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Primary Authority Advice to Local Authorities

	
<p>This Primary Authority Advice has been produced by the City of London Corporation in partnership with OATA for use by members of OATA to help your business comply with the law. If you follow this advice correctly your local licensing officer should respect this and not ask you to comply with the law in a different way.</p>	
<p>Reference:</p>	<p>OATA 004/2022</p>
<p>Issue date:</p>	<p>11th February 2022</p>
<p>Review date:</p>	<p>This advice will be reviewed at each annual PAP meeting between the City of London and OATA The advice will be reviewed if any further changes relevant to this advice, are made to the Regulation or Guidance</p>
<p>Coordinator:</p>	<p>OATA (Ornamental Aquatic Trade Association Ltd)</p>
<p>Primary authority:</p>	<p>City of London Corporation</p>
<p>Supporting Regulator:</p>	<p>Defra</p>
<p>For publication on Primary Authority Register</p>	<p>Yes</p>
<p style="text-align: center;">PRIMARY AUTHORITY ADVICE</p>	
<p>Relevant Legislation:</p>	<p>The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulation 2018, (LAIA) and it's accompanying Guidance documents</p>
<p>Geographic Applicability:</p>	<p>This advice applies only to England</p>
<p>Scope</p>	<p>OATA is a trade association which has amongst its members various importers, breeders, wholesalers and retailers of aquatic livestock including aquarium and pond fish and plants. Manufacturers and distributors of dry goods are also among the membership. This advice is provided for member businesses of OATA, licensed to sell pets under the above regulation.</p>

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<p>Details of request:</p>	<p>Advice on the requirement for enrichment in fish tanks used as short-term, transitional holding facilities within pet stores.</p>
<p>Advice provided:</p>	<p>1. Unlike other species covered by the selling animals as pets statutory guidance, there are no specific enrichment requirements under Part L for fish. Whilst the general conditions apply to all species, in the case of fish, the specific guidance stipulates that any items in the tank must not have the potential to cause harm. The City of London considers there to be no requirement to provide enrichment as doing so could cause harm at the point of capture (and in some instances, may also cause harm when removed prior to capture). Both general condition 7.1 and Part L condition 7.0, note this risk;</p> <p>General condition 7.1, states that; ‘Active and effective environmental enrichment must be provided for the animals in inside and any outside environments. Environmental enrichment accessories which stimulate natural behaviour must be provided as appropriate to the species maintained. These must not have the potential to cause welfare concerns, such as injury’.</p> <p>Part L – Fish. Condition 7.0 Monitoring of behaviour and training of fish is relevant to enrichment; ‘Any items that get in the way of the safe and easy capture of fish must not be used or must be removed from tanks prior to capture’.</p> <p>2. However, the opportunity to hide may be necessary for some species of fish and staff must be competent in identifying where this is required.</p> <p>3. The City of London interprets that additional requirements apply for fish held past the transitional period of 3 months, such as those in display tanks. These fish will require species appropriate enrichment as part of their environment. This is a requirement under general condition 5.2.</p> <p>General condition 4.2 states that; ‘The licence holder or a designated manager and any staff employed to care for the animals must have competence to identify the normal behaviour of the species for which they are caring and to recognise signs of and take appropriate measures to mitigate or prevent, pain, suffering, injury, disease or abnormal behaviour’.</p>

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	<p>General condition 5.2 'Animals must be kept at all times in an environment suitable to their species and condition (including health status and age) with respect to (a) their behavioural needs'. <i>The transitional period is to be no more than 3 months from the date of arrival. If an animal is kept for longer or permanently, the animal must be moved to an enclosure of a size that is of best practice for the individual species. The enclosure must be comparable with what you would expect the final purchaser to use.</i></p>
Document references:	<p>https://www.gov.uk/government/publications/animal-activities-licensing-guidance-for-local-authorities</p>
Communication with businesses:	<p>OATA will be responsible for sharing this advice with relevant businesses, through communications with members.</p>
Communication with enforcing authorities:	<p>Businesses should make enforcing authorities aware that they are relying on Primary Authority advice at the earliest opportunity. This may be at the point of licence application.</p>
Issued by:	<p>Susie Pritchard </p>