

## **PUBLIC APPEALS COMMITTEE - 15 FEBRUARY 2006**

*Councillor R M Sutherland (Chairman)*

Present (for all or part of the meeting):-

Councillors:

H Butter

W J Kemp

B M Cross

K S Williamson

A S Harp

### **PA22 APOLOGIES**

Apologies for absence were received from Councillors Mrs L Davies (substitute Councillor A S Harp), A T A Godfrey, P G Goodland (substitute Councillor K S Williamson), J H Kennedy (substitute Councillor W J Kemp) and J C Sillito (substitute Councillor H Butter).

### **PA23 APPLICATION FOR THE GRANT OF A PET SHOP LICENCE - STAFFORDSHIRE COUNTY SHOWGROUND**

Considered, the report of the Head of Environmental and Health Services on an application submitted by Mr S Smith for a Pet Shop Licence in respect of the sale of birds being sold as pets at the County Showground, Stafford on 5 March 2006.

At a meeting on 19 September 2003, the Public Appeals Committee had approved an application submitted by the Parrot Society UK for a Pet Shop Licence in respect of the sale of birds as pets at the County Showground, Stafford on 12 October 2003, subject to conditions. The current application was for a show of similar size and nature to the Parrot Society UK Show.

The application had been submitted on 31 October 2005 but the Head of Environmental and Health Services had been unable to process the application as the Government had introduced the Avian Influenza (Preventative Measures) Regulations 2005. These Regulations had come into effect on 28 October 2005 and were introduced as a result of concerns regarding the spread of Avian Influenza. The Regulations had the effect of banning birds at markets, shows, fairs and similar events.

The ban had been kept under review and following subsequent risk analysis, the Government considered it was appropriate for the ban in England and Wales to be lifted allowing shows, sales, falconry events and pigeon racing within the British Isles to go ahead under "General Licence". This took effect from 20 December 2005. Event organisers had to abide by new "General Licence Conditions" set out by DEFRA and notify the Local Animal Health Office who would issue the Schedule of "General Licence Conditions".

The Council had adopted the DEFRA conditions and added them to the original conditions approved by the Public Appeals Committee. Copies of the original conditions and the DEFRA conditions were circulated with the agenda.

The Head of Environmental and Health Services considered that the event organiser would be unable to comply with these rigorous new conditions due to the overwhelming size of the event, which had in the region of 10,000 birds and would be attended by over 5,000 people from all over the British Isles and Europe. In particular, the Head of Environmental and Health Services has serious concerns regarding the organisers ability to comply with DEFRA's additional Condition 2 which related specifically to the keeping of a record of all attendees for a period of 3 months after the event.

At the meeting, the Committee was advised that the advice from DEFRA on the interpretation of the word "attendees" related only to exhibitors and vendors of birds and not members of the public. However, the Head of Environmental and Health Services had considered that this condition related to recording all attendees at such events.

The Head of Environmental and Health Services and Mr M Street, Principal Environmental Health Officer, attended the meeting and spoke against the licence being granted. Mr S Smith, the applicant and his associate Mr Clive Middleton, attended the meeting and spoke in support of the licence being granted for the event.

The Committee considered carefully the representations put forward by both the Council's Officers and the applicants.

RESOLVED:- that in exercise of the authority delegated to the Committee, the licence be granted subject to the conditions as set out in the Schedule attached to the minutes, the Committee's interpretation of Condition 2 of DEFRA's Schedule of General Licence Condition being that it relates to exhibitors and vendors only.

The Committee granted the application for the following reason:-

The Committee having considered the evidence submitted by both parties believe that the applicants could comply with all the conditions as set out.

(Copies of the documents referred to are available on request from the Head of Law and Administration.)

*Proceedings commenced at 1.30 pm and terminated at 2.45 pm.*

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**BIRD SHOW  
LICENCE TO KEEP A PET SHOP**

**CONDITIONS OF LICENCE**

- 1 Animals shall at all times be kept in accommodation that is adequate in construction, size, amenities and position in the premises.
- 2 Where animals are kept in cages, hutches, boxes or other receptacles which are placed on top of other cages, hutches, boxes or other receptacles, effective means should be provided for preventing water, food or other droppings falling onto or contaminating the animals food or other surroundings which are underneath.
- 3 Animals shall be adequately supplied with suitable food and drink and shall be visited at suitable intervals. All accommodation shall be cleaned daily or as often as is necessary.
- 4 No mammal shall be sold unweaned or, if weaned at an age at which it should not have been weaned.
- 5 No animal shall be displayed in a cage, hutch, box or other receptacle in such a position that it be interfered with by other animals or unauthorised persons.
- 6 Animals shall not be displayed for sale outside the premises.
- 7 All excreta and soiled bedding shall be stored in suitably covered metal or other impervious containers until removed from the premises as soon as practicable and disposed of to the satisfaction of this Council. All refuse containers shall be maintained in a clean condition.
- 8 All practical precautions shall be taken to prevent the introduction of harbourage of rodents, insects and any other pests to the premises.
- 9 All animal food shall be stored in suitable covered metal or other impervious closed containers so that the quality of the food can be preserved. These containers should be of such design as to allow easy cleaning.
- 10 Animals shall not be handed to customers in unsuitable containers.
- 11 The licensee shall ensure that a responsible person shall at all times be in, or within, reasonable distance from the premises for the purpose of giving warning and taking other necessary steps in the event of fire or other emergency. In case of absence of the responsible resident, the licensee shall

appoint a responsible person residing within a reasonable distance of the premises to have custody of a duplicate key. The name, address and telephone number of such persons shall be displayed in legible characters on the front door or window of the premises and shall be notified to the local fire brigade and police.

- 12 Animals and stock shall not be placed or kept in or outside the premises so as to obstruct entrance to or exit from the premises in the case of fire or other emergency.
- 13 Fire fighting equipment, including extinguishers, shall be provided as approved by the chief Fire Officer and shall be sited as so directed by him. The licensee shall ensure that the fire appliances remain accessible and maintained in a good condition.
- 14 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.
- 15 The maximum number of animals to be kept on the premises to which the licence refers is 13,000.
- 16 A copy of the licence and its conditions must be displayed on the premises.
- 17 No animals shall be directly imported except by licensees who have satisfied the Local Authority as to their ability to quarantine or handle consignments of animals under suitable conditions.
- 18 The licensee shall ensure that each exhibitor, trader and/or owner shall keep a register of animals, which must contain details of the species offered for sale during the show.
- 19 The licensee shall keep a register of the names and addresses of all the exhibitors and traders this register shall include the staff, table or stand number that has been allocated to the exhibitor or trader. This register shall be kept for a period of no less than 14 months from the date of the event.
- 20 The licensee shall ensure that exhibitors and traders occupy the stand they have been allocated.
- 21 Persons selling animals as part of a business shall display their trading name and address clearly on the stall, stand or table that they are trading from.
- 22 The Licence holder must employ the services of a qualified Veterinary Surgeon who shall be present at least 30 minutes before the event is open to the public and during the event and for at least 30 minutes after the event closes to the public.
- 23 In addition, a Veterinary Surgeon with specialist knowledge of avian

issues will be appointed to oversee the welfare of the birds at the show. This veterinary surgeon will be appointed by Stafford Borough Council, the fees and costs being met by the Licence holder.

- 24 Persons selling animals not as part of a business shall display their name and stall number clearly on the stall, stand or table they are trading from.
- 25 Authorised representatives of DEFRA and the local authority shall be given immediate access to all animals/birds and relevant documentation upon request. If such access is denied, the licensee, exhibitor, trader and/or owner must withdraw the relevant animals/birds from display or sale with immediate effect.
- 26 Animals should not be sold to children believed to be under the age of 12 years.
- 27 The licensee shall be responsible for the welfare of all animals/birds within the confines of the licensed building for the duration of the event.
- 28 All animals/birds shall be housed at least 0.61 metres (2 feet) above ground level. Except for ground dwelling animals or birds, which must be housed in such conditions so as not to cause unnecessary stress or suffering.
- 29 Before the event is open to the public any exhibitor, trader and/or owner of any animal must agree by personally signing a copy of this licence, specifically to abide by the conditions of the said licence. The licensee shall return a copy of this and ensure that it is available at the premises for inspection by an authorised officer.
- 30 No smoking shall be permitted in the premises.
- 31 Animals shall only be sold in the confines of a building.

## Additional Conditions - DEFRA schedule of general licence conditions

- 1 A nominated person must be designated as the event organiser and a person responsible for keeping the records set out in condition 2.
- 2 A record of all attendees must be kept for three months, which includes the following information:-
  - (a) full name
  - (b) home address
  - (c) telephone number
  - (d) number and types of birds
- 3 A named veterinary surgeon (or another veterinary surgeon if the named person is unavailable) must be contactable for advice and to attend in the event of any suspect disease. This Veterinary Surgeon may, or may not be the person outlined on Condition number 22.
- 4 Biosecurity advice must be distributed at the event.
- 5 As sales of birds are taking place at the event, the event organiser must keep a record of all sales for at least three months. This must include the name, address and telephone number of both the seller and the buyer, and any identifying features or individual identification of the purchased bird(s).
- 6 To notify the local State Veterinary Service Animal Health Office nearest to the event at least 14 days prior to the event taking place. Notification must include date, location, details of the event organiser and anticipated numbers and types of birds.