They should satisfy rates, planning and tax requirements applying to them. This should apply especially when they are found on less obviously commercial sites, for example, where the business is part of a domestic dwelling or a shed in the garden.

In addition, we would like the proposal to address the following:

- that all businesses, whether based in domestic dwellings or more obviously commercial settings, are treated equally in terms of standards applied and access for inspection by appropriate officers;
- all activities by which animals change ownership for a fee are licensed and inspected. Thus pet shops licensed to sell goldfish should not face unequal competition from say fair grounds; or pet shops selling small animals should not face competition from an unlicensed auction house, unless they are required to meet the costs and investment to ensure the animals' welfare;
- that the opportunities this measure affords to consolidate expertise in those undertaking inspections are maximised;
- that this consolidation of expertise is reflected in more coherent, consistent and meaningful inspections that focus on ensuring animal welfare and that supports business investment in staff training and husbandry systems.

Additionally, we believe any new regime should:

- 1) encourage and/or enable greater use of enforcement notices, civil sanctions such as fixed penalties or even prohibition notices (these should be subject to appeal-where an appeal is successful the business should be compensated for costs incurred and/or trade lost);
- 2) make provision in certain cases (severe welfare or cruelty being apparent) for licences to be removed mid-term (subject to appeal and compensation if appropriate as noted above), because currently licences are lost by failure by a licensing authority to renew them;

- 3) apply bigger penalties for those trading (as determined by use of the "badges of trade" test) without a licence.

**Question 2: To what extent do you agree or disagree with the proposal to promote or require use of the Model Conditions by local authorities, for activities where they have been agreed? Please provide any comments or evidence to support your answer.**

OATA, PIF and REPTA strongly supports this proposal which should facilitate the objective of coherence and consistency of standards in new legislation by making them compulsory. The requirement for local authorities to be legally required to use the same model conditions would help to raise standards and safeguard animal welfare within licensed establishments if additional conditions beyond the compulsory standards are applied to. A FOI request survey run by OATA in 2016, revealed that 44% of councils have failed to adopt the 2013 CIEH Pet Vending conditions<sup>5</sup>. This lack of nationwide uptake of the most up-to-date guidelines is a barrier to consistent application of standards and should be addressed in any new legislation.

If additional conditions are applied to licences local authorities should be required to clearly explain in terms of animal welfare why.

Our support for this proposal is subject to the following:

- that the pet trade is given an absolute right to help develop and as necessary review these standards with the relevant sector council taking the lead, as they comprise industry and welfare;
- that campaign groups strongly opposed to pet keeping cannot be expected to constructively comment on a review of animal welfare standards;
- that inspectors must be trained, suitably experienced and competent and have specified mandatory minimum competences;
- That model conditions must be mandatory across both local authority licensing and accreditation scheme.

**Question 3: To what extent do you agree or disagree with the proposal to prohibit the sale of puppies below the age of eight weeks? Please provide any comments or evidence to support your answer.**

We agree with this proposal, given the importance of the first eight weeks to a puppy from a health and socialisation perspective.

We have agreed with this proposal as the evidence and expert opinion suggests that the optimal age for rehoming is between 6 and 8 weeks. However, when balanced against the risk to puppies if the age was decreased to six weeks and the precedent for eight weeks in other legislation we have agreed with the proposal. We believe that the current ban on licensed breeders from selling puppies under 8 weeks old should continue and be widened to include all sales and non-commercial transactions, where puppies are gifted.

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<sup>5</sup> Report in preparation. See Annex 5 for summary of data received to 4 March 2016.

The first 60 days (8.5 weeks) in the life of a puppy are widely regarded by veterinary and behavioural experts as critical to the future well-being of the dog. It is the first 12-14 weeks within which puppies learn the most readily about the characteristics of dogs, other animals and humans and this timeframe which is considered as critical to the puppy's future development. One single limit for all dogs is appropriate, simple and easily understood by breeders, the public and enforcement. Eight weeks is, in our view, the best place to draw that line.

We note that other taxa are not mentioned in the question, yet the MLCs currently do not provide precise ages for most other taxa, other than to say that they should be weaned. This needs further clarification.

**Question 4: To what extent do you agree or disagree with the proposal to make clear that the statutory licensing threshold for dog breeders is set at three or more litters per year? Please provide any comments or evidence to support your answer.**

We agree that the statutory licensing threshold for dog breeders should be set at three or more litters per year and/or when the "Badges of Trade" test applies, rather than focusing on a specific number of animals bred.

**Question 5: To what extent do you agree or disagree with the proposal to legally require pet sales to provide written information when selling animals? Please provide any comments or evidence to support your answer.**

We agree with the proposal to make it a legal requirement for any vendor of pets to provide written information when selling animals on the proviso that the sector council provide clear guidelines on the quality and quantity of information that must be provided. OATA, PIF and REPTA are members of the APGAW Working Group looking at this issue.

This would ensure consistency and would also help licensing officers assess whether the pet vendor is meeting the conditions of the licence. The pet sector, both charity and industry already produce care information in both print and online versions which cover many different taxa including dogs and cats. Organisations such as The Pet Charity, OATA, and member businesses already produce a range of different care guides. These are an ideal example of information already produced and available for use by responsible pet vendors so as to better inform pet owners and drive positive change in attitudes and behaviours to pet ownership. "Written" information should include an electronic format. Thus information might include hard copy in any form -care sheets, printing on transport devices such as plastic bags for fish or via apps, QR codes or such.

Anyone vending pets (whether they are dog breeders, pet shops or others) should be legally required to make written information readily available. The proliferation of different care guides and information sources should be limited and monitored by the sector council. The considerable footfall through pet shops provides the perfect platform to educate members of the public on key issues relating to a range of pets (even if they do not sell that pet) including dogs or cats and other types of taxa. They are in a unique position to distribute advice on welfare and responsible pet ownership to a large customer base which could include hard-to-reach groups.

The ideal time to transfer information to a new owner is at point of sale. To ensure advice is of the highest standard, anyone selling a pet should be required to hold a relevant qualification or be able to prove that they possess the requisite knowledge when selling pets and that they pass on correct information to new

owners. Training and qualifications should be level 2 for shop staff and level 3 for managers, and standardised to guarantee uniformity across the country. Training should also be evidence based and up to date to ensure quality. This training should be assessed and revised on a regular basis to reflect current knowledge and understanding of animal welfare. Qualifications should be mandated into the relevant model conditions.

Dog breeders or any other breeders who sell directly to the public, as well as online sellers should also be required to provide specific written information.

### **Question 6: What other proportionate measures could address concerns around the care of exotic animals?**

As there is no clear definition of "exotic" in the consultation document this is a difficult question to answer.

Exotic animals are animals defined scientifically as those not native to the United Kingdom. Virtually every pet species is therefore technically 'exotic'. Even dogs and cats are not native species and are thus 'exotic' although they are commonly referred to as 'domesticated' - another ill-defined term.

Assuming either the English or biological definition is used, i.e. anything not native to the location they are kept is used, then this applies to all bar possibly 2 of the 4,000 fish species in the UK ornamental fish trade and hobby. All other mammal species, all cage birds as well as reptiles and amphibians are exotic. The Animal Welfare Act and thus the requirement to provide the "five needs" applies equally to all taxa whether exotic or not, and thus we see no need for any such distinction to be drawn between them.

Additionally, we feel that if the requirement for point of sale information is sufficiently robust (as detailed in our response to question five), then this should remove the requirement for other measures to be in place specifically regarding the care of exotic animals. All taxa have specific husbandry needs which need to be understood by the new owner, regardless of whether they are small furrries, birds, reptiles or fish.

### **Question 7: To what extent do you agree or disagree with the proposal to allow licences to be issued for a fixed term, set at any point in the year? Please provide any comments or evidence to support your answer.**

OATA, PIF and REPTA unanimously agree with this proposal.

By spreading the work load on inspectors it should enable fewer better trained inspectors with adequate expertise to undertake meaningful inspections.

### **Question 8: To what extent do you agree or disagree with the proposal to increase the maximum length of a licence that local authorities may issue to up to three years? Please provide any comments or evidence to support your answer.**

We agree that a risk-based approach to inspections, such as is often the case with livestock establishments, would allow local authorities or other agency responsible for licensing to focus their resources where they are most needed.



Any inspection scheme should permit "earned recognition i.e. well run sites may be inspected less. This reduces their costs and by so doing rewards their investment (training, equipment and facilities etc) in animal welfare. However, sites of lesser quality are subject, at their expense, to greater levels of official scrutiny.

However, any inspection protocol of retail sites should take account of the degree to which they are visited by members of the public. Sites selling only via the internet are not open to the same level of scrutiny as sites trading in the manner of traditional retailers i.e. they are open to the public and are visited by them regularly, in numbers, without notice. The footfall through traditional pet shops in the UK may approach 60 million; that is a number of visitors equivalent to the total population of the UK.

It should be made clear that licences can be issued for any period between 1 and a maximum of 3 years (depending on the quantum of "earned recognition") rather than either 1 or 3 years.

**Question 9: To what extent do you agree or disagree with the proposal to allow licence holders to transfer licences to new owners of the same premises, subject to notification of and approval by the local authority? Please provide any comments or evidence to support your answer.**

We agree that licences should be transferable in the way described, as long those to whom the licence is transferred can demonstrate animal husbandry and welfare competence to an acceptable level. For instance, if a business has a new owner who retains all the relevant competent staff in post, then a transfer should be possible.

When licences are transferred to new owners (and where it has not previously been revoked), the sites under new ownership should be inspected within two months of new owners taking over, to ensure that standards have not slipped.

In instances where a licence is revoked for reasons of failing to meet the welfare needs of animals, it should not be transferable to someone previously associated with the licensed enterprise (relative, member of staff or such) even if they become owners. This would prevent a business from continuing to trade if the person whose licence was revoked remains associated with or benefits directly or indirectly from the continued operation of the establishment.

**Question 10: To what extent do you agree or disagree with the proposal to require licence holders to notify local authorities of major changes, such as a change of premises or scale of activities? Please provide any comments or evidence to support your answer.**

OATA, PIF and REPTA agree with this proposal, but would a clear definition of what is meant by 'major changes'.

For instance, if the licensed premises were expanding (e.g. boarding kennel increasing the number of runs; pet shop extending the size of their shop to incorporate additional taxa), then we would expect the business to have to notify the local authority, as this is likely to have an impact on the particulars of their licence.



**Question 11: To what extent do you agree or disagree with the proposal to maintain the registration requirement for performing animals? Please provide any comments or evidence to support your answer.**

We agree with this proposal, but would like to see the registration requirement taken further to fall under the auspices of a licensing or other regulatory scheme. As stated in question 1 we believe any animal enterprise meeting the "badges of trade" test should fall under the such a requirement.

**Question 12: To what extent do you agree or disagree with the proposed changes to the registration system for performing animals? Please provide any comments or evidence to support your answer.**

We believe the remit of the current Act needs clarifying as it is commonly thought to have been introduced to regulate the training of animals such as lions, bears etc. for circuses or street performances. However, in recent years some Local Authorities have interpreted this to also cover dogs shows where dogs parade.

Over the last decade has seen the rise of animal enterprises commonly referred to as 'animal encounters', these are sometimes misleadingly referred to as mobile zoos. Some such animal enterprises are registered with the relevant Local Authorities under the Performing Animals (Regulation) Act, others are not. Some Local Authorities refuse to register animal encounters business under the Act as they do not believe it is applicable.

Other issues have arisen where Local Authorities have taken the view that fish exhibited in a temporary aquarium at a trade or public show constitute 'performing animals' and thus require the exhibitor to be licensed under the aforementioned Act.

We do not believe that it is clear what the Performing Animals (Regulation) Act encapsulates and as such this needs clarifying. The Performing Animals (Regulation) Act 1925, Section state:

**(1)** No person shall exhibit or train any performing animal unless he is registered in accordance with this Act.

**Notes:**

**(5)** Interpretation, rules, and expenses

The expression "exhibit" means exhibit at any entertainment to which the public are admitted, whether on payment of money or otherwise, and the expression "train" means train for the purpose of any such exhibition, and the expressions "exhibitor" and "trainer" have respectively the corresponding meanings:

**Question 13: To what extent do you agree or disagree with these proposals on powers of entry? Please provide any comments or evidence to support your answer.**

We do not agree that reasonable notice should be given of the application of a warrant nor that a maximum of four persons may make use of the power of entry. We believe that it would compromise animal welfare if it was not possible for a sufficient number of persons to enter premises to carry out an inspection and take the necessary action to protect animal welfare. For example, in establishments with a large number of

animals, there would need to be a sufficient number of persons to be able to document evidence, make arrests and to attend to the animals. We do not believe that four persons will be sufficient in every circumstance.

We also strongly disagree that notice should be given of the entry, as this would allow changes to be made before the inspection such as the removal of animals or the improvement of conditions.

In addition, the current pet shop licence not only covers 'high street' shops, but also pet vending from private dwellings. If the HMRC 'badges of trade' are applied to ascertain who is and who isn't a business, it follows that anyone described as a business needs a licence if they sell animals. Therefore, the same rights of entry must be applied to anyone who holds such a licence. Similarly, this should apply to home boarders and pet crèches who currently would be licensed under the Boarding Establishment Act 1963, all of whom could be operating from a 'home' but also operating as a business.

### Physical sites

Local authorities currently have a right of entry to licensed pet shops. Where they find poor welfare standards they may require improvements. The options then include that the retailer:

1. makes the improvements required and all returns to normal;
2. fails to make improvements and could face their licence being revoked or not renewed;
3. voluntarily gives up their licence.

It is an irony that in the latter two instances (2 & 3) the local authorities officer may find it more difficult to investigate continuing issues i.e. a *de facto* petshop, as the premises are no longer licensed. The law should ensure that investigation of continuing activities as a pet shop in either of these scenarios is facilitated.

If the provision that dwellings or parts of them may be licensed, then rights of entry by officials should be absolutely equivalent to animal establishments on more conventional commercial retail sites.

There are businesses that trade from the backs of vehicles only, for example, picking up animals at an airport and selling to public at service stations. There should be a right of entry to these vehicles under any proposed legislation.

### Closed website groups

There is evidence that *de facto* "enterprises" are operating as pet shops by using closed websites. Clearly the internet has moved the goal posts for those choosing to avoid visits from the public or scrutiny of the licensing process. Legislation concerning the powers to investigate such closed internet sites must enable investigation of them as though they were physical sites to ensure animal welfare and that they are subject to the same scrutiny and conditions as all licensed pet establishments.

**Question 14: To what extent do you agree or disagree with the proposal to allow an exemption from licensing requirements for businesses affiliated to a body accredited by UKAS? Please provide any comments or evidence to support your answer.**

OATA, PIF and REPTA agree that an exemption from licensing requirements should be allowed by those affiliated to a third party scheme accredited by UKAS.

There should be a requirement, however, for all schemes, whether UKAS, local authority or Primary Authority schemes, to reach the same standard of licensing. All inspectors/auditors undertaking the inspection should be subject to standardisation of training and be required to use the same inspection conditions. All animal establishment inspectors should have achieved an agreed level of specialised training or experience to ensure consistency of licensing across the UK, regardless of which scheme is being used. The training programme for animal licensing inspectors should be approved by the sector councils and could lead to recognised vocational qualifications, such as with a body like City & Guilds.

In addition, there will need to be a level playing field with regard to the standards of the licence between various third-party inspection schemes and local authority licensing schemes. This will help safeguard animal welfare and avoid any unscrupulous pet businesses choosing the least onerous scheme available to them. The various schemes offered would compete for clients to license on service level and cost. Third-party accreditation schemes would also need to include powers of entry.

We propose that a framework is put in place by government setting out how both UKAS accredited schemes and local authority inspections can operate to the same high standards, and with the same level of training, so that the UKAS schemes are not disadvantaged by the set up and ongoing costs of UKAS accreditation versus local authority costs.

**Proposal**

Some UKAS accredited third-party schemes exist in our sector. The Kennel Club Assured Breeder Scheme, and the SAI Global red tractor scheme are existing examples that could extend their scope.

A further, collaborative scheme is also proposed by OATA, PIF and REPTA, who together will form a company that contracts an organisation such as the Corporation of London to undertake inspections. We intend to discuss with the Corporation of London what mechanisms could be put in place to ensure that statutory enforcement can be called upon when needed, utilising their existing experience as a Primary Authority.

The scheme would be open to both member and non-member businesses of OATA, PIF and REPTA which require licences to operate (although the cost would be higher for non-members), and inspections would be undertaken by a bank of fully trained and specialist animal licence inspectors, working to the latest model licence conditions and co-ordinated by the City of London Corporation. The intention is for the scheme to become UKAS accredited. The City of London Corporation is already contracted by a number of other local authorities to undertake licence inspections, so the shift to a more formalised, accredited licensing scheme rolled out on a national scale would not be too difficult to realise.

Consideration still needs to be given to the complaints procedures should the general public complain about any licensed premises. Under the consultation proposals, the local authority would not be issuing licences

for schemes run by accredited third parties. As a result, the local authority would probably need to hold a list of the licensed premises in their area and should a complaint arise, be in a position to either deal with it or pass it on to the relevant accredited inspection scheme. Further thought would need to be given to how local authorities would manage complaints from a cost perspective if the inspection was undertaken by a third party.

**Question 15: Do you think sector-led UKAS-accredited certification schemes could improve animal welfare in unlicensed areas? If so, what would work best and how could this process be encouraged?**

We agree that sector-led accredited schemes would be beneficial to the parts of the pet industry which are currently unlicensed. Many of these unlicensed sectors contain businesses which have direct contact on a daily basis with pet animals and the fact that there is no regulation or training in place for many of these sectors has profound implications for animal welfare. There are no minimum standards to adhere to, no scrutinising of their business practices and no requirement for any training or qualifications, yet pet owners entrust their pets to these businesses. Whilst there may not be any government appetite for formal legislation to be drafted to cover such areas, there is the potential for sector-led lists or registers to be developed by bodies such as trade associations. Such lists can set minimum standards for joining and develop training schemes to ensure professional competence.

The grooming industry is one such area where it is crucial for more measures to be in place to protect the industry and to protect animal welfare. The British Dog Groomers' Association (part of PIF, the UK trade association for pet businesses) is currently developing a register for individual groomers that the public would be able to consult in order to find a professionally qualified and accountable groomer who has the competence and ability to groom a dog safely. Minimum requirements will include the requirement to hold the City & Guilds Level 3 Diploma, which contains units which cover safety in the salon and correct use of grooming equipment. In time, we would like to see such a scheme recognised by the government and feel that the BDGA is the right body to manage such a register.

In addition, PIF has been working with the Dogs Trust and the RSPCA to develop a code of conduct for dog walkers for its member businesses and which spells out what it expects PIF dog walking members to adhere to. City & Guilds are releasing a Certificate of Competence in Dog Walking and Pet Sitting in June 2016 which should be available through colleges and could form the relevant qualification for this sector.

We believe that once the new licensing proposals are implemented that further consideration should be given to licensing dog groomers, dog walkers and re-homing centres/sanctuaries in order to safeguard animal welfare in the UK.

While noting the scope of this consultation covers those animal establishments licensed by local authorities OATA would like to see as the opportunity arises that welfare considerations be more directly reflected in other inspections in the ornamental fish sector.

Thus under The Aquatic Animal Health Regulations many businesses are required as importers or wholesalers to become Aquaculture Production Businesses (APB). Primarily this Regulation and the inspections undertaken focus on biosecurity. These Regulations and inspections are enforced by the Fish Health Inspectorate -they appear the most competent agency to undertake inspections in that part of the supply chain p. as without good welfare the disease status of aquatic organisms and hence biosecurity could be compromised. We believe inspections that already take welfare into account by secondary intention may include an element more directly addressing and assessing animal welfare. A businesses status as an APB

should be linked to its ability to maintain welfare and biosecurity. This provision might equally apply to fish farms.

We believe there are wholesalers that are neither APBs nor licensed pet shops should be subject to inspections by the FHI for welfare and meet the standards required of APBs.



## ANNEX 1

### Ornamental Aquatic Trade Association (OATA)

OATA was established in 1991 and represents businesses operating from over 800 sites in the UK providing services for the approximately 1 in 7 households in the UK who own either aquariums or garden ponds. Amongst our members are importers, wholesalers, consolidators and retailers of live aquatic organisms (including fish, crustacean, molluscs, corals and plants). Fish being the only vertebrates the comments made apply directly to them. We also have UK based fish farmers as members as well as importers, manufacturers, distributors of dry goods such as food, pond liners and aquariums.

OATA has a Code Of Conduct (plus explanatory material), biosecurity code), care sheets, video's, , an App. All of this is freely available to businesses and members of the public for free from our website<sup>6</sup> Additionally we make available distance training, plastic bags with care information on them available for purchase.

OATA has been actively involved in trying to standardise pet shop licensing in the UK since 1992. Latterly we help produce the 2013 Pet Vending Guidelines published by the Chartered Institute of Environmental Health. In 2014 we produced a report on a Freedom of Information request sent to all local authorities that clearly demonstrated that there were clear differences between local authorities in charging, who under took inspections, to which standards inspections were undertaken.<sup>7</sup> This inconsistency does not serve the cause of animal welfare. We also sought our members views which amplified the findings of the report mentioned above. The situation as it stood was unacceptable in terms of animal welfare and did nothing to support businesses investing in staff training, husbandry and equipment to ensure that the welfare of animals in their care are provided for.

To address this issue we have tried to ensure current provisions are used to the maximum extent possible. To this end we have entered a co-ordinated partnership Primary Authority relationship with the City of London Corporation<sup>8</sup>. This covers pet shop licences and specifically insists that an inspection plan<sup>9</sup> is followed.

OATA believes the welfare of fish anywhere in the commercial supply chain (including those trading informally) trading either through traditional "bricks and mortar" retail shops or via the internet should never fall below a good standard. Any inspection system should employ the expertise and rigour sufficient to ensure this standard is met taking account of such matters as the species concerned, their source and the degree to which an operation is visible to the public while being both proportionate and risk based.

<sup>6</sup> Welfare Code <http://www.ornamentalfish.org/conservation-welfare/welfare/water-quality>

Biosecurity <http://www.ornamentalfish.org/conservation-welfare/welfare/biosecurity>

Care sheets, videos etc <http://www.ornamentalfish.org/fish-keeper/useful-information>

<sup>7</sup> Full report can be seen here: [http://www.ornamentalfish.org/wp-content/uploads/2014/04/FOI-Request-on-Pet-Shop-Licensing\\_FINAL.pdf](http://www.ornamentalfish.org/wp-content/uploads/2014/04/FOI-Request-on-Pet-Shop-Licensing_FINAL.pdf)

<sup>8</sup> <http://www.ornamentalfish.org/primary-authority>

<sup>9</sup> <http://www.ornamentalfish.org/wp-content/uploads/2014/12/Summary-of-the-Primary-Authority-Inspection-Plan-requirements.pdf>

## ANNEX 2

### Pet Industry Federation (PIF)

The Pet Industry Federation (PIF) is the membership association for pet industry specialists in the UK and has nearly 2,000 businesses within its membership. As a Federation it combines five specialist trade associations under one umbrella group. Federation members are pet industry specialists and include groomers, kennel, catteries, home boarders, pet retailers and manufacturers, pet sitters and dog walkers. We are the only organisation to represent all the different sectors of the pet industry.

PIF provides its members with a range of relevant business related products and services to help their business grow and succeed. PIF raises standards of professionalism within the pet industry by providing a range of industry-led qualifications and training in dog grooming, pet retail and kennel & cattery management and by organising a range of workshops, seminars and educational events for both member and non-members. PIF also represents its members' interests on external groups and with local and national government. PIF was involved in drafting the model licence conditions for pet vending 2013, and was instrumental in establishing a working group to look at revising the model conditions for kennels, home boarders and day crèches. PIF sits on the Pet Advisory Committee; the Pet Advertising Advisory Group and the Canine Feline Sector Group.

PIF has been at the forefront of change within the pet industry for many years. We believe that education is key to raising standards and helping to ensure that animal welfare is at the heart of a pet business. We have produced a series of online courses on animal husbandry and we work closely with City & Guilds to deliver dog grooming and pet store management courses.

PIF has just entered a Primary Authority scheme with the City of London Corporation to help standardise pet retail licensing criteria and in June 2015 we launched a grooming school with Hadlow College in Tunbridge Wells. About 50 students are studying at this state of the art grooming school, under some of the best grooming tutors in the UK. This exciting initiative is a great way for to bring industry and education together and means that the next generation of dog groomers can get the right qualifications that will see them succeed in a commercial grooming environment.

PIF launched the first robust sales tracking insights for the UK's pet food industry, collaborating with GfK, a big market research specialist. It was the first time anyone had tried to put together comprehensive data on areas that were non-grocery. GfK's collection of data includes everything from online shops to independent pet store and big pet retailers, so we now have a comprehensive view of what's going on within the trade. This data has been collected since the beginning of last year and the figures will be updated every quarter. It will give everyone a greater indication of market trends in terms of food and treats.

The British Dog Grooming Championship in October 2015, was the biggest grooming event in the calendar. It was a sell-out and the new location at the Warwickshire Exhibition Centre was extraordinarily successful. In addition, PIF organises the Pet Industry Forum and Awards, an event which provides networking and learning opportunities for pet retailers and manufacturers, and celebrates successful businesses with an increasingly renowned Awards dinner in the evening. PIF also organised a 'Meet the Buyer' event which enabled 37 manufacturers to meet 13 retail buyers from the UK and Europe. Finally, PIF has teamed up with UKTI to become accredited for the Trade Access Programme. We will now work with UKTI to develop and deliver a programme of customer support at international trade shows.



## Annex 3

### Reptile and Exotic Pet Trade Association (REPTA)

REPTA was formed in 2005 to specifically represent the reptile industry and the commercial trade in other exotic species. Herptiles are the fourth most commonly kept group of companion animals, with approximately 1,300 pet shops offering reptiles and amphibians for sale. The number of reptiles (and amphibians) kept in the UK now exceeds seven million animals and in 2014 the industry was valued at approximately two hundred and fifty million pounds.

REPTA has been actively involved with a wide range of legislation, including the Animal Welfare Act, CITES, COTES and Invasive Alien Species. We are a signatory to the Partnership for Action Against Wildlife Crime (PAAG) & Associated Parliamentary Group for Animal Welfare (APGAW) and are members of the Pet Advertising Advisory Group (PAG) etc.

The REPTA board comprise membership from importers, wholesalers, manufacturers, distributors, livefood breeders and retailers. Our remit is to help promote and encourage the responsible and sustainable trade in reptiles and amphibians kept for companionship. We produce a range of support materials and were instrumental advisors to the Federation of British Herpetologists (FBH) in producing the Codes of Practice for Privately Kept Reptiles and Amphibians. REPTA also offers an advisory service in order to assist retail outlets comply with current legislation.

The health and welfare of captive reptiles and amphibians is our number one priority and we work closely with other organisations, including welfare groups and veterinarians, in order to promote best practice across the sector.

## ANNEX 4

### Definitions

'pet animal' means an animal of the species listed below which: (a) is kept in a household, or in the case of aquatic animals, kept in noncommercial ornamental aquaria; (b) when moved, accompanies for the purpose of a non-commercial movement the pet keeper, or a natural person acting on behalf of and in agreement with the pet keeper, and which remains during such noncommercial movement under the responsibility of the pet keeper or such person

'pet keeper' means a natural person keeping a pet animal;

'operator' means a natural or legal person, having animals and products under their responsibility, including animal keepers and transporters, but excluding pet keepers and veterinarians

'establishment' means any premises, structure, or any environment, in which animals or germinal products are kept, except for: (a) households keeping pet animals; (b) non-commercial aquaria keeping aquatic animals; (c) veterinary practices or clinics;

### Species of pet animals for the purposes of our response

Dogs (*Canis lupus familiaris*)

Cats (*Felis silvestris catus*)

Ferrets (*Mustela putorius furo*)

Ornamental fish

Amphibia

Reptiles

Birds: all species of birds other than poultry intended for food production

Mammals: rodents and rabbits other than those intended for food production.

From:

Position of the Council at first reading with a view to the adoption of a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on transmissible animal diseases and amending and repealing certain acts in the area of animal health ("Animal Health Law") - Adopted by the Council on 14 December 2015  
<http://data.consilium.europa.eu/doc/document/ST-11779-2015-REV-1/en/pdf>



## ANNEX 5

### FREEDOM OF INFORMATION REQUEST- PET SHOP LICENSING-JAN 2016

#### RESPONSES FROM 198 COUNCILS AS OF MARCH 4<sup>th</sup>, 2016

<b>1.</b>	<b>In total how many pet shops do you license? 1,504</b>					
	<b>Of these how many are licensed to sell:</b>					
	Dogs	<b>62</b>	<b>4.1%</b>	Small mammals	<b>817</b>	<b>54.3%</b>
	Cats	<b>106</b>	<b>7%</b>	Reptiles	<b>692</b>	<b>46%</b>
	Birds	<b>611</b>	<b>40.6%</b>	Fish	<b>1160</b>	<b>77%</b>
	Primates	<b>20</b>	<b>1.3%</b>			

<b>2.</b>	<b>How many pet shops are in private dwellings?</b>	<b>101 (6.7%) in 63 councils</b>
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<b>2.</b>	<b>Who carries out your pet shop licensing visits?</b>			
	Environmental Health Officer	<b>78 (39.4%)</b>	Dog Warden	<b>22 (11%)</b>
	Licensing Officer	<b>58 (29.3%)</b>	Vet	<b>45 (23%)</b>
	Other	<b>78 (39.4%)</b>		

Note that vets are mostly used when deemed “necessary” or for new applications

<b>3.</b>	<b>Upon what do you base your pet shop license conditions?</b>			
	1992 LGA Guidelines	<b>14 (7%)</b>	2013 Pet Vending Guidelines	<b>110 (56%)</b>
	1998 LGA Guidelines	<b>61 (31%)</b>	Pet Care Trust QA standards	<b>6 (3%)</b>
	PA Inspection Plan	<b>6 (3%)</b>	Other	<b>32 (16%)</b>

If “Other” please specify what:

<b>4.</b>	<b>How frequently do you conduct licensing visits?</b>			
	Annually	<b>154 (78%)</b>	More frequently than annually	<b>29 (15%)</b>
	Less frequently than annually	<b>21 (11%)</b>		

If not annually please specify:

<b>5.</b>	<b>For what other reasons will you visit a pet shop?</b>			
	Pre booked monitoring visit	<b>48 (24%)</b>	Complaints	<b>193 (98%)</b>
	Unannounced spot checks	<b>118 (60%)</b>	Other	

If other please specify most frequent reason:

<b>6.</b>	<b>What do you charge annually for a pet shop license?</b>	<b>Avg £146.69 (SD £67.15) Median £128 (min. £52.80 and max £413.00)</b>	
<b>7.</b>	<b>Do (or have) those officers licensing pet shops undertake relevant specialist training?</b>	Please answer	
		Yes	No
		<b>144 (73%)</b>	<b>54 (27%)</b>

<b>8.</b>	<b>Do you ensure the pet shop being licensed is a “business” by checking</b>			
	they are registered for business rates	<b>38 (19%)</b>	that any necessary planning consents for use of the premises as a pet shop have been obtained	<b>97 (49%)</b>
	public liability insurance is in place	<b>130 (65.7%)</b>	Other	<b>27 (13.6%)</b>

## ANNEX 6

### Pet Industry Federation survey of pet industry

The Pet Industry Federation (PIF) ran a survey of pet industry businesses in 2016 to determine their views on the licensing consultation, in order that they could be represented within our response. Over 300 pet businesses completed the survey, and predominantly comprised pet retailers, kennels, catteries, home boarders and dog groomers, as well as dog walkers and pet sitters. A summary of the results is as follows:

1) **85% of respondents agreed with the proposals to introduce a single animal establishment licence**  
In terms of comments, many respondents felt that clarity and consistency with regard to inspections were paramount and that it was essential that inspectors understood how to inspect pet businesses.

2) **91% of respondents agreed that Model Conditions should be required for activities where they have been agreed.**

Respondents commented that if model conditions were made compulsory, pet businesses would need time to adapt to the new conditions. Consistency was key, and many respondents felt that there were too many variants of licensing criteria being used which they hoped that the requirement of a single set of conditions would address.

3) **93% of respondents agreed that the sale of puppies should be prohibited below 8 weeks of age.**

4) **97% agreed with the proposal to legally require pet sales to provide written information when selling animals.**

5) **94% agreed with the proposal to allow licences to be issued for a fixed term, but not from a set point in the year.**

Many thought that this was common sense, running annually from the date of issue. They also felt that this would help alleviate the burden on councils.

6) **88% felt that the length of time between inspections could be increased to up to three years, and that 'earned recognition' were brought in to reward well run establishments.**

Many businesses in their comments also felt that unannounced 'spot-check' visits would be good, and that if complaints were received about an establishment then this should trigger an inspection.

7) **81% agreed that licences could be transferable, but that establishments should be inspected within two months of new owners taking over.**

Those commented were generally those who disagreed with this suggestion and felt that inspections should occur before a new licence was granted.

8) **65% of respondents felt that UKAS accredited schemes could be considered as an alternative to local authority licensing**

As additional comments, many respondents were keen however that local authorities retained some control to ensure independence and consistency. Inspectors who understood pet businesses and had received relevant training in that area was also felt to be a key factor. Some felt that the public should be able to view lists of licensed businesses.

9) **90% of respondents felt that accredited schemes should be introduced in unlicensed areas.**

Many respondents felt that anyone whose business was working with animals should be licensed. Many commented that dog groomers should be required to be accredited, to help raise standards and protect animal welfare, especially as there was no requirement currently for training or qualifications in that area and agreed that the British Dog Groomers Association could develop such a register. Other answers included the need for pet sitters and dog walkers to be included on a



register, as many operated under the radar as businesses.

## **ANNEX 7**

### **ORGANISATION CONTACT DETAILS**

#### **Ornamental & Aquatic Trade Association**

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40 Station Rd,  
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Website: [www.ornamentalfish.org](http://www.ornamentalfish.org)

#### **Pet Industry Federation**

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Email: [nigel.baker@petfederation.co.uk](mailto:nigel.baker@petfederation.co.uk)

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#### **Reptile & Exotic Pet Trade Association**

Chris Newman

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