

This report may be of interest to: All Members

THE SALE OF LIVE ANIMALS FROM PET SHOPS

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1. Purpose

- 1.1 To advise the Committee of the licensing arrangements in respect of the sale of live animals to the general public from licensed pet shops, particularly exotic species.
- 1.2 To seek the Committee's views on this issue, and to make changes to the current administrative arrangements as considered appropriate.

2. Summary

- 2.1 This report addresses the issues raised by the Royal Society for the Prevention of Cruelty to Animals (RSPCA) in respect of the sale of exotic pets from licensed pet shops. The standards in place in Milton Keynes at premises licensed to sale exotic species are considered to be satisfactory. The changes proposed in this report will enable the Council to engage a veterinary expert on a more formal basis, and to recover the costs of doing so from the applicant/licensee.

3. Recommendations

- 3.1 That pet shops continue to be licensed for the sale of species which may be classified as exotic;
- 3.2 That all costs incurred by the Council in engaging a veterinary surgeon to visit a licensed pet shop be recharged to the applicant/licensee upon the grant or renewal of the licence;
- 3.3 That any veterinary surgeon authorised to act for Milton Keynes Council shall not be the veterinary surgeon for the applicant;
- 3.4 That the standard licence conditions for pet shops in Milton Keynes remain unchanged; and
- 3.5 That a recommendation made by the veterinary surgeon in respect of an animal or species may be included in a licence as a special condition.

4. **Background**

- 4.1 A News for Members Item on Animal Welfare in Pet Shops was written for the meeting of the Licensing Committee on the 26 January 2000. The Committee requested a further report on the sale of live animals in pet shops with a particular focus on exotic species.
- 4.2 The Pet Animals Act 1951 (amended 1983) introduced controls on the sale of live animals to the general public. The salient points are set down below.
- (a) No person shall keep a pet shop without a licence.
 - (b) A local authority can grant a person a licence, and apply such terms, restrictions and conditions as it considers appropriate, including;
 - (i) the suitability of the accommodation provided,
 - (ii) the standard of animal husbandry,
 - (iii) the age of the animals being sold,
 - (iv) the standard of the quarantine measures and veterinary advice that is available, and
 - (v) suitable arrangements for emergency evacuation.
 - (c) A fee may be charged for the licence, but it must include both the consideration and the determination of the application.
 - (d) A person who is disqualified from keeping a pet shop or has been convicted of cruelty to animals cannot be granted a licence.
 - (e) An applicant who is refused a licence can appeal to the Milton Keynes Magistrates Court.
 - (f) The licence is valid for a calendar year or part thereof.
 - (g) Contravention of the licence conditions may result in the Licensing Authority taking legal proceedings before a Magistrates Court.
 - (h) Pets cannot be sold in the street or from a market stall/barrow.
 - (i) Pets are not to be sold to a child under 12 years of age.
 - (j) Inspection of licensed pet shops can be carried out by any 'relevant person' authorised by the licensing authority, for example a veterinary surgeon. A 'power of entry' is conferred on the authorised person at all reasonable times i.e. normal opening hours of business. Causing an obstruction to this arrangement is a contravention of the legislation, and a person found guilty of such an offence would be liable to a fine of up to £1,000. For all other contraventions under

this legislation the penalty would be a fine of £1,000 or 3 months imprisonment or both.

- (k) A person convicted of an offence may have a licence cancelled by a Court and may also be disqualified from holding a licence for such period as the Court considers appropriate.
- (l) A pet shop can include a private dwelling but excludes persons selling pedigree animals kept at the dwelling as the offspring of a domestic pet; this can also include the sale of non-pedigree animals bred initially for breeding or show purposes which were then found to be unsuitable for that purpose.
- (m) A licence is non-transferable.

4.3 The sale of cats and dogs is of those kept wholly or mainly for domestic purposes. 'Animals' may include those of an ornamental variety and includes all vertebrates.

4.4 A range of pet welfare organisations are becoming increasingly aware that exotic and on occasions dangerous animals are being purchased through pet shops for keeping in a domestic environment. An exotic animal is one native to a foreign country that would typically have a tropical climate, for example snakes, iguanas, tarantulas. Most species originate from outside the UK, but breeding in captivity is becoming more extensive as the market expands.

4.5 The Pet Care Trust (Bedford) has developed a comprehensive pet care manual that is regularly updated and is probably the most detailed reference document currently available in the United Kingdom for pet shop staff and Local Authority Inspectors to refer to. The areas covered are:

- (a) Practice and stocking densities
- (b) Small mammals
- (c) Reptiles and amphibians
- (d) Aquatics
- (e) Caged birds
- (f) Animal health and hygiene
- (g) Legal
- (h) Pet shop management

4.6 The Pet Care Trust organise City and Guilds accredited training courses. Pet shops licensed in Milton Keynes are required to employ a person who holds this qualification as a condition of their licence.

- 4.7 The Pet Shop Licence conditions currently in place in Milton Keynes are based on the Local Government Association Model Standards - 1988 and were endorsed by the meeting of the Licensing Committee held on 30 June 1999 (Minute L.16/00 refers).
- 4.8 There is a definite trend towards the keeping of exotic pets in a domestic environment. Research has indicated that there is a considerable quantity of information now available, including the Internet in respect of species, breeders, care arrangements and veterinary advice. Exotic species can be a vector for certain infectious diseases, for example Salmonellosis, and therefore good information is essential.
- 4.9 Pet shop staff are required to provide relevant information to prospective purchasers but this may not always occur, and individuals may purchase an exotic pet that out grows its home environment. It may then be released into the countryside where it may not survive, be sold onto another interested party, or be put to sleep by a veterinary surgeon.
- 4.10 Currently there are two licensed pet shops in Milton Keynes selling exotic species normally snakes and lizards.
- 4.11 The Milton Keynes Herpetological Society has for some years had a keen interest on the sale of certain exotic species in pet shops in Milton Keynes; when their members have been concerned about the standard of animal welfare they have contacted the Environmental Health Division. The Society has an annual exhibition and a trade fair at Leon School, Bletchley, which has been taking place for the last ten years. A pet shop licence is granted to a representative of the organisation, and the fee paid is the same as the annual fee for a pet shop.
- 4.12 Environmental Health staff have spent considerable time on this issue in recent years and this is perhaps reflected in the small number of pet shops that currently stock exotic species for sale. The Council engage Mr. Elliot MRCVS, a veterinary surgeon with the Scott Veterinary Clinic at Bedford, who has expert knowledge in the area of exotic species and dangerous wild animals, to provide advice and undertake site visits. If the situation were to arise that Mr. Elliot was the veterinary surgeon for the applicant or licensee, then the British Veterinary Association would be contacted in order to obtain the name of an alternative veterinary surgeon to act as the Council's advisor.
- 4.13 All licensed pet shops are visited at least annually by Environmental Health Staff and would have additional visits if complaints were received from the general public particularly in respect of animal welfare issues.
- 4.14 If the licence conditions were being contravened, action would be taken to ensure compliance. This could range from advice and agreement on future compliance to prosecution in severe cases. If the licence was due for renewal, the matter would be referred to the Licensing Committee as part of the normal process.

5. **Issues and Choices**

- 5.1 The legislation has not kept pace with the developments in the pet trade and it is now apparent that 'on-line' trading through the Internet in exotic species is becoming increasingly popular and will result in international trading.
- 5.2 Exotic species may out grow the domestic environment and on occasions may pose a hazard to visitors, for example a 6' long alligator was found by a member of the Environmental Health Staff to be wandering along the first floor landing of a Council house. Exotic species do require a higher level of care and specific environmental conditions for example heated vivariums and special food. On balance it would appear that the licensed pet shops are meeting the needs of local hobbyists who wish to keep relatively small and manageable exotic species and are able to supply all the necessary ancillary equipment, food stuffs, and so on.
- 5.3 The Committee could amend the standard licence conditions prohibiting the sale of exotic species but there is currently no evidence that such a course of action is necessary in Milton Keynes.
- 5.4 The Committee could require a veterinary inspection to be made of a pet shop prior to the grant/renewal of the annual licence when:-
- (a) Certain species are to be sold, or
 - (b) Regardless of the type of species to be sold.

There is no evidence to suggest this is necessary, but the Committee may consider it a prudent measure in light of the RSPCA's concerns.

6. **Implications**

6.1 Environmental

None.

6.2 Equalities

None.

6.3 Financial

The present licence fee is £171.00. If a veterinary inspection were considered to be necessary then the cost of that inspection could be recharged to the applicant, as is the case with other animal welfare legislation arrangements, for example riding establishments.

6.4 Legal

The Council is the Licensing Authority under the Pet Animals Act 1951 (as amended 1983).

6.5 Staff and Accommodation

None.

6.6 Cultural

In a multi-cultural society, the keeping of exotic pets not indigenous to the UK may be familiar to members of the Milton Keynes community, and they therefore may wish to enjoy keeping them in their own homes.

7. **Conclusions**

7.1 Milton Keynes Council has been proactive on this issue, and this has been acknowledged by the RSPCA, however, some fine-tuning of our existing arrangements will enable the Council to address all the issues raised by that organisation. The Milton Keynes Herpetological Society is acknowledged as being a useful local source of advice and information to enforcement staff which can now be augmented by the data available on the Internet.

Background Papers: Standard Licence Conditions Letter from RSPCA
 News for Members Item 19 January 2000