

NOTICE OF MEETING

Licensing and Safety Committee

Wednesday 15 June 2016, 7.30 pm

Council Chamber, Fourth Floor, Easthampstead House, Bracknell

To: The Licensing and Safety Committee

Councillor Allen (Chairman), Councillor Thompson (Vice-Chairman), Councillors Mrs Angell, Dr Barnard, G Birch, Brossard, Brunel-Walker, Finch, Finnie, Ms Gaw, Leake, Mrs McKenzie, Ms Miller, Porter and Tullett

ALISON SANDERS
Director of Corporate Services

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Published: 7 June 2016



Licensing and Safety Committee
Wednesday 15 June 2016, 7.30 pm
Council Chamber, Fourth Floor, Easthampstead House,
Bracknell

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AGENDA

Page No

1. **Election of Chairman**

2. **Appointment of Vice-Chairman**

3. **Apologies for Absence**

To receive apologies for absence.

4. **Declarations of Interest**

Members are asked to declare any personal or disclosable pecuniary interest in respect of any matter to be considered at this meeting.

Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Disclosable Pecuniary Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days.

5. **Minutes**

To approve as a correct record the minutes of the meeting held on 7 January 2016 and 18 May 2016.

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6. **Urgent Items of Business**

Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.

7. **Notice of Public Speaking**

To note those agenda items which have received an application for public speaking.

8. **Annual Report and Workplan**

The Committee is asked to note the work completed in 2015/16 and subject to any comments, approve the work plan for 2016/17 at Annex B.

11 - 24

9. **Health & Safety Law Enforcement Plan 2016-17**

The Committee is asked to note the work undertaken in 2015/16 and approve the proposed plan for 2016/17.

25 - 52

10. **Park Home Fee Policy**

The Park Home Fee Policy was introduced in 2014 as part of the legislative changes within the Mobile Homes Act 2013. This report reviews the implementation of the Act and recommends some changes within the document to add clarity and layout going forward.

53 - 68

11. **Pet Shop Licence Conditions**

The Committee is asked to approve the adoption of the Model Licence Conditions document at Annex A as follows:

69 - 110

- i) with immediate effect for any new licences issued and from 1 January 2017 for any existing licence holders.

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**LICENSING AND SAFETY COMMITTEE
18 MAY 2016
8.29 - 8.30 PM**



Present:

Councillors Allen (Chairman), Thompson (Vice-Chairman), Dr Barnard, Brossard, Finch, Finnie, Ms Gaw, Leake, Mrs McCracken, Mrs McKenzie, Porter and Tullett

Apologies for absence were received from:

Councillors G Birch, Brunel-Walker and Ms Miller

1. Election of the Chairman

RESOLVED that Councillor Allen be appointed Chairman of the Licensing and Safety Committee for the Municipal Year 2015 - 2016.

COUNCILLOR ALLEN IN THE CHAIR

2. Appointment of Vice-Chairman

RESOLVED that Councillor Thompson be appointed Vice-Chairman of the Licensing and Safety Committee for the Municipal Year 2015 - 2016.

3. Appointment of Licensing Panel - Sub-Committee of Licensing and Safety Committee

RESOLVED that:

- i) Membership of Licensing Panels be any three councillors drawn, as required, from the membership of the Licensing and Safety Committee.
- ii) The Appointment of the Licensing Panel Chairmen be any councillor who has completed the Chairman training drawn, as required, from the membership of the Licensing and Safety Committee.

CHAIRMAN

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**LICENSING AND SAFETY COMMITTEE
7 JANUARY 2016
7.30 - 8.05 PM**



Present:

Councillors Allen (Chairman), Thompson (Vice-Chairman), Dr Barnard, G Birch, Brossard, Finch, Ms Gaw, Leake, Mrs McCracken, Mrs McKenzie and Porter

Apologies for absence were received from:

Councillors Brunel-Walker, Finnie, Ms Miller and Tullett

28. Declarations of Interest

There were no declarations of interest.

29. Minutes

RESOLVED that the minutes of the meeting of the Licensing and Safety Committee held on 8 October 2015 be approved as a correct record and signed by the Chairman.

30. Urgent Items of Business

There were no urgent items of business.

31. Notice of Public Speaking

It was noted that no members of the public had registered to speak at the meeting.

32. Pet Shop Licence Conditions

The Committee considered a report which sought approval for a consultation exercise with all existing pet shop licence holders in respect of the potential adoption of the Model Licence Conditions for Pet Vending Licensing as published by the Chartered Institute of Environmental Health 2013.

It was reported that the model conditions would update the Council's present conditions and incorporate the Animal Welfare Act, which had come into force since the Council had published its conditions. It was proposed that the new model conditions if adopted would be implemented with immediate effect for any new licences issued. Existing licence holders would adopt the new model conditions when their licences are next renewed from 1 January 2017.

It was **RESOLVED** that a consultation exercise with all existing pet shop licence holders in respect of the potential adoption of the Model Licence Conditions document attached to the agenda papers at Annex A, be approved and a report

brought back to a future meeting of the Committee for consideration of any responses received to the consultation.

33. **Safeguarding Training for Hackney Carriage and Private Hire Vehicle Drivers**

The Committee considered a report that sought approval to introduce compulsory safeguarding training for all hackney carriage and private hire vehicle drivers and operators within Bracknell Forest.

It was reported that addressing the issue of child sexual exploitation had become a priority and a matter of great importance for the community and public authorities nationally. Within the report 'Independent Inquiry into Child Sexual Exploitation in Rotherham (1997-2013) Alexis Jay OBE August 2014' the role of taxi drivers in facilitating the abuse of children was identified and highlighted.

It was noted that Home to School drivers already had to undertake this training and there were clear indications that the training had been beneficial particularly in terms of raising awareness among drivers. The Chair of the Local Safeguarding Children's Board was supportive of the proposals that all drivers and operators receive this training. In addition, operators were receptive to receiving the training.

It was noted that this training would protect children, vulnerable people as well as drivers and operators.

In response to members' queries it was reported that the timescales for completing the mandatory training and how regularly the training should be undertaken would be part of the consultation exercise. A recommended timescale would be brought back to the Committee.

The Committee welcomed the mandatory training and were keen to see it implemented as soon as possible.

It was **RESOLVED** that;

- i) the introduction of mandatory safeguarding training for all hackney carriage and private hire vehicle drivers and operators be agreed and
- ii) that the trade and the general public be consulted on the content and extent of any training provision prior to implementation.

34. **Street Collection Policy**

The Committee received a report that asked them to consider the adoption of a policy in respect of the licensing of street collections held in the borough.

In response to members' queries, it was agreed that officers would consult the Royal British Legion as to whether they would like more than seven days for the Poppy Appeal street collection and make revisions as necessary in consultation with the Chairman.

It was **RESOLVED** that subject to any amendments made, the Committee agree the proposed changes to the current Policy and approve the revised Street Collection Policy as highlighted and set out in Annex A of the agenda papers.

35. **Licensing Act 2003: Deregulation Update**

The Committee noted the information report which highlighted a recent amendment to the Licensing Act 2003 which permits licensing authorities to relax the requirements for licensing of late night refreshment in certain circumstances.

CHAIRMAN

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TO: LICENSING AND SAFETY COMMITTEE
15 JUNE 2016

ANNUAL REPORT AND WORKPLAN
Chief Officer: Environment and Public Protection

1 PURPOSE OF REPORT

- 1.1 This report covers the activities carried out by the Licensing Section during the period 1 April 2015 to 31 March 2016. The report also includes the proposed work plan for the period 2016/17. The Committee is also asked to consider and comment upon this document.

2 RECOMMENDATIONS

2.1 That the Committee:

- i) notes the work completed in 2015/16 and detailed within this report; and**
- ii) subject to any comments, approves the work plan for 2016/17 at Annex B.**

3 REASONS FOR RECOMMENDATION

- 3.1 The Committee agreed a work plan for 2015/16 at its meeting on 11 June 2015. This report details some of the main achievements of the service during 2015/16 and requests that members comment upon and approve a plan for 2016/17.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None.

5 SUPPORTING INFORMATION

- 5.1 Attached as Annex A is a list of the licences, registrations, permits and consents that are current as of 1 April 2016 or were processed within the last year. The list includes details of numbers for the previous year for comparison purposes. This is a single indicator of the number of transactions that the Licensing Section has with businesses operating within the Borough. Legislation requiring a licence/permit for a business activity is generally enacted on health and safety grounds to protect users of a service or those that might be affected due to their proximity to the licensed premises or their interaction with a licensed person.
- 5.2 The Licensing Service considers and issues a range of licences and permits required by businesses in order that they can deliver a range of services and goods to residents and visitors to Bracknell Forest. The service is aware that the licensing function, whilst offering protection, can also act as a barrier to others who wish to deliver services or supply goods and every effort is made to assist businesses to understand and progress rapidly through the licensing process. The service therefore has a number of functions including business advice, processing of applications, monitoring compliance and where necessary taking enforcement action.

- 5.3 A number of the licences require the submission of documents which have to be validated by the Licensing Service. These include such items as vehicle insurance documents and inspection certificates, medical reports, criminal record disclosures and risk assessments. These checks are essential to ensure the continued confidence of the Council, and ultimately the user, in the safety of the service or goods being supplied. The service sets itself a target to issue licences within either 2 or 3 working days of receipt of a complete and valid application on 95% of occasions. The service achieved 96% in 2015/16.
- 5.4 A further aspect is that of assisting businesses to grow whilst complying with the legal requirements and conditions. The service provides an extensive range of advice and information sheets via the Council's website. Additionally officers regularly meet with applicants or licence holders to give guidance, such as attendance at Pubwatch meetings run by the trade, and meeting private hire operators at their offices and taxi drivers at the ranks. The Licensing Section dealt with just over 1000 complaints and requests for service in 2015/2016.
- 5.5 Officers use a risk based assessment programme to visit licensed premises to check compliance and provide assistance and advice for those businesses. In 2015/16 officers carried out 182 programmed inspections (109 in 2014/15). Additionally officers carried out 60 non-programmed inspections (20 in 2014/15), which includes visits outside of office hours where we had intelligence from residents, complaints or details passed to us by agencies such as Thames Valley Police that non-compliance was occurring. These figures are positive given that a new officer started with the team on 1 April 2015 and he has been carrying out inspections whilst training in the role of a licensing officer. Officers initially deal with non-compliance by working with the business to raise standards and further unannounced visits may be made to verify improvement. Where non-compliance continues, officers use an Enforcement Policy which provides for a stepped process to include warnings, cautions, review, suspension or revocation of a licence or finally prosecution.
- 5.6 In the last year officers issued 6 warnings in relation to licensing matters (1 in 2014/15), and 178 enforcement points were issued for 27 incidents of non-compliance (264 points in 2014/15). The points were issued for the following matters:
- 1 driver for breach of construction & use regulations
 - 5 drivers for failing to comply with traffic signs
 - 11 drivers for failure to notify the council of convictions
 - 5 drivers for failing to wear/display their badge
 - 2 drivers for failing to display the vehicle licence plate properly
 - 1 driver for a smokefree contravention
 - 1 driver for using a mobile phone whilst driving
 - 1 driver for driving without due care and attention

It is interesting to note that not one set of penalty points was issued for illegal tyres. The previously high numbers of illegal tyres detected during licence checks was a concern to Members in recent years, and the number of penalty points issued for the offence was increased to 8 (12 being the point at which the driver is considered for referral to a Panel). It seems a reasonable assumption that the message to drivers to regularly check their tyres has been taken on board.

5.7 Other areas of work that were completed in 2015/16 include:

- (i) A total of 12 multi-agency checks involving Council officers, Thames Valley Police and DVSA were conducted. In addition officers assisted RBWM with checking licensed vehicles during the Royal Ascot event, and also attended enforcement operations at Heathrow airport.
- (ii) An operation was held to test underage sales within a variety of premises licensed to have gaming machines. Of the 9 premises tested, 6 premises failed, including 3 betting offices and 2 pubs. A further operation is planned for June 2016 which will include re-testing premises which failed.
- (iii) The Safety Advisory Group received approximately 65 forms for local events during 2015/16, and continues to receive positive feedback from event organisers who see it as helpful to them delivering safe events.

5.8 Attached as Annex B is the draft workplan for 2016 - 2017. This has been drawn up taking into account national and local priorities together with local knowledge of our licensed businesses.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

6.1 The legal implications are identified within the report.

Borough Treasurer

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

Equalities Impact Assessment

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

Strategic Risk Management Issues

6.4 There are no strategic risk management implications arising from the recommendation in this report.

7 CONSULTATION

Principal Groups Consulted

7.1 Key partners have been consulted upon the outcomes of work conducted in 2015/2016. Where there is positive feedback and a continued perceived need then similar work will be programmed for 2016/2017. All feedback is taken into account and helps inform the plan's future development. There has been no feedback that needs to be taken into account in the proposed plan.

Method of Consultation

7.2 The workplan will be discussed with key partners during the year and adjustments made where necessary.

Representations Received

7.3 None.

Background Papers

None

Contact for further information

Laura Driscoll, Licensing Team Leader

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laura.driscoll@bracknell-forest.gov.uk

Type	Numbers at 1 April 2015	Numbers at 1 April 2016
Private Hire Operators	40	38
Private Hire Vehicles	165	171
Private Hire Drivers	134	138
Dual (Hackney Carriage and Private Hire) Drivers	163	161
Hackney Carriage Vehicles	83	85
Home to School Drivers	17	13
Home to School Vehicles	25	33
Animal Boarding Establishments	3	4
Home Boarders of Dogs	27	29
Riding Establishments	6	6
Performing Animals	4	5
Pet Shops	7	7
Scrap Metal Dealers	3	3
Scrap Metal Mobile Collectors	7	7
Hairdressers	61	64
Personal Licences	1140	1213
Premises Licences	228	222
Temporary Event Notices	229	244
Club Premises Certificates	21	21
Street Traders	16	15
Street Collections	37	38
House to House Collections	50	30
Lotteries	59	60
Caravan Sites	13	14
Licensed Premises Gaming Machine Permits	10	10
Gaming Machine Notifications	35	31
Club Machine Permits	8	12
Club Gaming Permits	1	0
Bingo Premises	1	1
Adult Gaming Centres	1	1
Betting Premises	12	11

For TENs, street collections and house to house collections, the figure given is the total number of notices / applications received within the calendar year

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Environment, Culture and Communities Department

Division: Environment and Public Protection

Section: Regulatory Services

Team: Licensing

Work plan – 2016 to 2017

Strategic Theme	Action	Service Aim	Service Task	Target/Measure Inc National/Local indicators	Mandatory or desirable	Impact if not undertaken	What is the harm being addressed	Impact of taking action	Importance
1	5	Provide an efficient and seamless service for applications	Carry out a survey which look at customer experience of applications process	95% of respondents satisfied with service	Desirable	Lack of knowledge on customer experience	Poor customer support	Assisting businesses to prosper	M
1	6	Provide an efficient and seamless service for applications	Ensure compliance with the EUSD for licensing function, with continued ability to accept online applications	Deal with applications in line with national and local indicators	Mandatory	Breach of EU regulations	Businesses not being able to trade	Compliance with EU law and assisting business	H
6	2	Provide an efficient and seamless service for applications	Manage and provide support to the Safety Advisory Group Advice provided for approx 50 local events per year	Advice provided to all event organisers submitting documents at least one month before event	Desirable	Lack of local coordination and unsafe events	Events that are unsafe or disrupt community life	Well run events that are safe and provide cohesion for the community	M
1	7	Provide an efficient and seamless service for applications	Inform local residents and businesses about applications that may affect them	Neighbouring property notifications conducted for all new/variation premises licences	Desirable	Residents and businesses unaware of application and cannot use their right to comment	Failing to deliver a satisfactory service for residents and businesses	Assisting residents and businesses in understanding the licensing system and their powers	M

Environment, Culture and Communities Department

Division: Environment and Public Protection

Section: Regulatory Services

Team: Licensing

Work plan – 2016 to 2017

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Strategic Theme	Action	Service Aim	Service Task	Target/Measure Inc National/Local indicators	Mandatory or desirable	Impact if not undertaken	What is the harm being addressed	Impact of taking action	Importance
1	2	Provide easy to access advice and information for businesses on licensing matters to help improve compliance	Maintain guidance on applications and licensing matters on website	Provide advice to applicants when requested	Desirable	Inappropriate or invalid applications, costs of arranging refunds	Failing to deliver a satisfactory service for local businesses and residents	Assisting customers and residents in understanding the licensing system	H
1	6	Provide easy to access advice and information for businesses on licensing matters to help improve compliance	Online public register maintained of current licences	Register retained and available on website for all relevant licences	Desirable – mandatory in some cases	Certain information required by law to be on website, can use to respond to FOIs	Failing to deliver a satisfactory service for local businesses and residents	Assisting customers and residents in understanding the licensing system	H
1	2	Continue to improve our service by comparing ourselves against performance measures	Ensure applications (1500 per year) are processed within agreed local performance indicators and as required by legislation	Monthly reports run to ensure that 95% target and legislative requirements met	Desirable - but mandatory in some cases	We fail to manage our performance, service standards slip and in some cases breach the law	Failing to deliver a satisfactory service and ensuring we comply with the law	We can judge our performance and improve our service	H

Environment, Culture and Communities Department

Division: Environment and Public Protection

Section: Regulatory Services

Team: Licensing

Work plan – 2016 to 2017

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Strategic Theme	Action	Service Aim	Service Task	Target/Measure Inc National/Local indicators	Mandatory or desirable	Impact if not undertaken	What is the harm being addressed	Impact of taking action	Importance
1 2 6	7	Handle service requests through use of advice and information	Ensure service requests (1000 per year) are handled within agreed local performance indicators	Monthly reports run to ensure that 95% target met	Desirable	Complaints and requests for service are not handled within agreed service levels	Failing to deliver a satisfactory service for local businesses/consumers	We can judge our performance and improve our service	H
1 2 6	7	Handle service requests through use of advice and information	Carry out a survey which look at customer experience of service request handling	95% of respondents satisfied with service	Desirable	Lack of knowledge on customer experience	Poor customer support	Improving service delivery	M
6	3 4	Ensure compliance through intelligence led and risk-rated monitoring with enforcement action where appropriate	Carry out multi-agency operations directed at licensed premises and vehicles, including mystery shopper operations, work with Trading Standards on underage sales operations and at least 4 multi-agency licensed vehicle/street trader/scrap metal checks	250 vehicle / driver checks	Desirable	Health and safety of users is put at risk. The business of the legitimate trade is put at risk by rogue traders	Licensable activity being carried out not in accordance with law, which risks nuisance and harm	Standards within the licensed trade are maintained to the benefit of consumers and good businesses	H

Environment, Culture and Communities Department

Division: Environment and Public Protection

Section: Regulatory Services

Team: Licensing

Work plan – 2016 to 2017

Strategic Theme	Action	Service Aim	Service Task	Target/Measure Inc National/Local indicators	Mandatory or desirable	Impact if not undertaken	What is the harm being addressed	Impact of taking action	Importance
6	3 4	Deliver a targeted inspection programme focussing on those businesses presenting the highest risk to consumers	Carry out programmed inspections in accordance with risk rating	100% high risk, 50% medium risk and 20% low risk inspections completed and 95% revisits completed within one month	Desirable	Health and safety of users is put at risk. The business of the legitimate trade is put at risk by rogue traders	Licensable activity being carried out not in accordance with law, which risks nuisance and harm	Standards within the licensed trade are maintained to the benefit of consumers and good businesses	M
1	7	Develop the use of our knowledge to improve planning and delivery	Ensure all officers are aware of changes to legislation and procedures, practice notes and policies are updated as required	All officer procedures reviewed as required	Desirable	Poor service to customers or residents Breach of legislation	Failing to operate in compliance with the law Policies could be challenged if not lawful	Standards within the service are maintained Policies are up to date and fit for purpose	M

Environment, Culture and Communities Department

Division: Environment and Public Protection

Section: Regulatory Services

Team: Licensing

Work plan – 2016 to 2017

Theme 1 - Value for money	
1	Council Tax is in the lowest 10% nationally amongst similar authorities
2	We charge appropriately for services and seek opportunities to generate additional income
3	Community involvement and the use of volunteers in the delivery of council services has increased
4	Spending is within budget
5	The cost, quality and delivery mechanism of all services will be reviewed by 2019
6	Self-service and the use of online services has increased
7	Resident and staff satisfaction levels remain high
8	Surplus assets are sold
Theme 2 - A strong and resilient economy	
1	The borough is regarded as an excellent business location
2	A thriving town centre is supported by coordinated town centre management
3	Improvements in strategic infrastructure have been made to reduce congestion and improve traffic flows
4	The new town centre opens in April 2017
5	Local residents have high levels of employment and incomes
6	Businesses are supported and encouraged to play an active role in the community

Environment, Culture and Communities Department

Division: Environment and Public Protection

Section: Regulatory Services

Team: Licensing

Work plan – 2016 to 2017

Theme 3 - People have the life skills and education opportunities they need to thrive	
1	Children have access to high quality early years provision
2	School places are available in all localities
3	More children are attending schools that are judged as good or better
4	Levels of attainment and pupil progress across all phases of learning are raised
5	Children and young people from disadvantaged backgrounds are supported to achieve their potential
6	Children and young people with Special Educational Needs are supported
7	All young people who have left school go on to further education, find employment or undertake some form of training
Theme 4 - People live active and healthy lifestyles	
1	Numbers of adults and young people participating in leisure and sport has increased
2	Coral Reef is redeveloped
3	Comprehensive public health programmes aimed at adults and young people, including smoking cessation, weight management and sexual health are in place
4	Personal choices available to allow people to live at home are increased
5	Preventative activities such as falls prevention are increased
6	Integration of council and health services care pathways for long term conditions is increased
7	Accessibility and availability of mental health services for young people and adults is improved

Environment, Culture and Communities Department**Work plan – 2016 to 2017****Division: Environment and Public Protection****Section: Regulatory Services****Team: Licensing**

8	Learning opportunities are available for adults
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Theme 5 - A clean, green, growing and sustainable place	
1	An up-to-date Local Plan that provides for economic growth and protects important open spaces is in place
2	The right levels and type of housing are both approved and delivered
3	Appropriate infrastructure development is completed to support housing growth including; Warfield Link Road, Coral Reef Junction, Jennetts Park, town centre
4	Neighbourhood Plans and Community Infrastructure Levy (CIL) to support local community facilities and other infrastructure are in place
5	Development plans provide sufficient open space
6	Resident satisfaction levels with parks and open spaces is maintained
7	Cleanliness of the borough is maintained to defined environmental standards
8	The cost of waste disposal, supported by a recycling rewards scheme is reduced

Theme 6 - Strong, safe, supportive and self-reliant communities	
1	Levels of volunteering and community action in the borough are increased
2	High levels of community cohesion are maintained
3	There are low levels of crime and anti-social behaviour throughout the borough
4	Safeguarding structures to safeguard children and vulnerable adults are well-established

Environment, Culture and Communities Department**Work plan – 2016 to 2017****Division:** Environment and Public Protection**Section:** Regulatory Services**Team:** Licensing

5	Early assessment is in place to identify children and young people with additional needs and provide early help
6	Joint planning between Thames Valley Police and Bracknell Forest Council is carried out on local activities

TO: LICENSING AND SAFETY COMMITTEE
15 JUNE 2016

HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2016-2017
Chief Officer: Environment and Public Protection

1 PURPOSE OF REPORT

- 1.1 The Council has responsibility for ensuring the health and safety of most of the working population of this Borough.
- 1.2 This report sets out the basic framework within which the Council seeks to enable businesses to comply with their obligations. It sets out the tasks undertaken during a 'typical' year. The Work Plan (Annex A) sets out the proposal for the delivery of our legal obligations. The Plan is required in order to comply with Section 18 of the Health and Safety at Work etc Act 1974 and the objective is to ensure that national and local priorities and standards are achieved. A key priority for the officers is to try to ensure that businesses apply appropriate and proportionate measures to the need in hand.

2 RECOMMENDATION

- 2.1 **That the Committee notes the work undertaken in 2015/16 and approves the proposed plan for 2016/17.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 The Plan sets out how the Council will work with and support businesses to comply with health and safety requirements and legislation.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None. The production of an annual plan is a legal requirement.

5 SUPPORTING INFORMATION

- 5.1 When it comes to workplace health and safety there are effectively two main regulatory arms: the Health and Safety Executive (HSE) and Local Authorities. Within Bracknell Forest enforcement is a function within Regulatory Services. As at 1 April 2016, there are 1,549 local businesses where the Council has a duty to regulate health and safety in the interests of staff and public welfare.
- 5.2 Progress against the Plan is monitored as an operational indicator and the Council's performance in relation to health and safety enforcement is reported annually to the Health and Safety Executive. The Executive has powers to intervene should the Council not perform its duties to a satisfactory level.
- 5.3 Certain actions within a work place can pose an immediate risk to personal safety or may have the potential for longer term negative impacts upon the health of a person. This not only impacts upon an individual but also on society as a whole which may have to fund the treatment, care and support of the injured person. Delivery of effective health and safety within a work place therefore has a significant positive impact upon public health.

- 5.4 Regulation can pose a burden upon business and therefore not only must regulation be appropriate, proportionate and necessary, it must also be applied in a similar manner. In a difficult economic climate we need to encourage and assist business to grow and our actions should be focussed upon supporting growth. We look to direct our limited resources to those areas of greatest concern in terms of public health, taking into account factors such as risk, consequence, and severity.
- 5.5 Assessment of risk is therefore imperative when drawing up our work plan. Data on accidents within the work place is collected nationally and such data assists the HSE in identifying nationally higher risk work sectors and activities. This information points us towards those matters which should be a priority for us. We additionally use local data to target our work; for example by considering the Joint Strategic Needs Assessment (JSNA) information collated by Public Health in relation to relevant local risk operations.
- 5.6 As in previous years the Committee are asked to consider the Plan so they can assure themselves that key needs are being met. A key theme of the Work Plan is to continue to develop targeted health and safety activity working in partnership with local business and the HSE. This year's Plan has been populated with targets and initiatives under 3 main headings; (i) Protecting Consumers and Supporting Businesses, (ii) Project Working and (iii) Performance Management. The portfolio of work is based on accident data combined with local intelligence and direction from the HSE. Visits to businesses will where appropriate encompass multiple regulatory functions in order to seek to minimise the burden to a business. The work includes reactive accident and complaint investigations as well as anticipated requests for advice from businesses.
- 5.7 Consultation with stakeholders is an ongoing process and we will publish our Plan on our website to facilitate this. We invite feedback throughout the year so as to inform the Work Plan for future years. We have had no feedback on last year's plan that needs to be taken into account.
- 5.8 To put the volume of work associated with its delivery into context, we commit circa 1.5 FTEs (Officers) to this function, the officers conducting such work are not dedicated to that function but have a wide range of other duties. During 2015/16, some 480 proactive interventions with business were undertaken, 159 enquiries were received and a further 72 health and safety visits have been made for advisory or other enforcement purposes.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The Borough Solicitor is satisfied that the relevant legal provisions are contained within the body of the report

Borough Treasurer

- 6.2 The Borough Treasurer is satisfied that no significant financial implications arise from this report.

Equalities Impact Assessment

- 6.3 The Plan will target premises based on the history of risk and identified need. Where issues of equality may arise provision is made to help as necessary. The activity is

regulatory and the current plan for 2016-2017 is covered by the overarching Equalities Impact Assessment document entitled 'Enforcement Policy'.

Strategic Risk Management Issues

- 6.4 The Council has to ensure compliance with section 18 of the Health and Safety at Work Act etc 1974. The Plan sets out how the Council intends to comply with those obligations and in so doing mitigates against the risk of adverse inspection report followed by intervention.

7 CONSULTATION

Principal Groups Consulted

- 7.1 The nature of the Plan is such that we have consultation with stakeholders after its adoption. All feedback is taken into account and helps inform the Plan's future development

Method of Consultation

- 7.2 The Plan will be published on the Council's website.

Representations Received

- 7.3 Not applicable.

Background Papers

HSE's Helping Great Britain Work Well; a new health and safety system strategy

<http://www.hse.gov.uk/strategy/strategy-document.htm>

National Local Authority Enforcement Code (referred to as Section 18 guidance).

<http://www.hse.gov.uk/lau/la-enforcement-code.htm>

Local Authority Circular (LAC) 67/2 (Rev 4.1) Targeting Local Authority Interventions

<http://www.hse.gov.uk/lau/lacs/67-2.htm>

Contact for further information

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HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2016 - 2017

(inc 2015 – 2016 OUTTURN)

**Regulatory Services
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PART 1 – THE PLAN FOR 2016 - 2017

1. Introduction

Our Vision

The annual Health and Safety Law Enforcement Plan is designed to work within the Bracknell Forest Council Plan 2015-2019¹ and contribute towards the Council's Strategic Themes. Collectively the 6 identified Themes form the Council's Vision of how we want the Borough to be:

- Value for money
- A strong and resilient economy
- People have the life skills and education opportunities they need to thrive
- People live active and healthy lifestyles
- A clean, green, growing and sustainable place
- Strong, safe and self-reliant communities

The health and safety work that we do primarily falls within the scope of the Themes 'strong, safe and self-reliant communities' and 'strong and resilient economy'. More specifically the key measures of success of 'low levels of crime and anti-social behaviour throughout the Borough' and 'businesses are supported and encouraged to play an active role in the community' provide the main focus of our work. The plan itself provides a golden thread for each service priority identified, to enable it to be traced directly up to our Themes.

Our Health and Safety Law Enforcement Plan aims to ensure a graduated approach based on risk to public health, including both employees and others who may be affected by the operation of a business such as customers. It reaffirms our commitment to carry out our duties in an open and fair manner, protecting employees and the wider public, and supporting business and economic development. In doing so, at its core sit five basic principles:

- Targeting – taking a risk based approach
- Proportionality – only intervening where necessary
- Accountability – able to explain and justify service levels and decisions
- Consistency – apply standards consistently to all
- Transparency – open and user-friendly

We recognise that most businesses want to comply with the law; therefore we want to support and enable businesses to meet their legal duties, providing a level playing field without unnecessary expense. However, firm action, including prosecution, will be taken where appropriate, in accordance with the national Regulators Code and our Enforcement Policy.

This Health and Safety Law Enforcement Plan sets out the actions we are taking to promote health and safety for the benefit of local residents and employees and those who operate their business within our Borough.

The Council is responsible for health and safety under The Health and Safety at Work etc. Act 1974 and associated Regulations. We advise on and enforce health and safety in

¹ Bracknell Forest Council Plan 2015 – 2019. Available at: <http://www.bracknell-forest.gov.uk/council-plan-2015-to-2019.pdf>

1549 premises including offices, shops, leisure sites, catering premises and hotels. The Health and Safety Executive (HSE) produces formal guidance under Section 18 of the Health and Safety at Work etc. Act 1974². This guidance shapes the work of all Local Authorities (LAs) in relation to health and safety and the HSE may potentially audit LAs on their health and safety enforcement activities.

Bracknell Forest Council's Health and Safety Law Enforcement Plan contains details of:

- what we plan to do this year,
- how we intend to do it, and
- the work we have completed in the previous year

Being mindful of the above priorities, we strive to provide a health and safety enforcement function that is driven by the concept of **sensible risk management**. In practice our key priorities are to:

- provide advice and information to Bracknell Forest businesses and residents
- reduce unnecessary interactions with businesses that consistently meet requirements
- undertake appropriate contacts with business on the basis of risk, reducing the burden on compliant businesses whilst targeting those that seek to gain an advantage from non-compliance
- investigate complaints and accidents and listen and respond to concerns raised; giving priority to those involving significant injury or death in the workplace
- consult our customers upon the quality of our service and key issues
- work in partnership with others to improve our outcomes for Bracknell Forest; for example the Health & Safety Executive, Public Health England and the Royal Berkshire Fire Service

Whilst this plan specifically deals with the forthcoming financial year of 2016-17, it takes place within the context of the wider agenda and the longer term view. The plan directly links the health and safety law service areas with the identified Regulatory Service Priorities³. It is reviewed annually and additionally includes details of the previous year's performance; the 2015-16 outturn.

2. The National Context to this Plan

In addition to directly linking to other internal Bracknell Forest plans, this health and safety law plan is influenced by the national agenda.

Specific issues that have, and will continue, to impact on the direction of our work include:

a) Health and Safety Executive Guidance

Bracknell Forest Council is responsible for protecting the health, safety and welfare of employees and members of the public who may be harmed as a result of work activities. However, this duty is shared with the Health and Safety Executive (HSE) depending on the type of work premises and the powers of both bodies is detailed in the Health & Safety at Work etc. Act 1974 and associated Regulations.

² The National Local Authority Enforcement Code. Available at: <http://www.hse.gov.uk/lau/la-enforcement-code.htm>

³ Details of the Regulatory Service Priorities are provided on page 23

The HSE additionally produces formal guidance that all relevant authorities (both LAs and the HSE) are legally required to be mindful of, referred to as 'Section 18 guidance' as it is produced under Section 18 of the Health and Safety at Work etc. Act 1974. This guidance requires Authorities to make adequate arrangements for enforcement, including details such as service planning, the officer capacity required to enforce in the Borough, the competency of those officers, and the production of an appropriate enforcement plan.

This national guidance, referred to as the 'National Local Authority Enforcement Code', aims to simplify the requirements placed on LAs and also identify high risk sectors that should become the focus of our activities. The code influences our priorities and focuses our activity by minimising full inspections in preference to other types of activity; such as reactive investigations and advisory work. The message is clearly 'no inspection without a reason'.

This legal framework is set within the context of the HSE's new strategy 'Helping Britain work well', launched in early 2016⁴.

b) Reducing the Burden on Business

There is a strong drive from Central Government to reduce the burden upon business and not to undertake inspection or enforcement activities without a specific reason. As an enforcing authority we fully support this view.



The Better Regulation Delivery Office (BRDO) has developed national Priority Regulatory Outcomes⁵, which provide a focal point for all of our regulatory work, including health and safety. This plan directly links the relevant health and safety service areas with these Priority Outcomes.

c) Primary Authority Partnerships

The concept of Primary Authority was formalised under the Regulatory Enforcement and Sanctions Act 2008. Under this legally recognised scheme (overseen by the BRDO), any business operating across more than one Local Authority can form a legally recognised partnership, effectively creating a focus for consistent advice. It is the gateway to simpler, more successful local regulation, and subsequent changes to the scheme has meant a significant expansion to the range of businesses that can participate, to include so-called 'Co-ordinated Partnerships', such as franchise operations, trade associations and other business groups.

⁴ Helping Great Britain work well; a new health and safety system strategy. Available at: <http://www.hse.gov.uk/strategy/strategy-document.htm>

⁵ The National BDRO Priority Regulatory Outcomes are available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/262621/11-1469-pro-report.pdf and detailed on page 22

The impact of partnerships can be huge. A Primary Authority can issue formal advice to its partner business that applies throughout England & Wales regardless of where the outlets are based, and officers must take into account any such guidance or inspection plan. Primary Authority gives business the confidence to expand and grow; knowing that any such regulatory advice they receive is binding on other Local Authorities.

Inspection plans produced under the scheme have a strong status in law and any proposed deviations must be notified to the Primary Authority. The scheme covers a wide variety of subject areas, including health and safety, food safety, under age sales, gambling and sunbeds.

We offer Primary Authority partnerships to businesses wishing to take advantage of the scheme, and all of our health and safety work is undertaken in accordance with the scheme and mindful of any existing partnerships that businesses may have.

d) The Independent Regulatory Challenge Panel

In order to help support business, and challenge the perception that Authorities were placing unreasonable requests upon businesses, the Independent Regulatory Challenge Panel was formed to consider any cases of excessive or unreasonable requirements. Since its inception in 2011 there has been one successful challenge; with no challenges to requirements made by Bracknell Forest Council. Further details can be found at: <http://www.hse.gov.uk/contact/challenge-panel.htm>

3. The Local Context

Within Bracknell Forest Council, the health and safety function is located within Regulatory Services; within the Environment and Public Protection Division of Environment, Culture and Communities. The work is carried out by the Health and Safety Team, which is made up of both Environmental Health and Trading Standards Officers from the Business and Consumer Team, and involves not only general health and safety but additionally firework and petroleum safety. The main aspects of this plan are managed by the Food & Safety Team Leader (Karen O'Connor), and the fireworks and petroleum safety aspects by the Business and Consumer Team Manager (John Nash).

Whilst much of our overall work is guided by the national context, it is refined and shaped locally as we take into account local intelligence and available information. This includes specific local knowledge of the nature and type of businesses within Bracknell Forest, and by utilising data sources such as complaints received, inspection data and reported accidents. By utilising such local sources of information, taking into account the national context, we are able to prioritise our work to ensure best effect with the resources available to us, whilst taking a sensible approach to health and safety. This includes:

- focusing attention towards the real risks, meaning valuable resources are not wasted on the trivial, whilst ensuring that workers and the public are properly protected.
- reducing burdens on those we regulate, meaning that we become a better regulator.
- building our organisation's credibility, providing credible and proportionate advice, whilst ensuring that those who create risks manage them responsibly and understand that failure to manage real risks responsibly is likely to lead to proportionally robust enforcement action.



It is also important to recognise what is not included in our approach to sensible risk management, as it is neither possible nor desirable to try and create a totally risk-free society. For example, we do not restrict important recreational and learning activities for individuals where the risks are managed.

Sensible risk management is about practical steps to protect people from real harm and suffering – not bureaucratic back covering. At every visit or intervention with a business, we offer advice setting out the sensible and proportionate steps to be taken to deal with workplace risks properly. For example we only undertake full inspections for those premises representing the highest risk, whilst for lower risk operations we provide support and guidance via information provision and responding to requests for advice and guidance.

With the incorporation of Public Health into Bracknell Forest Council's remit, key local risk information is incorporated within our plan where relevant via consideration of the Joint Strategic Needs Assessment (JSBNA)⁶. We are working with our Public Health colleagues to ensure that such synergies are explored fully with the aim of maximising our collective impact.

4. The Specifics for Health and Safety within Bracknell Forest Borough

Bracknell Forest Council has health and safety responsibilities in respect of **1549** premises in the Borough including offices, shops, warehouses, builders' merchants and services such as hairdressers; as shown in the table below:

Type of Premises	Number of Premises
Retail shops	383
Wholesale shops, warehouses and fuel storage depots	48
Offices	442
Catering, restaurants and bars	270
Hotels, camp sites and other short stay accommodation	23
Residential care homes	31
Leisure and cultural services	121
Consumer services	219
Other premises	12
Total	1549

⁶ Bracknell Forest Council Joint Strategic Needs Assessment available at: <http://jsna.bracknell-forest.gov.uk/>

In comparison with some other districts, Bracknell Forest has low numbers of wholesalers and warehouses, and higher proportions of offices, retail and leisure businesses.

There is no legal requirement for businesses to register with us for general health and safety purposes, and so we are reliant upon officers becoming aware of changes within the district and updates from our colleagues across Bracknell Forest Council, such as Business Rates. There are however some specific operations that are required to register, such as cooling towers, special treatments (e.g. tattooing) and those selling fireworks.

Food & Safety Team Officers deal with the main aspects of workplace safety related matters and undertake programmed risk based inspections, reactive inspections, investigate reports of accidents/ill-health under RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations) and respond to enquiries and complaints received. They also provide educational and promotional materials and information to raise the public profile of workplace health and safety, and coordination of enforcement activities within the Berkshire area. Trading Standards Officers have a role related mainly to matters regarding the safe storage and sale of fireworks and petroleum, undertaking inspections and responding to enquiries and complaints received. Whilst officers generally visit during office hours, this is very dependant upon the operating times of a business. Our flexible working arrangements mean that officers undertake visits both at evenings and over weekend periods in response to when businesses actually operate.

In addition to routine inspection visits, we also prioritise our available resources and undertake alternative enforcement activities. These generally apply to all but the highest risk operations and may be in the form of sector targeted information provision, responding via email / telephone queries raised or advisory visits to businesses where appropriate. Any significant problems or concerns identified will always be responded to in a proportionate manner, including a full inspection if appropriate. By taking such alternative approaches we are able to focus our resources towards those higher risk operations, maximising the impact that available officer time can make on protecting the public. We always strive to move the service forward and look for more efficient and effective delivery methods, including minimising the overall number of visits to business by different officers where possible.

5. Resources

Our primary resources are our staff. There are currently 1.5 full-time equivalent qualified Environmental Health Officers and 0.2 full-time equivalent Trading Standards Officers who perform aspects of health and safety law enforcement. In total 10 officer posts are involved in issues relating to aspects of health and safety enforcement as part of their day-to-day duties, consisting of:

- 1 x Team Manager
- 1 x Team Leader
- 4 x Environmental Health Officers
- 2.5 x Trading Standards Officers
- 1.5 x Trading Standards Enforcement Officers

The Food & Safety Team officers spend 40% of their time on health and safety related matters. Additionally, 5 Trading Standards Officers have been allocated to undertake fireworks safety work accounting for approximately 4% of their time.

In addition to the work detailed elsewhere in this Plan, officers within the Health and Safety Team represent Bracknell Forest on relevant regional bodies with the aim of sharing good practice, benchmarking and achieving value for money. For example, we are members of

the Trading Standards South East Limited (TSSEL) Group which seeks to identify and develop good practice procedures to help enhance the quality and consistency of service provision. We are also members of the Berkshire Health and Safety Liaison group with a key function of co-ordinating the health and safety enforcement function towards a consistent approach across the county. This group periodically also undertakes county wide inter-authority audits. Such activities aim to improve regulatory service provision whilst maximising the effective use of local authority resources.

Officers can be contacted through our Customer Service Centre on 01344 352000 which is open from **8.30am - 5.00pm Monday to Friday**. Whilst officers are based at the Time Square offices on Market Street, Bracknell, officers are not generally office based and messages may well have to be left. Alternatively they can be emailed at environmental.health@bracknell-forest.gov.uk



6. Departures from the Plan

Departures from the Health and Safety Law Enforcement Plan, reported through Departmental Management Team, will inevitably occur due to the reactive nature of some of the areas of work. However, departures will be kept to a minimum, capable of justification and be fully considered by the Head of Regulatory Services before varying action is taken. With performance additionally monitored via key performance indicators on a monthly basis and via quarterly service reports, comments are added where performance exceeds or fails to meet targets. This information will then be fed back into the development of other service plans.

7. Customer Feedback and Quality Monitoring

Procedures are in place to scrutinise all the work that is undertaken by the Health and Safety Team. Our quality monitoring includes detailed practice notes, checks on data entry and officer consistency. We monitor our performance against targets on a monthly basis, via internal Key Performance Indicators (KPIs) including numbers of inspections, visits, etc., and additionally invite customer feedback; during 2015-2016 no formal complaints were received regarding the service. Annually we also undertake an in-house competency assessment for Officers in accordance with Section 18 Guidance issued by the HSE.

We additionally have a web-based survey for all regulatory service customers, both businesses and the general public, and the results help us to ensure we are providing the best possible service to customers within the resources available. The survey is open to anyone having contact with us at:

<http://consult.bracknell-forest.gov.uk/public/eh/regservevaluation>

Paper copies are available to those unable to complete the survey online.

All such monitoring and performance information is fed back into the development of future health and safety and other service plans.

8. Staff Development

We aim to make full use of the skills that exist in the Health and Safety Team and to develop those skills through updates, shadowed working and internal and external training. A record of continuous development is maintained for all officers, with all health and safety officers supported to maintain relevant training during the year, in accordance with the Health and Safety Executives requirements.

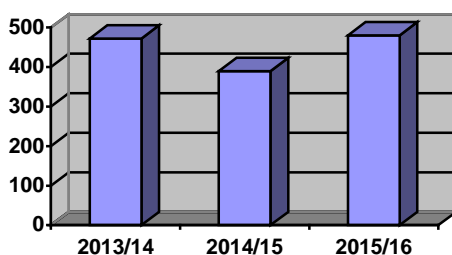
9. Our Performance Outturn for 2015-16

In producing our Health and Safety Law Enforcement Plan each year we reflect on the previous years activities. This process provides the opportunity to identify what went well and what went less well, and identify trends or key areas for focus moving forward. The health and safety law enforcement activity undertaken during 2015/16 is detailed on pages 11 to 17, although in summary we:

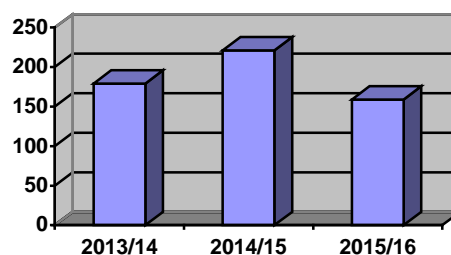
- undertook proactive interventions with **480** businesses. This included undertaking **11** full inspections of higher risk businesses, reviewing self-assessment questionnaires returned from **93** medium risk premises, sending relevant health and safety information to a further **280** low risk businesses, and undertaking initial contact visits with **2**. We additionally inspected **26** premises for fireworks safety and **3** premises in relation to petroleum. Of the remaining **65** visits, **5** were joint with another team/organisation, **25** were by associated officers' undertaking an element of H&S work, **34** were found to have ceased trading and the final **1** we were unable to access at that time.
- carried out **72** other related visits
- responded to **159** enquiries and complaints
- investigated **75** accident notifications
- issued notifications on how businesses can comply with the law to **40** businesses, of which **2** were formal Notices

This activity can be compared with previous years:

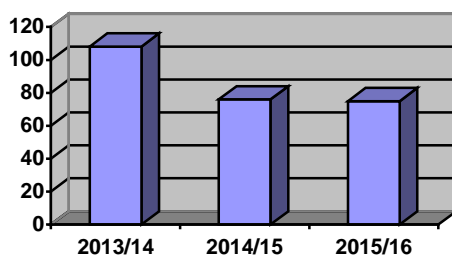
Proactive Interventions



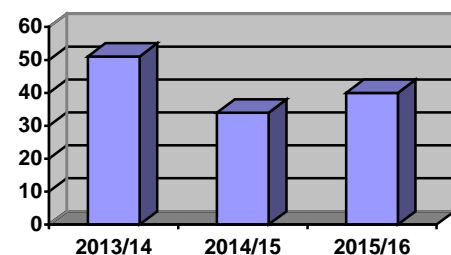
Complaints and Enquiries



Accident Investigations



Notifications for Non-Compliance



10. Our Health and Safety Law Enforcement Plan for 2016-17

We recognise that most businesses want to comply with the law; therefore we want to support and enable businesses to meet their legal duties without unnecessary expense. We have moved the emphasis from full inspections of premises purely on a cyclical basis to targeting resources towards those operations identified by either the HSE or locally as higher risk, as determined by national guidance and local intelligence.

Details of planned activities for 2016-17 begin on page 18; however, in summary we plan to undertake the following:

- inspecting health and safety premises on the basis of identified risk activities
 - inspect all premises where violence at work may be a significant risk, as identified by HSE in high risk sectors; a total of **25**
 - inspect all premises where blood borne infection may be a significant risk due to skin piercing activities (tattooing, body & ear piercing), as identified by the JSNA; a total of **14**
 - Provide relevant sector specific information to **382** lower risk premises
 - Undertake advisory visits or provide relevant information to all businesses previously not risk rated
- investigating complaints and concerns over health and safety, including work with other authorities within Berkshire and the South East on issues that cross Local Authority boundaries and affect Bracknell Forest businesses and residents.
- providing advice and information, including:
 - extending our Primary Authority Partnership arrangements
 - providing advice and guidance in response to requests from businesses to help them achieve compliance with legal requirements
 - ensuring the information on our website is up to date and accurate
- consulting our customers and seeking feedback on the quality of our service.

11. Concluding Information

This plan is reviewed every year and we welcome your comments and suggestions on how it could be improved further. If you would like further information or would like to speak to an officer for advice, please contact them via any of the following options:

Regulatory Services
Environment, Culture & Communities Department
Bracknell Forest Borough Council
Time Square
Market Street
Bracknell, RG12 1JD
Tel: 01344 352000
Fax: 01344 351141
Email: environmental.health@bracknell-forest.gov.uk

Or look on our website at: www.bracknell-forest.gov.uk/healthandsafetyatworkinvestigation

Additionally useful information is available at the following websites:

www.hse.gov.uk -The Health and Safety Executive website, which has an enormous amount of invaluable information on health and safety. This includes specific advice and toolkits to help different types of business achieve compliance. The local HSE office is at:

Priestley House
Priestley Road
Basingstoke
RG24 9NW
Tel: 01256 404000
Fax: 01256 404100

www.hse.gov.uk/lau -The Health and Safety Executive/Local Authority Enforcement Liaison Committee (HELA) ensures that the health and safety legislation is enforced consistently across Authorities.

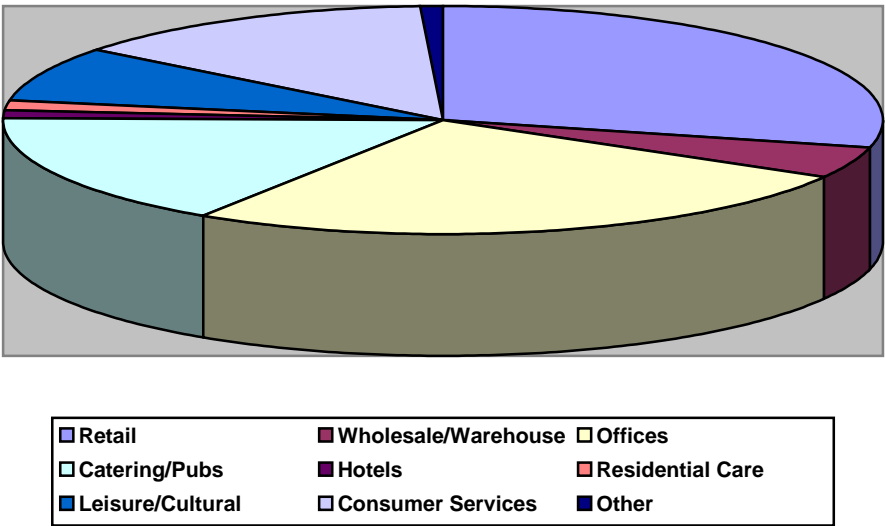
<http://www.hse.gov.uk/riddor> - for a full list of reportable specified injuries, diseases and dangerous occurrences and when and how they must be reported.

PART 2 – HEALTH AND SAFETY ENFORCEMENT OUTTURN 2016–17

A summary of this Outturn is provided under Section 9 above (page 8), with further detail below:

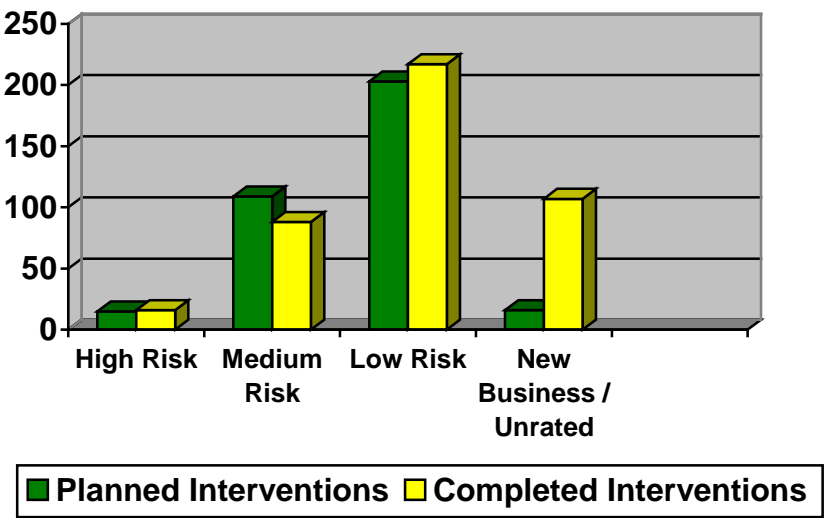
1. Proactive Inspections and other interventions

The chart shows the proportion and type of businesses where proactive interventions were targeted in relation to Health and Safety during 2015/16.



In 2015/16 officers completed a combined total of **480** proactive interventions overall, including both inspections and other interactions such as self-assessment questionnaires and appropriate information provision. The individual breakdown for Environmental Health and Trading Standards interventions are illustrated in the diagrams in the subsequent sections 2 and 3.

2. Environmental Health – Health and Safety Interventions for 2015/16

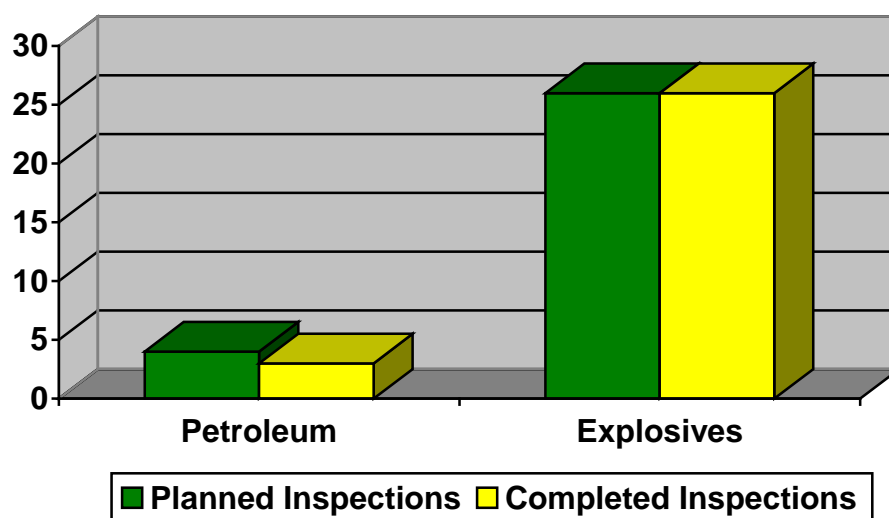


A total of **451** proactive interventions were undertaken during 2015/16. At the beginning of the year there were **15** high risk premises (rated as 'A' or high risk activities) scheduled for proactive intervention with **16** were completed (the additional premises inspected due to a complaint received). Interventions included full inspections, but also detailed complaint or accident investigation visits which included an assessment of overall systems in place. Medium rated premises (B1 and B2) were scheduled to be assessed via returned self-assessment questionnaires and low risk premises scheduled to be provided with relevant information and advice. Slightly fewer than planned interventions occurred with the medium risk premises due to some premises closing and some non-return of questionnaires (being followed up in 2016/17). An overall higher number of premises were either inspected or provided with advice and guidance than initially programmed, largely due to the Team becoming aware of new premises, or due to complaints / accidents which prompted further intervention.

In addition, **94** reactive visits were undertaken during 2015/16 in response to notifications, enquiries or complaints. These didn't involve a full inspection but instead focussed on specific issues. These comprised of:

- **43** advisory visits
- **17** revisits to follow up on issues of non-compliance
- **4** visits in relation to accidents
- **18** visits in response to complaints or enquiries from business or the public, and
- **12** visits in relation to special treatments (e.g. tattooing) or smoke free legislation

3. Trading Standards – Fireworks Safety & Petroleum Interventions for 2015/16



Explosive work is traditionally focussed around the bonfire night celebrations. This is because the majority of licensed premises in the Bracknell area can only sell fireworks at specific times of year (Bonfire, New Year, Diwali, Chinese New Year) with November being the peak season.

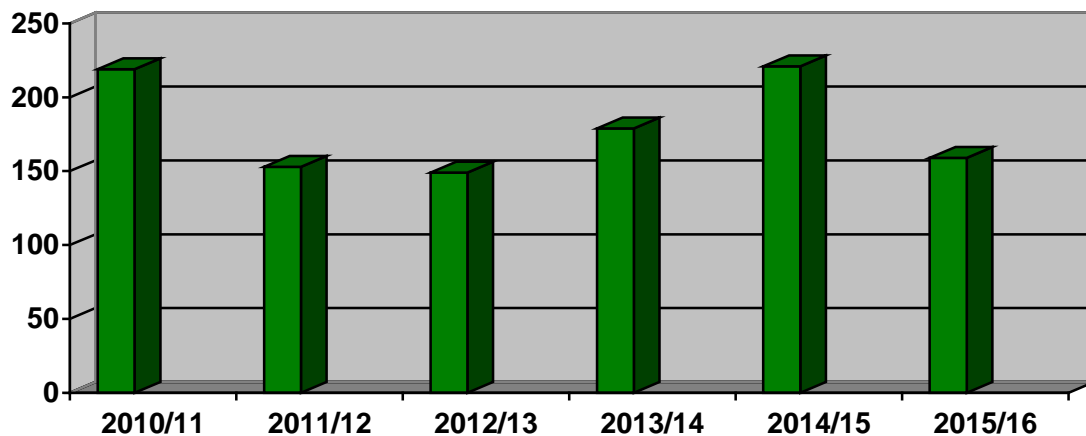
Petroleum licensing is now primarily focussed on petrol stations, there are 16 premises across the district, these are risk rated and visited accordingly. In practice this means that every petrol site is visited at least once every two years.

4. Enquiries and Complaint Investigations



During 2015/16 we received **159** enquiries and complaints as shown below, regarding working conditions and practices. We aim to respond to all such enquiries within 5 working days, but if it is judged that the situation is serious then we try to respond the same day. Some examples of the enquiries we have dealt with are:

- Requests for information about how a business may comply
- Concerns over working practices
- Trip/slip hazards
- Poor working conditions including lighting, heating, temperature



Health and Safety Enquiries and Complaints

5. Accident Investigations

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 place a legal duty on employers, the self-employed and those in control of premises to notify and report some more serious work-related accidents, diseases and dangerous occurrences. Most notifications are reported via the HSE's website at <http://www.hse.gov.uk/riddor/>. Notifications are then passed on to the relevant enforcement authority.



We review all accident notifications and investigate as appropriate, according to severity and significance of the incident and relevant HSE guidance. Our aims in undertaking independent investigations of accident notifications are:

- to prevent a recurrence of the accident by securing improvements in health and safety standards, including practices and procedures, and the assessment of the effectiveness of existing controls.
- the identification of potential hazards and associated risks.
- provision of advice and information.
- appropriate enforcement action (proportionate to risk) to secure compliance with health and safety legislation where necessary.



During 2015/16 officers received **73** notified accidents and dangerous occurrences.

- **0** fatalities
- **9** specified injuries
- **29** accidents resulted in a member of the public being taken to hospital.
- **34** accidents resulted in injuries to an employee requiring an absence from work of more than 7 days
- **1** specified disease
- **0** dangerous occurrences

In order to allow a comparison with our Berkshire neighbours the data for the whole of Berkshire for 2015/16 is detailed below. This is broken down into Council area, and shows both the total number and rates per 100,000 population of the main injury types to enable direct comparison.

	Fatalities (rate per 100,000 population ⁷)	Specified Injuries (rate per 100,000 population ⁷)	Over 7 day injuries (rate per 100,000 population ⁷)	Members of Public taken to Hospital (rate per 100,000 population ⁷)	Not specified (rate per 100,000 population ⁷)	Total (rate per 100,000 population ⁷)
Bracknell	0 (0)	9 (8.0)	29 (25.6)	34 (30.0)	1 (0.9)	73 (64.5)
Reading	1 (0.6)	21 (13.5)	57 (36.6)	39 (25.0)	6 (3.9)	124 (79.6)
Slough	3 (2.4)	14 (10.0)	52 (37.0)	66 (47.1)	7 (5.0)	142 (101.3)
West Berks	0 (0)	14 (9.1)	55 (35.8)	39 (25.6)	3 (2.0)	111 (72.2)
RBWM	2 (1.4)	21 (14.5)	37 (25.6)	56 (38.7)	3 (2.1)	117 (80.1)
Wokingham	0 (0)	11 (7.1)	28 (18.1)	36 (23.3)	3 (1.9)	78 (50.5)
Total	6 (0.7)	90 (10.4)	258 (30.0)	270 (31.3)	21 (2.4)	645 (74.8)

⁷ using 2011 census data at <http://www.bracknell-forest.gov.uk/ks101ew-usual-resident-population.pdf>

Further detail on the causes of many of the accidents is available, and for example of the **645** accidents within Berkshire some of the main causes were:

	Slip, trip or fall on the same level (rate per 100,000 population ⁷)	Lifting and handling injuries (rate per 100,000 population ⁷)	Fall from height (rate per 100,000 population ⁷)	Struck by an object (rate per 100,000 population ⁷)	Other cause or cause not completed (rate per 100,000 population ⁷)
Bracknell	30 (26.5)	8 (7.1)	9 (8.0)	7 (6.2)	10 (8.8)
Reading	45 (28.9)	22 (14.1)	11 (7.1)	8 (5.1)	21 (13.5)
Slough	78 (54.9)	13 (9.3)	7 (5.0)	14 (10.0)	14 (10.0)
West Berks	43 (28.0)	16 (10.4)	9 (5.9)	8 (5.2)	22 (14.3)
RBWM	48 (33.2)	11 (7.6)	16 (11.1)	3 (2.1)	21 (14.5)
Wokingham	26 (16.8)	4 (2.6)	13 (8.4)	4 (2.6)	15 (9.7)
Total	270 (31.3)	74 (8.6)	65 (7.5)	44 (5.1)	103 (12.0)

Whilst this data is useful to help identify the main causes, several accidents do not detail the actual cause, and the detailed information for accidents occurring in other Local Authorities is not readily available. That said, there are some suggestions that reports for Bracknell Forest appear marginally lower than some of our Berkshire neighbours, with only 'falls from height' and 'struck by an object' appearing higher than the County average. Such figures must however be used with caution, as there may be many reasons for the levels seen, including the reporting of incidents that don't need to be reported.

6. Enforcement Action

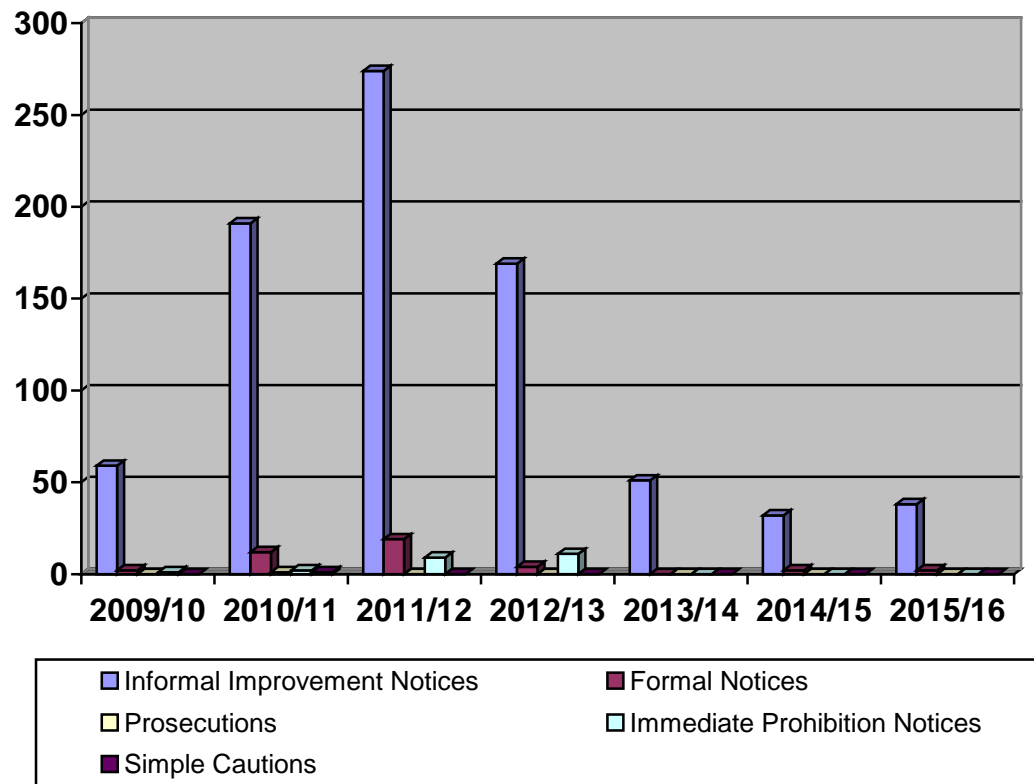


We have adopted a broad and comprehensive set of measures to protect consumers and promote health and safety, and we actively work with local business to achieve a balanced approach. We use the full range of enforcements options available to us, but wherever possible we use informal measures to achieve any necessary improvements. Any enforcement action taken by officers is proportionate and in accordance with the Council's Enforcement Policy. A full copy of the policy can be found on our website:

<http://www.bracknell-forest.gov.uk/enforcement-policy.pdf>

The enforcement action taken in relation to health and safety for recent years is shown below:

ENFORCEMENT ACTION	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
Informal improvement notices	59	191	274	169	51	32	38
Formal notices	2	12	19	4	0	2	2
Prosecutions	0	1	0	0	0	0	0
Immediate Prohibition Notices	1	2	9	11	0	0	0
Simple Cautions	0	1	0	0	0	0	0
TOTAL	62	207	302	184	51	34	40



In 2011/12 a peak in enforcement work was seen. This was largely due to database updating work undertaken that identified a number of extra premises. As many of these businesses had received no contact previously, the visits revealed a larger number of issues that resulted in informal notices being sent. Since this peak, this figure has been seen to reduce as we have made contact with many such businesses already. In addition the emphasis and direction from the HSE has shifted to information provision and purely advice in the first instance, reducing the emphasis on further action.

7. Project Working

We ensure that our priority is responding to service requests and the programmed health and safety work that we are required to complete. Thus, due to some staff shortages during the year and a significant focus on food safety work, only limited project work was undertaken in 2015/16.

Cooling Towers



Cooling towers, if not properly managed, may present significant risks to those in the area due to Legionella bacteria breeding in them and escaping to the surrounding area. These bacteria may cause a lung disease called legionellosis, which has very high fatality levels. Due to these risks, nationally authorities were asked by the HSE to inspect relevant cooling towers in their area. We previously inspected the premises requested, and continued to undertake further work with business to improve standards and thus reduce the risks. No formal action was necessary to ensure the necessary progress.

Water Features



In addition to cooling towers, Legionella bacteria are also able to grow in other types of water systems, including fountains. Due to the national focus on legionella, we continued to focus on responding to relevant enquiries or complaints that had potential legionella implications.

Smokefree Bracknell Forest

Officers continued to monitor and advise business on compliance with smokefree legislation at all visits as appropriate.



A total of **5** complaints and enquiries were received relating to smoking during 2015/16 and all of these were resolved informally without the need for enforcement action. There is advice and information about the smokefree requirements on the Council's website at: <http://www.bracknell-forest.gov.uk/smokingbanenforcement>

Formal Asbestos Notifications

More people die from asbestos-related disease per year than are killed on the roads. Asbestos is raised as a matter of concern at every relevant inspection and advice is regularly provided to relevant businesses. Employers are assessed on how they are complying with their duty of managing asbestos in buildings and advice is given on how to achieve compliance. One formal notification for work involving areas known to contain asbestos was received, and appropriately investigated.

8. Staff Development 2015-16

A record of continuous development is maintained for all Officers and training is provided to ensure that officers are up to date and able to tackle specific risks within Bracknell Forest. The following courses were attended during 2015/16:

- Legionella in Hot and Cold Water Systems
- Asbestos
- Cosmetic Laser Treatments

Division: Environment and Public Protection
 Section: Regulatory Services
 Team: Health and Safety

National Priority	BFC Theme	BFC Key Measure	Regulatory Services Priority	Service Priority	Service Action	Outcome measure	Priority
Protecting Consumers, Supporting Business							
4	6	3	4	To maintain a comprehensive Health and Safety Law Enforcement Plan.	To adopt annual Health and Safety Law Enforcement Plan.	Adoption of plan by Committee.	Medium
1	2 4 6	6 5 3	1 & 4	To work in partnership to reduce the number of accidents and incidents of ill health that occur within Bracknell Forest.	Adapting existing project plans that have been developed by the HSE for campaigns to: <ul style="list-style-type: none"> • Free up officer time from developing campaigns and allow more contact time with businesses • Low cost publicity and support material by use of nationally produced resources and publicity • Impact on the health of the community and the strength of the local economy by targeting areas of identified significant risk 	Incorporated into specific items detailed below.	Medium
4	2 6	6 3	4	To investigate accidents reported via RIDDOR or reported direct.	To ensure a common, proportionate, transparent and targeted approach for the selection and investigation of accidents and incidents. BFC's selection criteria is based on the HSE's guidance LAC 22/13.	100% incidents assessed within 5 working days. 100% fatalities responded to within 24 hours.	High

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Division: Environment and Public Protection
Section: Regulatory Services
Team: Health and Safety

48	National Priority	BFC Theme	BFC Key Measure	Regulatory Services Priority	Service Priority	Service Action	Outcome measure	Priority
	1	6	3	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities.	Ensure the full range of information and guidance on priority areas is available to local businesses.	Respond to 100% requests for information and advice within 5 working days. Maintain up-to-date health/safety pages on the Council's website.	Medium Low
	1	2 6 4	6 3 3/5	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities.	Inspection of all high risk premises where violence at work may be a significant risk. Inspection of all relevant local risk premises, where skin piercing operations may create a significant risk (as identified in the JSNA). Offer support and advice to new businesses and 20% of all relevant C risk rated businesses in Bracknell Forest.	Full inspection of 25 high risk premises. Full inspection of 14 relevant local risk premises undertaking high risk skin piercing operations (tattooing & body piercing) Provide information to 382 low risk businesses.	High Medium Low
	1	2	6	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities.	Respond to requests from businesses and the public to help improve health and safety compliance. Where significant risks are identified, to take prompt action to improve conditions and reduce likelihood of injury or ill-health occurring.	Respond to 100% requests from businesses and the public within 5 working days.	High
	1	6	3	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities.	Inspection of 50% of all medium risk Petroleum licensed premises. Inspection of 100% of all explosive licensed premises. Offer support and advice to new businesses.	Inspection of 15 petrol sites Inspection of 100% of premises (currently 26). Respond to 100% requests from businesses and the public within 5 working days.	Medium

Division: Environment and Public Protection
Section: Regulatory Services
Team: Health and Safety

National Priority	BFC Theme	BFC Key Measure	Regulatory Services Priority	Service Priority	Service Action	Outcome measure	Priority	
1	2	6	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities.	Attend SAG meetings and provide support and information to Event Organisers.	Attend monthly meetings and attend events where specific uncontrolled risks identified.	Medium	
Project Working – Focussing Resources								
49	4	6	3	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities.	Asbestos. Ensure compliance in commercial premises that may contain asbestos materials to ensure risk to employees and visitors is minimised by: incorporating asbestos control into full health and safety inspections. Providing appropriate advice and guidance for all formal asbestos removal notifications.	Include asbestos management within 100% of full inspections (39). Respond to 100% of formal notifications and attend removal works as appropriate.	High Medium
	4	4	5	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities.	Legionella risks – local intel from previous project suggests some local businesses not aware of adequate legionella controls. To target businesses providing residential care for legionella controls.	Assessment of 5 residential care homes for adequate legionella controls. Provision of advice and assistance to ensure adequate control of legionella.	Medium
	4	4	5	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities.	Reduce risks of carbon monoxide poisoning from solid fuel cooking. To be assessed as part of food hygiene inspections in order to minimise multiple regulatory visits to businesses.	Assess 100% of inspected food premises for risks from solid fuel burners (estimated 130), providing appropriate advice to businesses with solid fuel burners.	Medium

Division: Environment and Public Protection
Section: Regulatory Services
Team: Health and Safety

05	National Priority	BFC Theme	BFC Key Measure	Regulatory Services Priority	Service Priority	Service Action	Outcome measure	Priority
	1	4	5	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities.	Examine local trends of complaint, enquiry and accident notifications and use as service planning intelligence; targeting higher risk activities or work areas for the subsequent financial year.	Evaluate 2016/17 data to ensure local intelligence is used to focus the 2017/18 work plan.	High
	1	4	5	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities.	Examine local trends of RIDDOR accident notification accuracy and reduce over-reporting of non-reportable accidents by targeting businesses with higher reporting rates.	Identify the 5 highest RIDDOR reporters; provide advice and guidance to ensure appropriate reporting and any on-going risks resolved.	Medium
	1	6	3	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities.	2015/16 RIDDOR and complaint data suggest increased levels of accidents within warehouses. Investigate the extent of current warehouse operations and high risk activities (e.g. fork lift truck, other workplace transport and racking systems).	Primary industrial unit areas surveyed for warehousing and relevant advice provided.	Medium
	1	2	6	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities.	Work with Primary Authority Partners to improve consistency across Local Authority areas within England and Wales by providing advice and guidance in relation to health and safety matters.	Respond to 100% of requests for assistance and provide appropriate advice and guidance on health and safety matters.	Medium
	Performance Management							
	1	1	1	4	To maintain a quality service in accordance with Section 18 HASWA.	Annual review and implementation of work plan to demonstrate compliance with S18 requirements, ensuring consistency of approach and maximised	Monthly and quarterly monitoring of targets via KPIs and quarterly monitoring systems. Quarterly consistency monitoring	High

Division: Environment and Public Protection
Section: Regulatory Services
Team: Health and Safety

National Priority	BFC Theme	BFC Key Measure	Regulatory Services Priority	Service Priority	Service Action	Outcome measure	Priority
1	1	1	4	Continue to improve our service by managing our performance and comparing ourselves against others.	resources, including up to date procedures and competency systems. Identify staff training needs during appraisals, including: Regulators Development Needs Analysis tool (RDNA) and Guidance for Regulators Information Point (GRIP), and provide relevant staff training/experiential learning, ensuring continued competence in relevant skills.	of officers. Any identified shortfalls addressed. Annual assessment of officer training needs via RDNA analysis. Provision of relevant training required.	
1	1	1	4	Continue to improve our service by managing our performance and comparing ourselves against others.	Apply best practice, enabling the service to continually improve and identify areas suitable for collaborative working. Work with local partners, including Berkshire LAs and the HSE to share knowledge, and minimise duplication of effort.	Attendance and participation in Berkshire health and safety liaison group.	Medium

BDRO Priority Regulatory Outcomes:

1. Support economic growth, especially on small business, by ensuring a fair, responsible and competitive trading environment.
2. Protect the environment for future generations including tackling the threats and impacts of climate change.
3. Improve quality of life and wellbeing by ensuring clean and safe neighbourhoods.
4. Help people to live healthier lives by preventing ill health and harm and promoting public health.
5. Ensure a safe, healthy and sustainable food chain for the benefits of the consumer and the rural economy

Division: Environment and Public Protection
Section: Regulatory Services
Team: Health and Safety

BFC Strategic Themes & Key Measures

1. Value for money
 - 1 Spending is within budget
2. A strong and resilient economy
 - 6 Businesses are supported and encouraged to play an active role in the community
- 3 People have the life skills and education opportunities they need to thrive
- 4 People live active and healthy lifestyles
 - 3 Comprehensive public health programmes aimed at adults and young people, including smoking cessation, weight management and sexual health are in place
 - 5 Preventative activities such as falls prevention are increased
- 5 A clean, green, growing and sustainable place
- 6 Strong, safe and self-reliant communities
 - 3 There are low levels of crime and anti-social behaviour throughout the borough

Regulatory Services Priorities:

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1. To protect and support residents and legitimate business through the promotion of a fair, safe, responsible and competitive trading environment.
2. To work with local business to deliver a safe and quality food chain.
3. To work with partners on improvements to the local environment which positively influence the quality of life and promote sustainability.
4. To target enforcement action against those who demonstrate a disregard for the law and the consequences of their actions.
5. To promote public health and healthy living.
6. To constantly keep under review existing working procedures to ensure improvements in service delivery, effectiveness and efficiency.

TO: LICENSING & SAFETY COMMITTEE
15 JUNE 2016

PARK HOME FEE POLICY
Chief Officer: Environment & Public Protection

1 PURPOSE OF REPORT

- 1.1 The Park Home Fee Policy was introduced in 2014 as part of the legislative changes within the Mobile Homes Act 2013. This report reviews the implementation of the Act and recommends some changes within the document to add clarity and layout going forward.

2 RECOMMENDATION

2.1 That the Committee agree that:

- i) **The fees are agreed annually by the Council**
- ii) **The Policy is altered to make it clear that the annual fee is payable for all licensed pitches not just units occupied upon the site**
- iii) **That licensed site owners are consulted upon the draft Policy at Annex B, and that the results of that consultation are reported back to the meeting on 6 October, and**
- iv) **That given the change of fee for new applications is a reduction in charge and beneficial to business, that it be agreed as operational from the date of this Committee.**

3 REASONS FOR RECOMMENDATION

- 3.1 It is necessary to keep the Fee Policy under review and it had come to our notice that we need to clarify an aspect with regard to Annual Fees, to review the costs involved relating to the work necessary to approve a licence for a new site and to acknowledge that fees consultation takes place annually by the Council.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None as it is essential that changes be made to the Policy.

5 SUPPORTING INFORMATION

- 5.1 Section 10A(2) of the Caravan Sites Control of Development Act 1960 (CDCDA60) as amended by the Mobile Homes Act 2013 (MHA13) requires a Local Authority to prepare and publish a Park Home Fee Policy when they propose to charge for functions associated with the licensing of licensed sites. The Policy should detail the types of fees the Council will make for different functions and how the fee levels have been calculated. The Policy also must detail those costs that the Council can and cannot take into account when calculating the fees it charges.
- 5.2 The Council received a report on a draft policy on 12 June 2014 which was consulted upon and agreed by the Committee at its meeting on 9 October 2014. Two years on, officers believe that certain areas of the policy need to be revisited and the purpose

of this report is to highlight those areas and seek approval for consultation upon a revised policy and adoption based upon the results of that consultation.

- 5.3 The Council conducts an annual review of the fees and charges and puts them out for public consultation. Officers propose a change to the current practice so as to attach them as an appendix to the Policy rather than within the Policy document. This enables the fees to be changed more easily but still retains them within the overall framework of the Policy.
- 5.4 In the original Policy the Annual Fee within the description part of Section 6 is said to be calculated “on a price per unit”. The cost for the Annual Fee is stated as “£13.35 per pitch”. The use of two different terms “unit” and “pitch” has led to a challenge upon the right of the Council to charge per licensed pitch, claiming that the correct fee should be per unit stationed upon the site. To resolve this confusion it is suggested that the term “unit” in Section 6 be removed to make it clear that the fee is per licensed pitch rather than units stationed upon the site.
- 5.5 The other proposed change is in relation to the fee for an application for a new licence. When this fee was originally proposed it was costed to include the first year annual charge. However, it is now clear from guidance issued by the Department for Communities and Local Government that these should be treated as two separate fees. Officers are therefore recommending the removal of the £16.00 price per pitch element from the new site licence fee with the retention of a smaller per pitch element of £5.00 per pitch solely for new sites of over 50 pitches to reflect the additional work that is required for new large site applications. The Committee are asked to approve this fee from the date of the Committee so that any applications received for new sites can be appropriately dealt with in line with government guidance.
- 5.6 When revising the Policy officers have also taken the opportunity to change the wording and layout where necessary to add clarity. The original Policy is attached as Annex A and the revised draft Policy to be considered by the Committee as Annex B. The major changes are highlighted and consist of a new section 3 Fee Structure, which encompasses wording previously contained in Appendix A, the replacement of per unit with per licensed pitch in section 7, of Annual fees and the inclusion of a fees table with the modified new licence fee and the other charges approved by Council for 2017/18.
- 5.7 It is a legal requirement that the Council must consult on any changes to the Policy and therefore all site owners will be consulted upon the proposed new Policy and a report upon the results of that consultation will be brought to this Committee at the next meeting in October.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The local authority as licensing authority has the power to alter the fees and charges as proposed.

Borough Treasurer

- 6.2 There are no significant financial implications arising from the recommendation in this report.

Equalities Impact Assessment

- 6.3 There are no implications arising from the recommendations in this report.

Strategic Risk Management Issues

- 6.4 The Policy is required to be consulted upon and the report recognises this and makes provision for it.

7 CONSULTATION

Principal Groups Consulted

- 7.1 All site owners will be consulted upon the proposed changes

Method of Consultation

- 7.2 All site owners will be contacted by mail.

Representations Received)

- 7.3 The responses to the consultation will be reported to the Committee at its next meeting.

Background Papers

DCLG - A Guide for Local Authorities on setting of licence fees

Contact for further information

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Bracknell Forest Council**Fee Policy for Protected Sites****Caravan Sites and Control of Development Act 1960****Content**

- 1) Executive Summary
- 2) Introduction
- 3) Application for a new licence
- 4) Transfer of an existing licence
- 5) Alteration of Conditions on an existing licence
- 6) Annual fees
- 7) Enforcement action
- 8) Depositing site rules
- 9) Revising the fee

Appendix 1 – Elements included in fee setting

1. Executive Summary

This Policy sets out the fees for the licensing process under the Caravan Site and Development Act 1960. These fees have been arrived at in accordance with guidance issued by DCLG under the mobile Homes Act 2013 and will be reviewed in August 2015 as part of the Council's annual review of its fees and charges.

The Policy was open for consultation for the period 17 July to 1 September 2014. The Licensing and Safety Committee considered the comments received and approved this Policy for implementation from 10 October 2014 at its meeting on 9 October 2014.

2. Introduction

The Caravan Sites and Control of Development Act 1960 (CSCDA60) introduced a licensing system to regulate the establishment and operation of caravan sites.

The Mobile Homes Act 2013 (MHA13) was introduced in order to provide greater protection to occupiers of residential park homes and caravans as the enforcement provisions had received no significant update since the original legislation. This Act also introduces some important changes to the buying, selling or gifting of a park home and the pitch fee review process which enhances the civil law provisions pertaining to the contract between the site owner and home owner. There is an expectation that councils will inspect sites regularly in line with a risk based assessment and use the additional powers to ensure compliance with site licence conditions. The council can also now charge a fee for different licensing functions. The legislation also allows the council to serve compliance notices upon the site owner, take on works in default and requires the council to satisfy itself on the legitimacy of and publish any site rules relating to a site.

The charges introduced by the MHA13 only apply to relevant protected sites. A relevant protected site is defined in section 5A (5) and (6) of CSCDA60 (as amended),

further guidance has also been issued by the Department for Communities and Local Government (DCLG) entitled 'Park Homes: Site Licensing, Definition of relevant protected sites' (January 2014), and lists the types of sites which would fall into the definition.

In summary:

'any licensable caravan site is a 'relevant protected site' unless it is specifically exempted from being so. A site is exempted if:

- it has planning permission or a site licence for exclusive holiday use
- there is a restriction on use as permanent residential' DCLG 2014

Section 10A (2) of CSCDA60 (as amended) requires a local authority to prepare and publish a Fee Policy where they propose to charge for functions associated with the regulation of relevant protected sites.

Sites which do not fall within the definition of 'relevant protected sites' are still subject to the licensing requirements contained within the CSCDA60, but the provisions relating to payment of fees do not apply.

This Policy details the level of fees Bracknell Forest Council will charge in relation to the different functions covered by the Act.

The fee levels have been partly calculated based on work presently conducted within this area with estimated times and costs to undertake the activities involved. The costs include officer time and overheads, Appendix 1 details what the council can consider in calculating the fee levels.

The fee rates set out in this Policy cover the period 10 October 2014 to 31 March 2016 and each section details when a fee is payable. The Annual Fee will run from 1 April until 31 March and will become payable on the 1 April 2015

3. Application for a new licence

All sites (subject to exemptions contained within the Act) require a site licence to operate; failure to apply for licence is an offence under Section 1(2) of CSCDA60. Section 3(2A) of the amended Act allows the local authority to require a fee to accompany applications for licences, and this should accompany any new application. The council may only issue a licence for a site with a valid and correct planning permission for the use. Any application made before the planning status has been awarded must be processed within 6 weeks of the planning decision. Sites which already have the correct planning permission in place must be processed within 2 months of the licence application.

The fee below reflects the fixed costs which would apply to any new licence application plus an amount per pitch to reflect the variation in the cost of processing the application according to the size of the site.

New licence application fee £402.00 plus £16.00 per pitch.

4. Transfer of an existing licence

Where a licence holder wishes to transfer the licence an application must be made to the council, for which a fee is payable (section 10(1A) of Caravan Site and Control of

Development Act 1960 (as amended) allows for the local authority to charge a fee. The fee must accompany the application to transfer the licence.

Fee to accompany an application to transfer a licence is £170.00

5. Alteration of Conditions on an existing licence

Where a site owner requests a variation to site licence conditions Section 8(1B) of the Caravan Sites and Control of Development Act 1960 (as amended) allows the council to charge a fee for this function.

Applications can be made by licence holders to vary or cancel conditions, the fee is payable at the application stage.

If the council deem it necessary to alter conditions there will be no fee payable.

Fee to accompany an application to alter conditions is £312.00

6. Annual fees

All relevant protected sites must pay an annual fee to the council (subject to any exemptions stated in this Policy). The fee is due on 1st April 2015 and annually thereafter.

The annual fee covers the costs associated with site inspections to ensure compliance with the site licence conditions and a follow up visit to ensure compliance with any informal schedule of works. If there is still a breach in site licence condition at the point of the follow up visit further charges may be payable to cover the cost of any enforcement action which may be taken. Further details can be found in section 7 - Enforcement Action.

The fee is calculated on a price per unit based on the total estimated cost to the council of carrying out its licensing function for all sites in the Borough. The unit cost is multiplied by the actual number of units on each site to provide the annual fee payable.

DCLG guidance offers a variety of suggested options for local authorities in calculating the annual fee and this approach has been adopted as it is considered to offer the most transparency and fairness to both residents and site owners.

Charges for the first year (2015/16) have been based on estimates from experience in conducting inspections of sites varying type and size. The council is not permitted to make a surplus from this function section - 5A (2) of the Act requires all surpluses and deficits to be included in the fee Policy. These will be calculated and included in future revisions of the fee Policy i.e. any deficits or surpluses from this activity will be carried forward at the end of the financial year to the next financial year and will affect the charges for the next financial year.

Exemptions from Annual Fees

Sites where there is only 1 unit are excluded from the annual licensing fee.

This category of site is exempt from the annual licensing fee as the council do not intend to carry out annual inspections of these sites, however, any complaints would be dealt with as appropriate.

Charging arrangements

Section 10A (5) of CSCDA60 (as amended) states the fees Policy must include provision about the time at which the fee is payable. For the purpose of this Policy the period covered by the annual fee will be 1st April to 31st March each financial year, reminders will be sent to licence holders of relevant protected sites in February and payment will be due by 31st March.

Where a new site licence is issued part way through the year the annual fee will also be due in the same year and a reminder will be sent after the licence has been granted for the pro-rata amount.

Where an amended licence is issued part way through the year (which included either additional units or a reduction in units), the change in annual fee would be calculated on a pro-rata basis for the remainder of the year and difference in fee would be adjusted against the following year's annual fee.

In the event an annual fee is not paid within the terms of the invoice the council may apply to the First Tier Tribunal (Property Chamber) for an order requiring the licence holder to pay the amount due.

Annual Fee is £13.35 per pitch payable by 1 April 2015.

7. Enforcement action

Where there has been a breach in a site licence condition which comes to the attention of the council we may serve a compliance notice. Section 9C of the CSCDA60 (as amended) details the elements which a local authority may include when imposing a charge for enforcement action. These include the time involved in deciding to serve and prepare the notice. A detailed breakdown of the relevant expenses would be provided with the compliance notice. Charges would be based on the hourly rate detailed below, in addition to any other costs incurred.

Hourly rate for enforcement costs is £48.00

If any works in the compliance notice are not carried out the licence holder commits an offence and the local authority may consider taking legal proceedings. Any costs associated with this process would be at the discretion of the court.

If any prosecution were successfully taken, the council would have the power to carry out the works in default of the licence holder. An administration cost of 20% would be added to the cost of the works.

8. Fees for depositing, varying or deleting sites rules

Site Rules are different to the site licence conditions and are put in place by the owner of a site to ensure acceptable standards are maintained which will be of benefit to occupiers or will promote and maintain community cohesion on the site. The MHA13 changes the way site rules must be agreed between both parties. The council must keep an up to date register of site rules on relevant protected sites and publish the register on-line.

Before publishing the site rules the council will ensure the rules deposited have been made in accordance with the statutory procedure.

The MHA83 (as amended by the MHA 2013) allows the council to charge a fee for depositing, varying or deleting site rules subject to regulations.

Any site rules deposited with the local authority for the first time or applications to vary or delete existing site rules must be accompanied by the appropriate fee. The fee is the same for either a first deposit or for a subsequent variation or deletion. This is because the process will be very similar for all three types of deposits.

Fee to deposit, vary or delete site rules is £107.00

9. Revising the Fee

The fees detailed in this Policy have been determined based on full recovery of costs. The costs have been assessed according to past experience of dealing with site licensing with consideration of the likely impact of the changes the new Act has introduced. Some of the processes are new (for example the depositing of site rules) and therefore estimates have been made as to the cost of providing these services. In addition, at the time of producing this Policy some elements of the licensing regime are still awaiting further regulation by government which may impact on the processes and the time involved and may therefore result in a revision to the proposed charges.

This Policy sets out the approach to be taken in the setting of the fees. They will be reviewed in subsequent years as part of the annual review of fees and charges.

Appendix 1

The DCLG guidance sets out the activities that the council can and cannot include when calculating its annual fee. A Local Authority **can** include:

- letter writing/calls etc to make appointments and request documents or other information from the site owner or any third party in connection with the licensing process;
- handling enquiries and complaints;
- updating hard files/ computer systems;
- updating the EU Directive website if appropriate;
- processing the licensing fee;
- land registry searches
- time for reviewing necessary documents and certificates;
- downloading photographs;
- preparing reports on contraventions;
- preparing draft and final licences
- review by manager or lawyers
- review any consultation responses from third parties;
- updating public register
- carrying out any risk assessment process considered necessary
- reviews of decisions or in defending appeals
- A pre- programmed full site inspection;
- A follow – up inspection to check compliance following programmed inspection

A local authority **cannot** take into account when setting fees costs incurred in exercising their functions under

- Section 9A-9I Caravan Sites and Control of Development Act 1960 (the Act) (relating to enforcement due to breach of licence conditions);
- Section 23 of the Act (prohibiting the siting of caravans on common land); or
- Section 24 of the Act (the provision of caravan sites by local authorities).

In addition, section 10A (4) (b) of the Act prohibits a local authority from taking into account when setting fees costs it incurs under the Act, other than those relating to a relevant protected site.

No fees can be charged for holiday or other non permanent residential sites. Sites which are in mixed use i.e. partly holiday with some permanent residential homes which fall within the definition of relevant protected site fees can therefore be charged.

A local authority cannot make a profit. Any charges must be limited to recovering the costs of exercising their licensing function as it relates to relevant protected sites.

In arriving at the fees within this document the tasks detailed above were considered together with information collected upon the Council time recording system which relates to the relevant work carried out as part of the licensing process. Each task was apportioned a time based on those records and a rate based upon the cost of the person carrying out that action. So for example if an administrative post was responsible for creating and modifying records the hourly rate for that officer would be used for that task/action; whilst an inspection conducted by a Licensing Officer would be calculated at that rate. All rates of pay are set at full cost recovery. Where there are new tasks such as the depositing, varying and deleting of site rules consideration was made of the elements that will be necessary to complete the task. Where there was data from similar tasks from other areas this was utilised to arrive at the fee.



Bracknell Forest Council

Fee Policy for Protected Sites 2016

Caravan Sites and Control of Development Act 1960

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- 7) Annual fees
- 8) Enforcement action
- 9) Depositing site rules
- 10) Revising the fee

Appendix A - Elements included in fee setting

Appendix B - Current Fees (correct at time of print)

1. Executive Summary

This Policy sets out the fees for the licensing process under the Caravan Sites and Control of Development Act 1960. These fees have been arrived at in accordance with guidance issued by DCLG under the Mobile Homes Act 2013 and will be reviewed regularly as part of the Council's annual review of its fees and charges.

2. Introduction

The Caravan Sites and Control of Development Act 1960 (CSCDA60) introduced a licensing system to regulate the establishment and operation of caravan sites.

The Mobile Homes Act 2013 (MHA13) was introduced in order to provide greater protection to occupiers of residential park homes and caravans as the enforcement provisions had received no significant update since the original legislation. This Act also introduces some important changes to the buying, selling or gifting of a park home and the pitch fee review process which enhances the civil law provisions pertaining to the contract between the site owner and home owner.

There is an expectation that councils will inspect sites regularly in line with a risk based assessment and use the additional powers to ensure compliance with site licence conditions. The council can also now charge a fee for different licensing functions. The legislation also allows the council to serve compliance notices upon the site owner, take on works in default and requires the council to satisfy itself on the legitimacy of and publish any site rules relating to a site.

The charges introduced by the MHA13 only apply to relevant protected sites. A relevant protected site is defined in section 5A (5) and (6) of CSCDA60 (as amended), and further guidance has also been issued by the Department for Communities and Local Government (DCLG) entitled 'Park Homes: Site Licensing, Definition of relevant protected sites' (January 2014), and lists the types of sites which would fall within the definition. In summary:

'any licensable caravan site is a 'relevant protected site' unless it is specifically exempted from being so. A site is exempted if:

- it has planning permission or a site licence for exclusive holiday use
- there is a restriction on use as permanent residential' DCLG 2014

Section 10A (2) of CSCDA60 (as amended) requires a local authority to prepare and publish a Fee Policy where they propose to charge for functions associated with the regulation of relevant protected sites.

Sites which do not fall within the definition of 'relevant protected sites' are still subject to the licensing requirements contained within the CSCDA60, but the provisions relating to payment of fees do not apply.

3 Fee Structure

The Council has calculated fees in accordance with the provisions of MHA13 which allows a local authority to include all reasonable costs and this includes administrative costs, officer visits to the site, travel costs, consultations, meetings, undertakings and informal advice.

In arriving at the fees the tasks detailed in Appendix A were considered together with information collected upon the Council time recording system which relates to the relevant work carried out as part of the licensing process. Each task was apportioned a time based on those records and a rate based upon the cost of the person carrying out that action. So for example if an administrative post was responsible for creating and modifying records the hourly rate for that officer would be used for that task/action; whilst an inspection conducted by a Licensing Officer would be calculated at that rate. All rates of pay are set at full cost recovery. Where there are new tasks such as the depositing, varying and deleting of site rules consideration was made of the elements that will be necessary to complete the task. Where there was data from similar tasks from other areas this was utilised to arrive at the fee.

The fees will be considered annually by the Licensing and Safety Committee and will be published for consultation by the Council along with all other fees and charges that the Council makes.

4. Application for a new licence

All sites (subject to exemptions contained within the Act) require a site licence to operate; failure to apply for licence is an offence under Section 1(2) of CSCDA60. Section 3(2A) of the amended Act allows the local authority to require a fee to accompany applications for licences, and this should accompany any new application. The council may only issue a licence for a site with a valid and correct planning permission for the use.

The fee reflects the fixed costs which would apply to any new licence application plus an amount per pitch to reflect the variation in the cost of processing the application according to the size of the site.

5. Transfer of an existing licence

Where a licence holder wishes to transfer the licence an application must be made to the council. The fee must accompany the application.

6. Alteration of conditions on an existing licence

Where a site owner requests a variation to site licence conditions the council will charge a fee.

Applications can be made by licence holders to vary or cancel conditions, the fee is payable at the application stage.

If the council instigates the process to alter conditions no fee is payable.

7. Annual fees

All relevant protected sites must pay an annual fee to the council (subject to any exemptions stated in this Policy). The fee is due on 1st April each year.

Charges are based on estimates from experience associated with the administration responding to enquiries and conducting inspections of sites varying in type and size. The council is not permitted to make a surplus from this function.

The annual fee covers the costs associated with site inspections to ensure compliance with the site licence conditions and a follow up visit to ensure compliance with any informal schedule of works. If there is still a breach in site licence conditions at the point of the follow up visit further charges may be payable to cover the cost of any enforcement action which may be taken. Further details can be found in section 8 - Enforcement Action.

The fee is calculated on a **price per licensed pitch** to reflect the variation in cost due to the size of the site. The cost is the annual fee multiplied by the number of licensed pitches permitted by the site licence

DCLG guidance offers a variety of suggested options for local authorities in calculating the annual fee and this approach has been adopted as it is considered to offer transparency and fairness to both residents and site owners.

Exemptions from annual fees

Sites where there is only 1 unit are excluded from the annual fee. This category of site is exempt from the annual licensing fee as the council do not intend to carry out annual inspections of these sites, however, any complaints or enquiries would be dealt with as appropriate.

Charging arrangements

Where a new site licence is issued part way through the year the annual fee will be pro-rata for that year.

Where an amended licence is issued part way through the year (which included either additional units or a reduction in units), the change in annual fee will be calculated on a pro-rata basis for the remainder of the year

In the event an annual fee is not paid as required the council may apply to the First Tier Tribunal (Property Chamber) for an order requiring the licence holder to pay the amount due.

8. Enforcement Action

Where there has been a breach in a site licence condition the Council may serve a compliance notice. Section 9C of the CSCDA60 (as amended) details the elements which a local authority may include when imposing a charge for enforcement action. A detailed breakdown of the relevant expenses would be provided with the compliance notice. Charges would be based on the hourly rate for the relevant officers. If any works in the compliance notice are not carried out the licence holder commits an offence and the local authority may consider taking legal proceedings. Any costs associated with this process would be at the discretion of the court.

9. Fees for depositing, varying or deleting sites rules

Site rules are put in place by the owner of a site to ensure acceptable standards which benefit occupiers and promote and maintain community cohesion on the site. The MHA13 changes the way site rules must be agreed between both parties. The council must keep an up to date register of site rules on relevant protected sites and publish the register online.

Before publishing the site rules the council will ensure the rules deposited have been made in accordance with the statutory procedure.

The Council can charge a fee for depositing, varying or deleting site rules.

Any site rules deposited with the local authority for the first time or applications to vary or delete existing site rules must be accompanied by the appropriate fee. The fee is the same for either a first deposit or for a subsequent variation or deletion as the process is very similar for all three types of deposits.

10. Revising the Fee

The fees detailed in this Policy have been determined based on full recovery of costs. The costs have been assessed according to past experience of dealing with site licensing with consideration of the likely impact of the changes the new Act has introduced. Some of the processes are new (for example the depositing of site rules) and therefore estimates have been made as to the cost of providing these services. In addition, further regulation by government may impact on the processes and the time involved and therefore may result in a revision to the charges.

The fees will be reviewed as part of the annual review of fees and charges.

Appendix A

The DCLG guidance sets out the activities that the council can and cannot include when calculating its annual fee. A Local Authority **can** include:

- letter writing/calls etc. to make appointments and request documents or other information from the site owner or any third party in connection with the licensing process;
- handling enquiries and complaints;
- updating hard files/ computer systems;
- updating the EU Directive website if appropriate;
- processing the licensing fee;
- land registry searches
- time for reviewing necessary documents and certificates;
- downloading photographs;
- preparing reports on contraventions;
- preparing draft and final licences
- review by manager or lawyers
- review any consultation responses from third parties;
- updating public register
- carrying out any risk assessment process considered necessary
- reviews of decisions or in defending appeals
- A pre-programmed full site inspection;
- A follow-up inspection to check compliance following programmed inspection

A local authority **cannot** take into account when setting fees costs incurred in exercising their functions under

- Section 9A-9I Caravan Sites and Control of Development Act 1960 (the Act) (relating to enforcement due to breach of licence conditions);
- Section 23 of the Act (prohibiting the siting of caravans on common land); or
- Section 24 of the Act (the provision of caravan sites by local authorities).

In addition, section 10A (4) (b) of the Act prohibits a local authority from taking into account when setting fees costs it incurs under the Act, other than those relating to a relevant protected site.

No fees can be charged for holiday or other non permanent residential sites. Sites which are in mixed use i.e. partly holiday with some permanent residential homes which fall within the definition of relevant protected site fees can therefore be charged.

A local authority cannot make a profit. Any charges must be limited to recovering the costs of exercising their licensing function as it relates to relevant protected sites.

Fees from 1 April 2016 to 31 March 2017

Type of application	Fee
New site licence	£406 Where the application is for a site with more than 50 pitches, an additional fee of £5.00 will be made for each pitch over 50.
Annual fee per licensed pitch	£13.48
Transfer of site licence	£172
Amendment to conditions of site licence	£315
Deposit, varying or deleting site rules	£108

TO: LICENSING AND SAFETY COMMITTEE
15 JUNE 2016

PET SHOP LICENCE CONDITIONS
Chief Officer: Environment and Public Protection

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to consider adoption of the Model Licence Conditions for Pet Vending Licensing as published by the Chartered Institute of Environmental Health (CIEH) in 2013, which can be found at Annex A.

2 RECOMMENDATION

- 2.1 **That the Committee approves the adoption of the Model Licence Conditions document at Annex A as follows:**

- i) **with immediate effect for any new licences issued, and**
- ii) **from 1 January 2017 for any existing licence holders.**

3 REASONS FOR RECOMMENDATION(S)

- 3.1 The contents of the CIEH Model Licence Conditions are widely accepted as representing the minimum standards to be applied in order to ensure appropriate standards of health, safety and welfare. The current conditions appear to date back to 1998, and have not been reviewed since the Model Licence Conditions were published in 2013. The current licence conditions can be found at Annex B.
- 3.2 At the meeting on 7 January 2016, this Committee approved a consultation exercise with existing licence holders on the Model Licence Conditions document. This consultation commenced on 25 January 2016, and closed on 19 April 2016. No responses were received to the consultation and it is therefore assumed that there are no concerns in respect of the adoption of the Model Licence Conditions.
- 3.3 The existing pet shop licences are next due for renewal on 1 January 2017. Should the recommendation in 2.1 be approved, officers will ensure licensed pet shops are aware of the new conditions that would be applied so that they can ensure compliance by the time of the licence renewal process.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None, officers are of the view that the Council's current licence conditions are outdated and the Council's Animal Health Inspector has strongly recommended adoption of the Model Licence Conditions.

5 SUPPORTING INFORMATION

- 5.1 Pet shops are licensed once a year, following an inspection which is currently carried out by a City of London Animal Health Inspector. The licence specifies the species of animals permitted to be sold at the licensed premises.

5.2 Under section 1(3) of the Pet Animals Act 1951, a local authority can attach licence conditions to ensure:

- i) that animals will at all times be kept in accommodation suitable as respects size, temperature, lighting, ventilation and cleanliness;
- ii) that animals will be adequately supplied with suitable food and drink and (so far as necessary) visited at suitable intervals;
- iii) that animals, being mammals, will not be sold at too early an age;
- iv) that all reasonable precautions will be taken to prevent the spread among animals of infectious diseases;
- v) that appropriate steps will be taken in case of fire or other emergency.

5.3 Under the Animal Welfare Act 2006, those responsible for animals including pet vendors must take reasonable steps to meet the welfare needs of animals in their care which would include

- i) its need for a suitable environment
- ii) its need for a suitable diet
- iii) its need to be able to exhibit normal behaviour patterns
- iv) any need to be housed with, or apart from, other animals
- v) its need to be protected from pain, suffering, injury and disease.

5.4 The Model Licence Conditions document at Annex A covers both the requirements of the Pet Animals Act and the provisions of the Animal Welfare Act.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

6.1 The legal implications are identified within the report.

Borough Treasurer

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

Equalities Impact Assessment

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

Strategic Risk Management Issues

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

7 CONSULTATION

Principal Groups Consulted

7.1 General public and existing licence holders.

Method of Consultation

7.2 A consultation was carried out on the Council's portal, and letters were sent to all existing licence holders.

Representations Received

7.3 None.

Background Papers

None

Contact for further information

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Model Conditions for Pet Vending Licensing 2013



September 2013

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

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Introduction

The Model Conditions set out in this document are the working group's recommendations for the basic minimum standards considered necessary to ensure the health, safety and welfare of animals in pet shops.

Licensing authorities should apply and enforce the licence conditions sensibly and appropriately.

These Model Conditions should not be considered as a complete manual on animal husbandry. It is a living document which will be revised from time to time to take into account new knowledge of animal physiology and behaviour as well as advances and development in standards of animal welfare.

Local authorities in England, Scotland and Wales issue licences to proprietors of pet shops and other pet vendors under the provisions of the Pet Animals Act (1951). Before granting a licence the local authority must be satisfied that the animals are kept in accommodation that is suitable; that they are supplied with appropriate food and drink; and are adequately protected from disease and fire. The local authority may attach conditions to the licence, may inspect the licensed premises at all reasonable times and may refuse a licence if the standards at the premises are unsatisfactory or if the terms of the licence are not being complied with.

Under the Animal Welfare Act (2006)¹ which applies in England and Wales and the Animal Health and Welfare (Scotland) Act 2006² in Scotland those responsible for animals, including pet vendors, have a responsibility towards the welfare of the animals in their care. Under these Acts it is an offence to cause unnecessary suffering to a protected animal, whether by an act or omission. Vendors also have a legal 'duty of care' towards the animals in their care. Vendors must therefore take such steps as are reasonable in all the circumstances to meet the welfare needs of the animals, to the extent required by good practice. The Acts define an animal's needs as including:

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

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

The Animal Welfare Acts also increased the minimum age at which a person can buy an animal to 16 and prohibit giving animals as prizes to unaccompanied children under this age. In Scotland, there is a prohibition on giving animals as prizes.

Another key objective in developing these model licensing conditions is to encourage conditions in pet shops licensing and a consistency of approach across local authorities which minimises the risk of transmission of disease from animals to humans, alongside the need to protect animals from cruelty and ill-treatment and to encourage good standards of animal husbandry in pet vending.

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

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

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

Legislation/Orders that are relevant³:

England

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

Scotland

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

Wales

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

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

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

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

The groups consulted included:

- British Veterinary Association
- Cats Protection
- Chartered Institute of Environmental Health
- Department for Environment, Food and Rural Affairs (Defra)
- Dogs Trust
- Federation of Companion Animal Societies
- Feline Advisory Bureau
- Local Government Association
- Ornamental Aquatic Trade Association
- Pet Industry Federation
- Rabbit Welfare Association & Fund
- Reptile and Exotic Pet Trade Association
- Royal Society for the Prevention of Cruelty to Animals

Special thanks also to:

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

Definition of terms

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

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

Schedule A – General conditions

1. Licence Display

1.1 Condition

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

Guidance

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

2. Accommodation

2.1 Condition

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

Guidance

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

2.2 Condition

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

Guidance

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

2.3 Condition

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

Guidance

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

2.4 Condition

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

Guidance

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

2.5 Condition

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

Guidance

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

2.6 Condition

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

Guidance

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

2.7 Condition

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

Guidance

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

2.8 Condition

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

Guidance

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

2.9 Condition

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

Guidance

To stimulate the performance of natural behaviours.

3. Exercise Facilities

3.1 Condition

Suitable and sufficient facilities must be available where appropriate.

Guidance

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

4. Register of Animals

4.1 Condition

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

Guidance

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

4.2 Condition:

A sales register must be maintained for:

4.2.1 Dogs

4.2.2 Cats

4.2.3 Psittacines

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

Guidance

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

4.3 Condition

Animals under veterinary treatment must be identifiable.

5. Stocking Numbers and Densities

5.1 Condition

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

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

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

5.2 Condition

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

Guidance

Details can be found in the relevant schedules.

6. Health Disease and Acclimatisation

6.1 Condition

All animals for sale must be in good health

Guidance

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

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

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

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

6.2 Condition

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

Guidance

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

6.3 Condition

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

Guidance

Isolated animals should be kept in a secure, comfortable location where their condition and needs can be kept, also detailing treatment. For ornamental fish, in-line UV treatment or other sterilising devices effectively provide a means of isolating individual tanks in multiple tank systems. They must be of a proper size and maintained in accordance with manufacturers' recommendations.

6.4 Condition

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

Guidance

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

6.5 Condition

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

Guidance

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

6.6 Condition

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

Guidance

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

7. Food and Drink

7.1 Condition

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

Guidance

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

7.2 Condition

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

Guidance

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

8. Food Storage

8.1 Condition

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

Guidance

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

8.2 Condition

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

Guidance

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

9. Observation

9.1 Condition

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

Guidance

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

A system of recording observation should be maintained.

10. Disposal of Waste

10.1 Condition

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

Guidance

This is important for biosecurity and odour reduction.

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

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

11. Transportation to the Premises

11.1 Condition

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

11.2 Condition

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

11.3 Condition

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

Guidance

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

12. Sale of Animals

12.1 Condition

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

Guidance

Young mammals require nutritional and behavioural support from their mothers.

12.2 Condition

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

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

13.1 Condition

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

Guidance

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

13.2 Condition

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

Guidance

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

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

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

14. Pet care advice, staff training and knowledge

Condition

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

Guidance

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

14.1 Condition

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

Guidance

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

14.2 Condition

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

Guidance

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

14.3 Condition

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

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

14.4 Condition

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

Guidance

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

15. Fire and other emergency precautions

15.1 Condition

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

Guidance

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

15.2 Condition

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

Guidance

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

15.3 Condition

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

Guidance

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

15.4 Condition

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

Guidance

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

15.5 Condition

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

Guidance

For contact in cases of emergency.

15.6 Condition

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

Guidance

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

15.7 Condition

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

Guidance

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

15.8 Condition:

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

Guidance

For health and safety of staff and animals.

15.9 Condition

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

Guidance

Some species are very sensitive to temperature fluctuation.

Schedule B – Dogs

1. Condition

Puppies must be weaned before leaving the mother.

Guidance

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

2. Condition

The minimum kennel size must be:

2.1 For a batch of small breed puppies – max 6 pups – 1.5m² for sleeping, plus 2m² for exercise

2.2 For a batch of medium breed puppies – max 4 pups – 2m² for sleeping, plus 2m² for exercise

2.3 For a batch of large breed puppies – max 2 pups – 2m² for sleeping, plus 2m² for exercise

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

Guidance

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

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

3. Condition

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

4. Condition

Extreme temperatures must be avoided.

Guidance

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

5. Condition

General bedding must include an adequate amount of absorbent material.

Guidance

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

6. Condition

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

Guidance

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

7. Condition

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

Guidance

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

8. Condition

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

Guidance

The diet should be appropriate for puppies.

9. Condition

Puppies must have frequent, quality contact time with staff.

Guidance

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

10. Condition

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

Guidance

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

11. Condition

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

Guidance

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

12. Condition

There must be environmental enrichment in all kennels.

Guidance

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

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

Schedule C – Cats

1. Condition

Kittens must be weaned before leaving the mother.

Guidance

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

2. Condition

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

Guidance

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

3. Condition

Extreme temperatures must be avoided.

Guidance

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

4. Condition

Disposable or washable bedding must be provided and kept clean.

Guidance

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

5. Condition

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

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

6. Condition

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

Guidance

The diet should be appropriate for kittens.

7. Condition

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

Guidance

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

8. Condition

Kittens must have frequent, quality contact time with staff.

Guidance

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

9. Condition

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

Guidance

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

Schedule D – Rabbits

1. Condition

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

Guidance

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

2. Condition

The minimum enclosure size must be:

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

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

Guidance

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

3. Condition

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

Guidance

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

4. Condition

Extreme temperatures must be avoided.

Guidance

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

5. Condition

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

Guidance

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

6. Condition

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

Guidance

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

7. Condition

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

Guidance

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

8. Condition

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

Guidance

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

9 Condition

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

Guidance

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

Schedule E – Other small mammals

1. Condition

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

Guidance

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

2. Condition

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

Guidance

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

3. Condition

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

Guidance

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

4. Condition

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

Guidance

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

5. Condition

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

Guidance

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

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

6. Condition

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

Guidance

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

7. Condition

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

Guidance

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

8. Condition

All rodents must be fully weaned on admission.

Minimum accommodation requirements – small rodents

Area in square metres

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

Schedule F – Ferrets

1. Condition

Ferrets must be at least eight weeks old

Guidance

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

2. Condition

Ferrets must be housed with batch companions

Guidance

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

3. Condition

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

Guidance

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

4. Condition

Batches of ferrets must not be mixed.

Guidance

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

5. Condition

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

Guidance

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

6. Condition

Sleeping quarters must be draught free and dark.

Guidance

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

7. Condition

Ferrets must have suitable bedding.

Guidance

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

8. Condition

Extreme temperatures must be avoided.

Guidance

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

9. Condition

Ferret kibble must be provided at appropriate intervals.

Guidance

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

10. Condition

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

Guidance

Ferrets are renowned for tipping bowls

Schedule G – Birds

1. Condition

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

Guidance

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

2. Condition

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

3. Condition

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

Guidance

Birds are more sensitive to high temperatures.

4. Condition

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

Guidance

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

5. Condition

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

Guidance

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

6. Condition

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

Guidance

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

7. Condition

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

Guidance

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

Stocking Densities for Birds in Cages

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

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

Stocking Densities for Birds in Aviaries and Flights

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

Schedule H – Reptiles and Amphibians

1. Condition

Stocking and density must be appropriate to the species.

Guidance

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

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

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

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

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

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

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

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

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

2. Condition

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

Guidance

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

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

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

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

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

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

3. Condition

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

Guidance

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

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

4. Condition

Lighting must be appropriate to the species.

Guidance

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

5. Condition

Substrate appropriate to the species must be present.

Guidance

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

6. Condition

Enrichment must be provided appropriate to the species.

Guidance

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

7. Condition

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

Guidance

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

8. Condition

Hygiene: enclosures must be cleaned appropriately.

Guidance

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

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

9. Condition

Handling must be kept to a minimum at all times.

Guidance

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

Schedule I – Fish

1. Condition

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

Cold Water Species

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

Tropical Freshwater Species

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

Tropical Marine Species

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

Guidance

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

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

2. Condition

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

Guidance

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

3. Condition

Holding systems must be cleaned and checked regularly.

Guidance

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

4. Condition

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

Guidance

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

Information

Register of Wild Animals and Endangered Species

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

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

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

Breeding and Sale of Dogs Act

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

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

Microchip is the preferred method of identification.

Useful Contacts

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

General

British Veterinary Zoological Society

Email: secretary@bvzs.org

Chartered Institute of Environmental Health

Chadwick Court, 15 Hatfields, London SE1 8DJ

Telephone: 020 7928 6006

www.cieh.org

Department for Environment, Food and Rural Affairs

Animal Welfare Unit, Nobel House, 17 Smith Square
London SW1P 3JR Telephone: 08459 33 55 77

Email: helpline@defra.gsi.gov.uk

<https://www.gov.uk/government/topics/wildlife-and-animal-welfare>

Local Government Association,

c/o LGconnect, Local Government Group,
Local Government House, Smith Square,
London SW1P 3HZ

Telephone: 020 7664 3000

Email: info@local.gov.uk

www.lga.gov.uk

Veterinary Contacts

British Small Animal Veterinary Association

Woodrow House, 1 Telford Way,
Waterwells Business Park, Quedgeley,
Gloucester GL2 2AB

Telephone: 01452 726700

www.bsava.com

British Veterinary Association

7 Mansfield Street,
London W1G 9NQ

Telephone: 020 7636 6541

Email: bvahq@bva.co.uk

www.bva.co.uk

Royal College of Veterinary Surgeons

Belgravia House, 62-64 Horseferry Road,
London SW1P 2AF

www.rcvs.org.uk

All Species

The Blue Cross

Shilton Road, Burford, Oxon OX18 4PF

Tel: 01993 822651

Email: info@bluecross.org.uk

www.bluecross.org.uk

Pet Industry Federation

Bedford Business Centre,

170 Mile Road, Bedford MK42 9TW

Telephone: 01234 273 933

www.petcare.org.uk

People's Dispensary for Sick Animals (PDSA)

Head Office, Whitechapel Way,

Priorslee, Telford, Shropshire TF2 9PQ

Telephone: 01952 290999

www.pdsa.org.uk

Royal Society for the Prevention of Cruelty to Animals

RSPCA Enquiries Service, Wilberforce Way,

Southwater, Horsham, West Sussex RH13 9RS

Telephone: 0300 1234 555

www.rspca.org.uk

Wood Green Animal Shelters

Kings Bush Farm, London Road,

Godmanchester, Cambs PE29 2NH

Telephone: 0844 248 8181

Email: info@woodgreen.org.uk

www.woodgreen.org.uk

Cats

International Cat Care

Taeselbury, High Street, Tisbury,
Wiltshire SP3 6LD

Telephone: 01747 871872

Email: info@icatcare.org

www.icatcare.org

Governing Council of the Cat Fancy

5 King's Castle Business Park,

The Drove, Bridgwater, Somerset TA6 4AG

Telephone: 01278 427575

Email: info@gccfcats.org

www.gccfcats.org

Dogs

Dogs Trust

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

The Kennel Club

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

Fish

Ornamental Aquatic Trade Association

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

Permanent identification databases

Microchipping Advisory Group

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

National Dog Tattoo Register

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

Animalcare

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

AVID Plc

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

Petlog

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

Pet Protect

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

Rabbits and small mammals,

British Rabbit Council

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

Rabbit Welfare Association and Fund

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

Reptiles

REPTA (Reptile & Exotic Pet Trade Association)

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

Qualifications and Training

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

Animal Medicines Training Regulatory Authority

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

City & Guilds

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

LANTRA

Lantra House, Stoneleigh Park,
Coventry, Warwickshire CV8 2LG
Telephone: 0845 707 8007
Email: connect@lantra.co.uk
www.lantra.co.uk

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Chartered Institute of Environmental Health
Chadwick Court, 15 Hatfields, London SE1 8DJ
Telephone 020 7928 6006
Email info@cieh.org **Web** www.cieh.org
Registered charity no. 290350

Bracknell Forest Council: Pet Shop Licence Conditions

1 Licence Display

- 1.1 The licence, or a copy shall be suitably displayed to the public in a prominent position.
- 1.2 No livestock shall be sold in any area at the premises other than in the designated area.
- 1.3 Only livestock listed in the Additional Conditions to the licence may be stocked for sale.

2 Accommodation

Animals shall 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 shall be kept in good repair.

- 2.1 No animal shall be displayed for sale outdoors.
- 2.2 Housing for animals shall be constructed of non-porous materials and shall be appropriately treated.
- 2.3 In order to prevent the spread of disease, and to prevent injury, animals shall not be kept in housing in such a way that they can be disturbed by other animals or by the public.
- 2.4 All livestock for sale shall be readily accessible and easy to inspect, with cages sited so that the floor of the cage is readily visible.
- 2.5 Accommodation shall be cleaned as often as necessary to maintain good hygiene standards.
- 2.6 Where accommodation is on a tiered system, water, food or other droppings shall not be allowed to enter the lower housing.
- 2.7 All accessories provided in the accommodation shall be suitable for the species.

3 Exercise facilities

- 3.1 Suitable and sufficient facilities shall be available where appropriate.
- 3.2 For puppies a covered exercise area of at least 4.46 square metres (26 square feet) shall be provided. Exercise areas shall have a minimum height of 1.8 metres (6 feet) to facilitate adequate access by staff.

4 Register of Animals

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

Kittens

Psittacines

Species contained in the Schedule to the Dangerous Wild Animals Act 1967 (as modified).

- 4.2 A register shall be kept recording the Name and Address of the supplier of all livestock. All registers shall be made available to any Council Officer, Veterinary Practitioner or Veterinary Surgeon authorised by the Council.

5 Stocking numbers and densities

- 5.1** The maximum number of animals to be stocked on the premises shall be governed by the accommodation available, as stated in the stocking density listed below. No other animals, other than those specified in the licence conditions shall be stocked without written permission from the Council. These stocking densities are insufficient for stocking marmosets. Marmosets shall be housed in cages sufficiently large enough to allow for natural movement, such as climbing and swinging.

Animal Type	Animals Numbers	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	40	40
Maximum	sq. cm	10,000	12,500	15,000	17,500	20,000	22,500	25,000	Double height	0.9m
									at shoulder minimum 50	

5.2 Stocking Densities for Cage Birds

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.

- 5.3** For perching birds, a sufficient number of perches (as appropriate) shall 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.

5.4 Water Quality for Ornamental Fish

- 5.5** Water quality testing shall take place at least once a week in a centralised system and 10% of individual tanks shall be likewise tested. Unsatisfactory test results shall be recorded in a register together with the corrective action taken. Further tests shall be carried when a visual inspection of the tanks indicates the need.

Water quality criteria

Cold Water

Dissolved oxygen	-min	6mg/litre
Free ammonia	-max	0.02mg/litre
Nitrite	-max	0.2mg/litre
Nitrate	-max	50mg/litre above
		ambient tap water

Tropical Fish

Dissolved oxygen	-min	6mg/litre
Free ammonia	-max	0.02mg/litre
Nitrite	-max	0.2mg/litre
Nitrate	-max	50mg/litre above
		ambient tap water

Tropical Marine Species

Dissolved oxygen	-min	5.5mg/litre	
Free ammonia	-max	0.01mg/litre	
Nitrite	-max	0.125mg/litre	
Nitrate	-max	40mg/litre	
		This is an absolute figure. It does not relate to ambient tap water.	
PH	-min	8.1	

6 Health, Disease and Acclimatisation

- 6.1** All stock for sale shall be in good health and free from obvious parasitic infestation as far as reasonably determined without veterinary inspection.
- 6.2** Any sick or injured animals shall receive appropriate care and treatment without delay. Inexperienced staff shall not treat sick animals unless under appropriately experienced supervision. Care and Treatment may include euthanasia but shall under no circumstances shall an animal be euthanised other than in a humane manner. In case of doubt, veterinary advice shall be sought.
- 6.3** Facilities shall be provided to isolate sick and injured animals.
- 6.4** All animals shall receive appropriate inoculations where required for the species, as advised by a veterinary practitioner. Veterinary advice shall be sought whenever necessary.
- 6.4** Any animal with an obvious, significant abnormality, which would materially affect its quality of life, shall not be offered for sale. When in doubt, veterinary advice shall be sought.
- 6.5** All animals shall be allowed a suitable acclimatisation period before sale.
- 6.6** All reasonable precautions shall be taken to prevent the outbreak of disease. No animal which is suffering from, or could reasonably be suspected of having come into contact with any other animal suffering from infectious or contagious disease, or which is infested with parasites, shall be brought into or kept on the premises unless actively isolated.
- 6.7** Individual litters of puppies and kittens shall be kept separate from other litters.
- 6.8** All necessary precautions shall be taken to prevent harbourage, or the introduction to the premises, of rodents, insects and other pests. Rodents and Insects excludes livestock for sale for feeding.

7 Food and Drink

- 7.1** Animals shall 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** All food and drink receptacles shall be constructed and positioned to minimise faecal contamination and spillage.

- 7.4** A suitable and sufficient number of receptacles shall be provided and cleaned at regular intervals.

8 Food Storage

- 8.1** All food, excluding live foods intended for feeding to livestock on the premises, shall be stored in impervious closed containers.
- 8.2** The container and equipment used for feeding shall be kept in a clean and sound condition.
- 8.3** All necessary steps shall be taken to prevent infestation from rodents, insects and other pests.

9 Observation

- 9.1** All livestock shall be attended to at regular intervals, at least once daily, appropriate to the species.

10 Excreta and Soiled Bedding

- 10.1** All excreta and soiled bedding shall 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 shall be removed from the premises on a regular basis, at least once weekly disposed of to the satisfaction of the Council, and in accordance with current regulations and good waste management practice.
- 10.3** All containers shall be kept in a clean condition.

11 Transportation

- 11.1** When receiving livestock, the licensee shall make every effort to ensure that it is transported in a suitable manner. A record of the registration number of the vehicle used for the transportation of livestock shall be kept.
- 11.2** All livestock received shall be transported according to regulations laid down in current legislation; such as the Welfare of Animals (Transport) Order 1997.

12 Transportation Containers

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

13 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.
- 13.3** No animal shall be sold to any person under the age of 16 years unless that person is accompanied by a parent or legal guardian or provides appropriate written consent. Sales to juveniles less than 16 years (but over 12 years) of age who is known to the licensee are permitted in the absence of a parent or legal guardian or the appropriate written consent provided that:

- (a) The parent or guardian would not object to the acquisition;

(b) The juvenile is sufficiently knowledgeable as to the needs, care and nature of the species acquired;

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

14 Dangerous Wild Animals

- 14.1** When dangerous wild animals are kept, the cage shall be of a secure construction appropriate to the species. A fine wire mesh, glass or plastic safety barrier shall be incorporated into the cage system.
- 14.2** The Council shall be notified in the event that dangerous wild animals are to be sold for the first time, any animal on the Schedule to the Dangerous Wild Animals Act.
- 14.3** Before any animal on the Schedule to the Dangerous Wild Animals Act is sold the Licence to keep such animals by the purchaser shall be inspected.
- 14.4** A register shall be kept recording the Name and Address of the purchaser of any animal on the Dangerous Wild Animal. The register shall be made available to any Council Officer, Police Constable, Veterinary Practitioner or Veterinary Surgeon authorised by the Council.

15 Pet Care Advice

- 15.1** Pet care leaflets or other similar written instructions shall be made available to customers free of charge at the time of purchase, in addition to any offer to purchase pet care books and leaflets.
- 15.2** Purchasers shall be given proper advice on the care of any animal sold and where necessary, on the maintenance and use of any accessories.
- 15.3** Appropriate reference materials shall always be available for use by staff.

16 Staff Training and Livestock Knowledge

- 16.1** No animal shall be stocked or sold unless the staff (or at least one member of the staff) is familiar with the care and welfare of the animals stocked and has a recognised qualification or suitable experience.
- 16.2** A written training policy for all permanent members of staff shall be provided and evidence that a systematic training program is in place.

17 Fire and other Emergency Precautions

- 17.1** Suitable emergency precautions and written procedures shall exist and be made known to all members of staff, including arrangements for evacuation of livestock.
- 17.2** All entrances and exits shall be clear of obstructions at all times.
- 17.3** Suitable fire fighting equipment shall be provided, maintained and regularly serviced.
- 17.4** The licensee, or a designated keyholder, shall at all times be within reasonable distance of the premises and available to visit the premises in case of an emergency.
- 17.5** A list of keyholders shall be lodged with the local Police and the Council.

- 17.6** The following notice shall be displayed at the front of the shop and visible from the outside:

"In case of emergency, dial 999"

Also, the telephone number of the local Police station shall be displayed.

- 17.7** If the pet shop is sited within other premises, the licensee or keyholders shall have access at all times to the premises containing the livestock.
- 17.8** All electrical installations and appliances shall be maintained in a safe condition and evidence of this provided to the satisfaction of the Council.

18 Boarding of Animals

- 18.1** No boarding of animals shall take place of any species of animal for which there is no licence to sell. If it is intended to board cats and dogs, suitable and sufficient accommodation shall be provided.
- 18.2** If cats and dogs are to be boarded then the appropriate licence shall be obtained from the Council.

19 Categories of Animals to be Sold

- 19.1** The following animals may be sold:

1. Kittens
2. Smaller domesticated mammals e.g. rabbits, guinea pigs, gerbils, hamsters, rats, mice, chinchillas, chipmunks, ferrets.
3. Primates e.g. marmosets.
4. Parrots parakeets and macaws
5. Reptiles.
6. Amphibians.
7. Fish and aquatic invertebrates.
8. Other (specify).