

## LICENSING COMMITTEE

Date **Thursday 12 June 2014**

Time **4.30 pm**

Venue **Mancroft room, City Hall**

### COMMITTEE MEMBERS:

#### Councillors:

Button (chair)  
Ackroyd  
Barker  
Bogelein  
Brociek-Coulton  
Gayton  
Gihawi  
Henderson  
Jones  
Maxwell  
Price  
Stammers  
Woollard

### FOR FURTHER INFORMATION PLEASE CONTACT -

Committee officer: Lucy Green

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City Hall  
Norwich  
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## AGENDA

Page N°

**1. Appointment of vice chair**

**2. Apologies**

**3. Public Questions**

**Purpose** - To receive questions from the public (notice to be given to the committee officer by 10am on the day before the meeting)

**4. Declarations of interest**

(Please note that it is the responsibility of individual members to declare any interest prior to the item if they arrive late for the meeting)

**5. Minutes**

**5**

**Purpose** - To agree the accuracy of the minutes of the meeting held on 13 March 2014

**6. Training and Development**

**Purpose** – The licensing manager and NPLaw will facilitate a development session to refresh former members and induct newly appointed members on the licensing process.

**7. Pet shop model conditions**

**9**

**Purpose** - That members consider adopting revised model conditions to be attached to all pet shop licences issued under the Pet Animals Act 1951.

**8. The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014**

**45**

**Purpose** - To inform members of the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014, which took effect on 28 May 2014. The order relates to the banning of the sale of alcohol below the cost of duty plus VAT.

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The following item is for information only.

**9. Standing item – Regulatory subcommittee minutes**

**69**

**Purpose** – To receive the minutes of the regulatory subcommittee meetings held on 17 March 2014 and 12 May 2014

04 June 2014



If you would like this agenda in large print, audio, Braille, alternative format or in a different language, please call Lucy Green, Senior committee officer on 01603 212416 or email [LucyGreen@norwich.gov.uk](mailto:LucyGreen@norwich.gov.uk)

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**LICENSING COMMITTEE****4.30pm to 5.45pm****13 MARCH 2014**

Present: Councillors Gayton (chair), Haynes (vice chair), Barker, Button, Gihawi, Harris, Henderson, Maxwell, Price, Stammers, Stephenson, Thomas, Wright

**1. APOLOGIES**

No apologies were received.

**2. PUBLIC QUESTIONS**

There were no public questions.

**3. DECLARATIONS OF INTEREST**

A declaration of interest was made by Councillor Wright for item 6A.

**4. MINUTES**

**RESOLVED** to approve the accuracy of the minutes of the meeting held on 12 December 2013.

**5. LICENCE AND REGISTRATION FEES**

The licensing manager introduced the report and briefly explained the process for determination of fees as detailed in the report. In response to a member's question, he explained that revenue from licences could only be put toward the administration of the licensing scheme – as such, additional increases could not be included to cover the cost of refuse collection and street cleaning. He then clarified that although businesses may have different turnovers, this would not affect the price of their licence as this is calculated by officer time involved in visiting premises plus administrative costs.

**RESOLVED**, unanimously, to approve the fees detailed in the licensing charges 2013-14 to 2014-15 schedule.

## 6. SEXUAL ENTERTAINMENT VENUE (SEV) POLICY

The licensing manager introduced the report, explaining that, whilst a draft policy had been written, there was no mandatory requirement to adopt such a policy. Committee members, however, agreed that a policy should be put in place.

The licensing manager explained that the draft had been made by examining the relevant policies from other similar cities and adopted best practice. He stressed, however, that it was just a draft and that councillors' concerns (such as the sexual health of performers and the personal safety of transgendered performers) could be put forward during the consultation stage of the document.

Discussion then ensued during which the licensing manager said that vexatious and frivolous complaints would not come to the committee, as per the current licensing policy. He explained that CCTV would be required under the terms of the policy to cover all areas of the venue and be available to the council and to the police to ensure the safety of performers and customers alike.

Committee members then put forward a number of suggestions for the policy including:

- during the drafting stage, the needs of the public should be borne in mind at all times
- an option for having a cap on the number of SEVs within the city;
- an option to have nil SEVs within the city;
- a ban on allowing intoxicated people into SEVs; and
- a fair pay element for performers – as guidance, even if not enforceable.

The licensing manager said that the fair pay element would not be appropriate for the policy.

Councillor Price moved and Councillor Stammers seconded a motion to add to the policy an option for there to be no SEVs within the city and for allowing a cap on the number of SEVs within the city. Members voted unanimously in favour of this option.

Councillor Haynes moved and Councillor Price seconded a motion to include within the policy an automatic right for people to be able to directly address the committee, with some ability to cross-examine applicants. Members voted unanimously in favour of this option.

In response to a member's question, the licensing manager explained that under the relevant legislation, there was no built-in review procedure for licensees. A review would take place annually as part of the licence renewal procedure.

Discussion then ensued during which one members said that there was no need for a redraft of the policy prior to consultation to incorporate the suggested amendments as that could happen later. The aim of the consultation was to gather a range of views on the policy as it stood. The chair reminded members that the aim of the report was to put out a draft policy for consultation, not to produce a finished product.

**RESOLVED** to:-

1. authorise the head of citywide services to consult on the draft *Sexual entertainment venue policy*.
2. add to the policy (following the initial consultation) an option for there to be no SEVs within the city and to allow a cap on the number of SEVs within the city.
3. add to the policy an automatic right for people to be able to directly address the committee, with some ability to cross-examine applicants.

Councillors Wright and Stammers left the meeting at this point.

## **6A. HACKNEY CARRIAGE FARE REVIEW**

The licensing manager introduced the report and circulated an updated appendix E, showing the correct calculations for the fare increase application.

**RESOLVED**, unanimously, to approve the application by the Norwich Hackney Trade Association for an increase in Hackney Carriage fares (as detailed in the submitted tariff structure) in accordance with section 65 of the Local Government (Miscellaneous provisions) Act 1976.

## **7. STANDING ITEM – REGULATORY SUBCOMMITTEE MINUTES**

**RESOLVED** to receive the minutes of the regulatory subcommittee meetings held on 16 December 2013 and 20 January 2014.

CHAIR



**Report to** Licensing committee  
12 June 2014  
**Report of** Head of citywide services  
**Subject** Pet shop model conditions

**Item**

**7**

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### **Purpose**

That members consider adopting revised model conditions to be attached to all pet shop licences issued under the Pet Animals Act 1951.

### **Recommendation**

That members adopt, with effect from 1 January 2015, the Chartered Institute of Environmental Health revised model pet shop licence conditions of 2013, attached as appendix B to the report.

### **Corporate and service priorities**

The report helps to meet the corporate priority of a safe and clean city and the service plan priority of protecting the interests of the public through the administration of the licensing function.

### **Financial implications**

Implementation costs met from existing budget.

Ward/s: All wards

Cabinet member: Councillor Stonard – Environment, development and transport

### **Contact officers**

Christopher Gooding, environmental health manager 01603 212747

Vicky Ellis, environmental health officer 01603 212321

Ian Streeter, licensing manager 01603 212439

### **Background documents**

The Chartered Institute of Environment Health (2013) *Model Conditions for Pet Vending Licensing 2013*, [electronic], Available:

<http://www.cieh.org/assets/0/72/1126/1212/1216/1218/f847c5a9-2251-43ed-bba8-4d064e0383c0.pdf> [15 April 2014]

## Report

1. Pet shops are licensed under the Pet Animals Act 1951 and are subject to certain conditions. The conditions currently used by Norwich city council are based on model conditions produced by a working group of the former Association of District Councils (now the Local Government Association) in 1998. A copy of these is attached at appendix A of the report.
2. The city council currently licences seven pet shops which sell a variety of species including traditional pets such as fish, hamsters, rats, gerbils, rabbits, guinea pigs and birds, as well as more exotic species such as snakes, lizards, amphibians, arachnids, insects, degus and chinchillas.
3. The existing model conditions have recently been revised by a working group, members of which include the British Veterinary Association, Pet Care Trade Association and the Chartered Institute of Environmental Health.
4. The revised model conditions set out the basic minimum standards considered necessary to ensure the health, safety and welfare of animals in pet shops. Another key objective of conditions is to achieve a consistency of approach across local authorities which minimises the risk of zoonoses - the transmission of disease from animals to humans.
5. There are minor changes to the general conditions which relate to ventilation, environmental enrichment and identifying animals under veterinary treatment. The main revision has been to include schedules of specie specific conditions for rabbits, other small mammals, fish, birds, reptiles and amphibians, amongst others. These conditions relate to stocking densities, enclosure size, environmental conditions, age at the point of sale, diet and environmental enrichment.
6. Each pet shop is inspected annually by officers in the Food and Safety Team prior to renewal of their licence. During the last round of inspections December 2012, the pet shops were inspected against both the current and revised conditions.
7. Standards within the pet shops were found to be extremely high and the vast majority already meet the standards identified in the revised conditions. Minor proposed improvements that were identified, related to the keeping of written records of water quality monitoring for those selling fish, the availability of environmental enrichment items such as shelter for hamsters and the type of drinking receptacles used. Such improvements were recommended to individual pet shop operators during their inspection.
8. Introduction of the revised conditions is therefore likely to have an extremely low impact, if any, on the businesses concerned.



## Conditions subject to which a Pet Shop licence is granted

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 can be interfered with by other animals or unauthorised persons.
6. Animals shall not be displayed outside the premises during unsuitable weather.
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 is practicable and disposed of to the satisfaction of the appropriate local authority. All refuse containers shall be maintained in a clean condition.
8. All necessary precautions shall be taken to prevent the introduction or harbourage of rodents, insects and any other pests to the premises.
9. All animal foods 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 authority and police.
12. Animals and stock shall not be placed or kept in or outside the shop so as to obstruct entrance to or exit from the shop in the case of fire or other emergency.

# APPENDIX A

13. Fire fighting equipment, including extinguishers, shall be provided as approved by the chief fire officer and shall be sited as so directed. 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 numbers and types of animals permitted to be kept on the premises to which the licence refers are as set out above and shall not be exceeded.

16. The numbers of animals which may be kept on the premises must be displayed on the premises.

17. Exhibition animals kept in the shop should be considered as requiring proper accommodation and any animals not for sale should have a note stating that fact.

18. 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.

19. A register of animals shall be kept by the proprietor of the pet shop which must be produced on demand by the authorised inspector.

20. Pet shops selling animals on the schedule to the Dangerous Wild Animals Act should ascertain that the buyer is licensed or duly authorised to keep such animals.

21. All new licence holders shall, within 12 months of obtaining a first licence, obtain a suitable qualification in Pet Care, e.g. The City and Guilds Principles of Animal Management within a Pet Store.



# 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)<sup>1</sup> which applies in England and Wales and the Animal Health and Welfare (Scotland) Act 2006<sup>2</sup> 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.

<sup>1</sup> [www.defra.gov.uk/foodfarm/farmanimal/welfare/act](http://www.defra.gov.uk/foodfarm/farmanimal/welfare/act)

<sup>2</sup> [www.oqps.gov.uk/legislation/acts/acts2006/pdf/asp\\_20060011\\_en.pdf](http://www.oqps.gov.uk/legislation/acts/acts2006/pdf/asp_20060011_en.pdf)

### Legislation/Orders that are relevant<sup>3</sup>:

#### 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 Standards<sup>4</sup> 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.

<sup>3</sup> All legislation referred to in this document is intended to represent the most recent version

<sup>4</sup> 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

\*\*m<sup>2</sup> is a measurement of area. One m<sup>2</sup> measures one metre by one metre. Consequently two m<sup>2</sup> 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 maybe 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 – 1.5m<sup>2</sup> for sleeping, plus 2m<sup>2</sup> for exercise
- 2.2 For a batch of medium breed puppies – max 4 pups – 2m<sup>2</sup> for sleeping, plus 2m<sup>2</sup> for exercise
- 2.3 For a batch of large breed puppies – max 2 pups – 2m<sup>2</sup> for sleeping, plus 2m<sup>2</sup> 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 m<sup>2</sup>, 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 0.25m<sup>2</sup> 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:

0.4m<sup>2</sup> for up to 4 standard juvenile rabbits and a height of 0.4m. 0.5m<sup>2</sup> 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 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 m<sup>2</sup>, 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 0.25m<sup>2</sup> 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 <sup>2</sup> ) housing up to 4 birds	Linear cms per additional bird on either cage length or depth <sup>*3</sup>
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 <sup>*1</sup>	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](mailto:secretary@bvzs.org)

#### Chartered Institute of Environmental Health

Chadwick Court, 15 Hatfields, London SE1 8DJ  
Telephone: 020 7928 6006  
[www.cieh.org](http://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](mailto: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](mailto:info@local.gov.uk)  
[www.lga.gov.uk](http://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](http://www.bsava.com)

#### British Veterinary Association

7 Mansfield Street,  
London W1G 9NQ  
Telephone: 020 7636 6541  
Email: [bvahq@bva.co.uk](mailto:bvahq@bva.co.uk)  
[www.bva.co.uk](http://www.bva.co.uk)

#### Royal College of Veterinary Surgeons

Belgravia House, 62-64 Horseferry Road,  
London SW1P 2AF  
[www.rcvs.org.uk](http://www.rcvs.org.uk)

### All Species

#### The Blue Cross

Shilton Road, Burford, Oxon OX18 4PF  
Tel: 01993 822651  
Email: [info@bluecross.org.uk](mailto:info@bluecross.org.uk)  
[www.bluecross.org.uk](http://www.bluecross.org.uk)

#### Pet Industry Federation

Bedford Business Centre,  
170 Mile Road, Bedford MK42 9TW  
Telephone: 01234 273 933  
[www.petcare.org.uk](http://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](http://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](http://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](mailto:info@woodgreen.org.uk)  
[www.woodgreen.org.uk](http://www.woodgreen.org.uk)

### Cats

#### International Cat Care

Taeselbury, High Street, Tisbury,  
Wiltshire SP3 6LD  
Telephone: 01747 871872  
Email: [info@icatcare.org](mailto:info@icatcare.org)  
[www.icatcare.org](http://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](mailto:info@gccfcats.org)  
[www.gccfcats.org](http://www.gccfcats.org)

## **Dogs**

### **Dogs Trust**

17 Wakley Street, London EC1V 7RQ  
Telephone: 0207 833 7685  
Email: [info@dogstrust.org.uk](mailto:info@dogstrust.org.uk)  
[www.dogstrust.org.uk](http://www.dogstrust.org.uk)

### **The Kennel Club**

1-5 Clarges Street, Piccadilly, London W1J 8AB  
Telephone: 08444 633 980  
Email: [info@thekennelclub.org.uk](mailto:info@thekennelclub.org.uk)  
[www.thekennelclub.org.uk](http://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](http://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](http://www.dog-register.co.uk)

### **Animalcare**

Telephone: 01904 487 687  
Email: [office@animalcare.co.uk](mailto:office@animalcare.co.uk)  
[www.animalcare.co.uk](http://www.animalcare.co.uk)

### **AVID Plc**

PO Box 190, Lewes, East Sussex BN7 9GD  
Telephone: 0800 652 7 977  
Email: [pettrac@avidplc.com](mailto:pettrac@avidplc.com)  
[www.avidplc.com](http://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](mailto:petlogadmin@thekennelclub.org.uk)  
[www.petlog.org.uk](http://www.petlog.org.uk)

### **Pet Protect**

Furness House, 53 Brighton Road,  
Redhill, Surrey RH1 6RD  
Telephone: 0800 587 0660  
[www.petprotect.co.uk](http://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](http://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](mailto:hq@rabbitwelfare.co.uk)  
[www.rabbitwelfare.co.uk](http://www.rabbitwelfare.co.uk)

## **Reptiles**

### **REPTA (Reptile & Exotic Pet Trade Association)**

Telephone: 02380 440999  
Email: [info@repta.org](mailto:info@repta.org) [www.repta.org](http://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](mailto:info@amtra.org.uk)  
[www.amtra.org.uk](http://www.amtra.org.uk)

### **City & Guilds**

1 Giltspur Street, London EC1A 9DD  
Telephone: 0844 543 0000  
[www.cityandguilds.com](http://www.cityandguilds.com)

### **LANTRA**

Lantra House, Stoneleigh Park,  
Coventry, Warwickshire CV8 2LG  
Telephone: 0845 707 8007  
Email: [connect@lantra.co.uk](mailto:connect@lantra.co.uk)  
[www.lantra.co.uk](http://www.lantra.co.uk)



Chartered  
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Environmental  
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Registered charity no. 290350

<b>Report to</b>	Licensing committee	<b>Item</b>
	12 June 2014	
<b>Report of</b>	Head of citywide services	<b>8</b>
<b>Subject</b>	The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014	

### **Purpose**

To inform members of the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014, which took effect on 28 May 2014. The order relates to the banning of the sale of alcohol below the cost of duty plus VAT.

### **Recommendation**

That members note the report.

### **Corporate and service priorities**

The report helps to meet the corporate priority of a safe and clean city and the service plan priority of protecting the interests of the public through the administration of the licensing function.

### **Financial implications**

Enforcement to ensure the Order is complied with will be met from existing budget.

Ward/s: All wards

Cabinet member: Councillor Stonard – Environment, development and transport

### **Contact officers**

Ian Streeter, licensing manager

01603 212439

### **Background documents**

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

## Background

1. On 23 March 2012 the Government launched its Alcohol Strategy, which aimed to reshape the approach to alcohol and reduce the number of people drinking to excess. The Alcohol Strategy is targeted at harmful and hazardous consumers and aims to limit the impact on responsible consumers.
2. In January 2013 the Home Office consulted on the Governments Alcohol Strategy. This consultation looked at five key points included in the Governments Alcohol Strategy one of these was:
  - The price level and mechanisms for a minimum unit price for alcohol;
3. The Government's response to the Alcohol Strategy consultation, published on 17 July 2013, set out Government's intention to ban below cost selling to tackle the availability of below cost alcohol.
4. The Government has established 'cost' as the amount of 'duty plus VAT', defined as the level of alcohol duty for a product plus value added tax payable on the duty element of the product price.
5. The Home Office has issued guidance on banning the sale of alcohol below the cost of duty plus VAT, a copy of which is attached as appendix A to the report.

## The 2014 Order

6. The ban is a new licensing condition of the Mandatory Code of Practice. The Mandatory Code of Practice relates to all licensed premises, including club premises certificates, in England and Wales.
7. The responsibility for ensuring compliance with the mandatory condition setting out the permitted price is the responsibility of a 'relevant person'. A 'relevant person' is defined as the premise licence holder, designated premises supervisor or personal licence holder (in relation to premises licences) and a member or officer of a club who is present and able to prevent a supply of alcohol (in relation to club premises certificates).
8. The level of duty plus VAT is calculated by taking the relevant excise duty figure for a particular product and then applying the current rate of VAT to this amount. Duty rates differ in accordance with the type of alcohol and often the strength of the product. There are three categories for calculating the permitted price of duty plus VAT the three categories are:
  - Beer
  - Spirits, spirit-based ready-to-drink, wine and made-wine (exceeding 22% ABV)
  - Wine, made-wine and cider (not exceeding 22% ABV)
9. The following calculations to determine the permitted price for each product:

Beer permitted price = Duty + VAT

Where Duty (pence) = volume (litres) x strength (% ABV) x Duty rate

Spirits, spirit-based ready-to-drink, wine and made wine (exceeding 22%) permitted price = Duty + VAT

Where Duty (pence) = volume (litres) x strength (% ABV) x duty rate

Wine, made-wine and cider (not exceeding 22% ABV) permitted price = Duty + VAT

Where Duty (pence) = volume (litres) x duty rate

10. The Home Office guidance also covers:

- Multibuy promotions
- Multibuy promotions on non-alcoholic products
- Multipack products
- Inclusive drinks
- Complementary drinks
- Discount coupons
- Reward cards
- Staff discount
- Online internet sales

11. In respect of multibuy promotions, businesses can continue to sell alcohol as part of buy one get one free promotions. However, businesses will need to ensure that the total purchase price for the package of products is not below the aggregate of the duty plus VAT permitted price for each product comprised in the package. To achieve this, businesses will need to calculate the total of the combined permitted price of each alcoholic product in the promotion.

### **Informing the trade**

12. Details of the 2014 Order have been disseminated to licence holders through the Licensing Forum and information will be available on the council's websites. The new mandatory licence conditions will be added to existing premises licences / club premises certificates following applications to amend the licence / certificate, e.g. change of designated premises supervisor or licence / certificate holder.



Home Office

APPENDIX A

# **Guidance on banning the sale of alcohol below the cost of duty plus VAT**

For suppliers of alcohol and enforcement authorities in England and Wales

February 2014

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- 2) Who the ban applies to

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- 5) Changes to excise duty and VAT
- 6) Updating of pricing systems
- 7) Multibuy promotions
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# Introduction

## Overview: banning the sale of alcohol below the cost of duty plus VAT

On 23 March 2012 the Government launched its Alcohol Strategy, which aims to radically reshape the approach to alcohol and reduce the number of people drinking to excess. The Alcohol Strategy is targeted at harmful and hazardous consumers and aims to limit the impact on responsible consumers. The Government's response to the Alcohol Strategy consultation, published on 17 July 2013, set out the Government's intention to ban below cost selling to tackle the availability of below cost alcohol.

The Government has established 'cost' as the amount of 'duty plus VAT', defined as the level of alcohol duty ('duty') for a product plus value added tax ('VAT') payable on the duty element of the product price.

This guidance provides a single point of reference for suppliers of alcohol and local authorities in England and Wales for banning the sale of alcohol below the cost of duty plus VAT.

This guidance document provides comprehensive information regarding implementation of the relevant legislation, methods of calculating the amount of duty plus VAT (referred to in legislation as "the permitted price") and effective enforcement of the ban. The content of this guidance relates to proposals to be introduced as draft legislation in early 2014. Therefore the content is subject to parliamentary approval of legislation; if approval is obtained, the legislation will come into force in April 2014.

The ban will prevent businesses from selling alcohol at heavily discounted prices and aims to reduce excessive alcohol consumption and its associated impact on alcohol related crime and health harms.

## Who the ban applies to

The ban is a new licensing condition of the Mandatory Code of Practice. The Mandatory Code of Practice applies to all licensed premises, including those with club premises certificates, in England and Wales.

# Section 1: Implementing the ban

## Responsibility for ensuring compliance of the mandatory condition at premises

Responsibility for ensuring compliance with the mandatory condition setting out the permitted price is the responsibility of a “relevant person”. We have defined “relevant person” (in relation to premises licences) as the premises licence holder, designated premises supervisor or personal licence holder and (in relation to club premises certificates) a member or officer of a club who is present and able to prevent a supply of alcohol.

The premises licence holder, designated premises supervisor or personal licence holder is responsible for ensuring that any person (if different from the licence holder) responsible for amending prices on the premises is aware of the legal requirement to sell alcohol at or above the cost of duty plus VAT on that premises.

In circumstances where local store managers are not responsible for amending the prices in-store, responsibility is applicable to the company headquarters and the person, or persons, who are a “relevant person” under the mandatory condition.

## How to calculate the permitted price of duty plus VAT

The level of duty plus VAT is calculated by taking the relevant excise duty figure for a particular product and then applying the current rate of VAT to this amount.

Duty rates differ in accordance with the type of alcohol and often the strength of the product. There are three categories for calculating the permitted price of duty plus VAT. The three categories are:

- 1) Beer
- 2) Spirits, spirit-based ready-to-drinks, wine and made-wine (exceeding 22% ABV)
- 3) Wine, made-wine and cider (not exceeding 22% ABV)

We use the following calculations to determine the permitted price for each product:

### **Beer permitted price = Duty + VAT**

Where Duty (pence) = volume (litres) x strength (% ABV) x duty rate

### **Spirits, spirit-based ready-to-drinks, wine and made-wine (exceeding 22%) permitted price = Duty + VAT**

Where Duty (pence) = volume (litres) x strength (% ABV) x duty rate

### **Wine, made-wine and cider (not exceeding 22% ABV) permitted price = Duty + VAT**

Where Duty (pence) = volume (litres) x duty rate

(Note: duty rates for beer, wine, made-wine and cider are given in pounds per hectolitre. For clarity of calculation, and because of the small quantities involved, this has been translated into pence per litre, which is an identical figure. Duty rates for spirits and other products over 22% ABV are given in pounds per litre of pure alcohol. For clarity of calculation, and because of the small quantities involved, this has been translated into pence per centilitre (i.e. 10ml) of pure alcohol, which is also an identical figure.)

Where a retailer wishes to sell drinks that are mixed, for example, in a cocktail, they should calculate the permitted price using the alcohol contained in the drink.

Where permitted prices are not a whole number of pennies, the price should be rounded up to the nearest whole number.

The duty rates are set out in [Annex A](#).

## Worked examples:

### 440ml can of 4% ABV lager

$$\begin{aligned}\text{Beer permitted price} &= (\text{volume (litres)} \times \text{strength (\% ABV)} \times \text{duty rate}) + \text{VAT} \\ &= (0.44 \times 4 \times 19.12) \times 1.2 \\ &= 40.38144, \text{ rounded up to 41 pence}\end{aligned}$$

### 440ml can of 9% ABV lager

$$\begin{aligned}\text{Beer permitted price} &= (\text{volume (litres)} \times \text{strength (\% ABV)} \times \text{duty rate}) + \text{VAT} \\ &= (0.44 \times 9 \times (19.12 + 5.09)) \times 1.2 \\ &= 115.04592, \text{ rounded up to } \pounds 1.16\end{aligned}$$

### 70cl bottle of 37.5% ABV vodka

$$\begin{aligned}\text{Spirits permitted price} &= (\text{volume (litres)} \times \text{strength (\% ABV)} \times \text{duty rate}) + \text{VAT} \\ &= (0.7 \times 37.5 \times 28.22) \times 1.2 \\ &= 888.93, \text{ rounded up to } \pounds 8.89\end{aligned}$$

### 500ml bottle of 4.5% ABV sparkling cider

$$\begin{aligned}\text{Cider permitted price} &= (\text{volume (litres)} \times \text{duty rate}) + \text{VAT} \\ &= (0.5 \times 39.66) \times 1.2 \\ &= 23.796, \text{ rounded up to 24 pence}\end{aligned}$$

### 500ml bottle of 4.5% ABV made-wine

$$\begin{aligned}\text{Made-wine permitted price} &= (\text{volume (litres)} \times \text{duty rate}) + \text{VAT} \\ &= (0.5 \times 113.01) \times 1.2 \\ &= 67.806, \text{ rounded up to 68 pence}\end{aligned}$$

### 750ml bottle of 12.5% ABV wine

$$\begin{aligned}\text{Wine permitted price} &= (\text{volume (litres)} \times \text{duty rate}) + \text{VAT} \\ &= (0.75 \times 266.72) \times 1.2 \\ &= 240.048, \text{ rounded up to } \pounds 2.41\end{aligned}$$

### Cocktail containing 50ml 19% ABV port and 275ml 4% ready-to-drink (RTD)

$$\begin{aligned}\text{Wine permitted price} &= (\text{volume (litres)} \times \text{duty rate}) + \text{VAT} \\ &= (0.05 \times 355.59) \times 1.2 \\ &= 21.3354\end{aligned}$$

$$\text{RTD permitted price} = (\text{volume (litres)} \times \text{strength (\% ABV)} \times \text{duty rate}) + \text{VAT}$$

$$= (0.275 \times 4 \times 28.22) \times 1.2$$

$$= 37.2504$$

Total permitted price = 21.3354 + 37.2504  
= 58.5858, rounded up to 59 pence

It should be noted that there are different duty rates within each of the categories of beer and wine and cider, and that the appropriate rate should be used. See [Annex A](#) for details of the duty rates for each category.

Product	Description	Exceptions	Notable products
Beer	In the Alcoholic Liquor Duties Act 1979, beer is defined as including ale, porter, stout and any other description of beer, and any liquor which is made or sold as a description of beer or as a substitute for beer, whose alcoholic strength exceeds 0.5% ABV. This includes mixtures of beer with non-alcoholic drinks, (for example, with lemonade to produce shandy). Also classified as beer for duty purposes are certain mixtures of beer with alcoholic liquors or substances where the final product strength does not exceed 5.5% ABV	Beer below 1.2% ABV is not subject to duty. Lower-strength beer (2.8% and below) pays the reduced rate. Higher-strength beer (over 7.5% ABV) pays the general beer duty rate plus the higher-strength duty rate. Beer mixed with spirits will be liable to the spirits rate of duty.	Barley wine
Wine and made-wine	Wine is defined as a drink produced by fermentation of fresh grapes or grape must. Made-wine is any other drink - apart from beer or cider - containing alcohol that is made by fermentation, rather than by distillation or any other process.	Still wine and sparkling wine are in different duty brackets. Wine is liable to the sparkling rates of duty if it has an actual alcoholic strength by volume exceeding 5.5 per cent but not exceeding 15 per cent ABV and: in a closed bottle with excess pressure, due to carbon dioxide, of three bars or more at 20°Centigrade, or regardless of pressure, is contained in a closed bottle with a 'mushroom	Wine: Port Sherry Madeira Vermouth Cinzano Mulled wine  Made-wine: Mead Sake Ginger wine Fruit-flavoured cider (flavoured with anything except apple juice)

		shaped stopper' held in place by a tie or fastening.	
Cider and perry	<p>For a drink to be classed as cider or perry for duty purposes, the following apply:</p> <p>A pre-fermentation juice requirement. At least 35 per cent apple or pear juice must be included in any mixture from which fermentation takes place.</p> <p>A final product juice requirement. A minimum of 35 per cent apple or pear juice must be included overall in making the final product.</p>	<p>For duty purposes, the following may not be added to cider:</p> <p>(i) any alcoholic liquor, or</p> <p>(ii) any liquor or substance which communicates colour or flavour, other than such as the Commissioners may allow as appearing to them to be necessary to make cider (or perry).</p> <p>The following are classed as made-wine or spirits:</p> <p>cider of 8.5% ABV or more, or labelled or described as 8.5% ABV or more</p> <p>cider including anything other than certain permitted ingredients, or ingredients in more than specific quantities</p>	
Spirits and ready-to-drink spirit based products	There is one duty band for spirits and ready-to-drink products where the alcohol content comes from spirits.	Fortified wines, including sherry and port, should be classed as wines.	

Where a retailer is uncertain about the category to which a product should belong, the retailer should calculate the permitted price using both categories, and use the higher of the duties.

HMRC have published [detailed guidance](#) on the categories of duty payable, and its [guide to alcoholic duties and procedures](#) gives further detail on types of alcoholic drinks.

See [Annex B](#) for a list of the permitted prices of the most common type of alcohol products. We have also provided a link to an online permitted price calculator at [Annex C](#) which can be used to calculate the permitted prices of those products that are not listed in [Annex B](#).

The duty rate that applies on the day of sale to the customer will be the duty rate that should apply for the calculation of the permitted price.

## Changes to excise duty and VAT

Duty rates may change each year, typically following the Chancellor's Budget. Therefore, those who supply alcohol will need to ensure the new duty rates are applied to the three formulae in the preceding section when duty rates change.

Revised duty rates usually take effect a short time (usually around five days) after the Budget is announced by the Chancellor. It is required that businesses implement changes to their pricing systems within fourteen calendar days of implementation of the new rate to ensure compliance with the mandatory condition.

The same rule will apply to any change in the rate of VAT.

## Updating of pricing systems

Businesses and others who supply alcohol will need to ensure that their pricing systems are accurate to prevent any sale of alcohol below the cost of duty plus VAT. This includes ensuring that prices are accurate on shelves, barcodes, menus and price lists, where appropriate.

It is therefore recommended that businesses follow a series of steps to successfully implement the regulation on the premises. A recommended series of steps can be found at [Annex D](#).

## Multibuy promotions

Businesses can continue to sell alcohol as part of buy one get one free promotions. However, businesses will need to ensure that the total purchase price for the package of products is not below the aggregate of the duty plus VAT permitted price for each product comprised in the package. To achieve this, businesses will need to calculate the total of the combined permitted price of each alcoholic product in the promotion.

For example, if a business runs a promotion for the sale of a bottle of whisky with a free bottle of wine then the business will need to combine the permitted price for each of the bottle of whisky (£9.49 for 700ml bottle of whisky with a strength of 40%) and the bottle of wine (£2.41 for 750ml bottle of wine with a strength of 11.5%).  $£9.49 + £2.41 = £11.90$  permitted price for both items as part of a buy one get free promotion.

## Multibuy promotions on non-alcoholic products

In instances where businesses run a promotion for the sale of an alcoholic product and a free non-alcoholic product (such as chocolates, flowers etc.) and vice-versa, businesses will need to ensure that the total purchase price of the promotion is not below the permitted price of the alcohol product comprised in it (or aggregate of the permitted prices if there is more than one alcohol product) as detailed above.

For example, if a retailer runs a promotion for a meal deal that includes a free bottle of wine then the retailer will need to ensure that the selling price of the meal deal is not below the permitted price of the wine.

## Multipack products

Businesses can continue to sell bulk items of alcohol, such as multipacks of beer or ready-to-drink products. Businesses will need to ensure that each multipack is sold above the aggregate of the permitted price of each product in it.

For example, if a business runs a promotion to sell a pack with 24 440ml cans of 4% ABV lager in one multi-pack they will need to calculate the total volume of lager in order to calculate the permitted price.

$$24 \times 440\text{ml} = 10.560 \text{ litres}$$

$$\begin{aligned} \text{Beer permitted price} &= (\text{volume (litres)} \times \text{strength (\% ABV)} \times \text{duty rate}) + \text{VAT} \\ &= (10.560 \times 4 \times 19.12) \times 1.2 \\ &= 969.15456, \text{ rounded up to } \pounds 9.70 \end{aligned}$$

## Inclusive drinks

Many businesses run promotions in hotels and restaurants, for example, a free bottle of champagne with a hotel room or a drink included in the price of a table meal. Businesses can continue to run these types of special promotions but will need to ensure that the permitted price of the alcoholic product in question is included in the overall price of the promotion.

For example, where a pub offers a table meal with a pint of 4% beer included in the price, the total cost of the table meal must be at or above the permitted price of the beer (ie 53p).

## Complementary drinks

Free drinks provided an ad hoc basis, for instance those offered as compensation for late food service, do not count as sales because the customer has not paid anything for the drink.

## Discount coupons

Businesses may continue to offer discount coupons for alcoholic drinks, but must ensure that the price of the product after all applicable discounts are applied is above the permitted price of the product.

Where a coupon is offered by a producer for a discount on alcohol, retailers should ensure that the price of the drink does not fall below the floor price as a result of that coupon being applied.

Where 'threshold spend' coupons are offered to customers (e.g. save £2 when you spend £15), they may be used to purchase alcohol as long as the total cost of the sale is not below the permitted price for the alcoholic products.

## Reward cards

Reward points and vouchers can continue to be used to buy alcohol, either in the store where they were earned, or at partner retailers, on the condition that the points redeemed have an equivalent cash value that is not below the permitted price of the product. Where retailers offer a promotion on reward points or vouchers, the original value of the voucher shall be taken into account.

The price of an alcoholic product is considered to be the amount of money paid by the purchaser at the time of sale. Proxy benefits to the customer from the sale, for instance in the form of reward points, should not be considered as a part of the purchase price, as they have a cash value only in respect of subsequent sales, and not the present one. For instance, if a promotional voucher is offered to customers for reward points in exchange for buying a particular alcoholic product, the value of the points shall not be taken into account when calculating whether the permitted price has been charged.

## **Staff discount**

Companies can offer staff discount, as long as the price after all discounts are applied is above the permitted price.

## **Online internet sales**

The ban will apply to all sales of alcohol that take place (i.e. the alcohol is despatched) within England and Wales.

As detailed above, businesses will need to ensure that the online price of all alcohol products are sold above the duty plus VAT permitted prices.

## Section 2: Exemptions

The following are exempt from the ban:

- Activities carried on at or from one of the locations described in section 173 of the Licensing Act 2003
- Alcohol offered as a prize in an incidental non-commercial lottery under section 175 of the Licensing Act 2003
- Low strength beer and other drinks of 1.2% ABV or less

### Activities carried on at or from one of the locations described in section 173 of the Licensing Act 2003

Section 173 of the Licensing Act 2003 states that:

(1) An activity is not a licensable activity if it is carried on— .

- (a) aboard an aircraft, hovercraft or railway vehicle engaged on a journey,
- (b) aboard a vessel engaged on an international journey,
- (c) at an approved wharf at a designated port or hoverport,
- (d) at an examination station at a designated airport,
- (e) at a royal palace,
- (f) at premises which, at the time when the activity is carried on, are permanently or temporarily occupied for the purposes of the armed forces of the Crown,
- (g) at premises in respect of which a certificate issued under section 174 (exemption for national security) has effect, or
- (h) at such other place as may be prescribed.

This would include sales at airside bars and shops at international airports and seaside at international ferry terminals.

Therefore, a ban on below cost sales will not apply to any alcoholic products sold at these locations.

### Alcohol offered as a prize in an incidental non-commercial lottery under section 175 of the Licensing Act 2003

The supply of alcohol in sealed containers as a prize is exempt from the condition under existing provision about incidental non-commercial lotteries in section 175 of the Licensing Act 2003 (an incidental non-commercial lottery is defined in Part 1 of Schedule 11 to the Gambling Act 2005).

This will therefore ensure that free alcohol (in sealed containers) can continue to be awarded as prizes in competitions and raffles in, for instance, community charity events, without being subject to a ban on below cost sales.

### Low strength drinks of 1.2% ABV or less

There is currently no duty paid on alcoholic drinks of 1.2% ABV or less. Therefore, any drink that has a strength of 1.2% ABV or less will be exempt from the condition.

Under section 191(1)(a) of the Licensing Act 2003, the definition of alcohol does not include alcohol which is of a strength not exceeding 0.5% at the time of the sale or supply in question.

# Section 3: Enforcement

## Responsibility for enforcement

The ban will be enforced by local authorities including licensing authorities, Trading Standards and the police.

It is recommended that enforcement officers only check the prices of heavily discounted alcohol products as these products are most likely to pose a risk of breaching the new mandatory condition. We do not expect enforcement officers to check the price of all alcohol products on the premises unless they feel it is appropriate to do so.

Where necessary, enforcement officers may request a copy of the premises pricing lists and take away for analysis to compare against the duty plus VAT permitted prices. This will ensure that enforcement officers do not spend a substantial amount of time calculating the permitted prices of products on the premises where conditions may be challenging.

## Breach of the ban under the Mandatory Code of Practice

Businesses are required by law to comply with the licensing conditions of the Mandatory Code.

Failure to comply with the permitted price condition may be an offence under section 136 of the Licensing Act 2003. This may also result in a review of the licence, or the service on the premises of a closure notice under section 19 of the Criminal Justice and Police Act 2001.

# Annex A

## Alcohol duty rates (2013)

Alcohol type	Rate from 25/03/2013
Rate £ per litre of pure alcohol	
Spirits	28.22
Spirits-based: Ready-to-drinks	28.22
Wine and made-wine: Exceeding 22% ABV	28.22
Rate £ per hectolitre per cent of alcohol in the beer	
Beer - General Beer Duty	19.12
Beer - High Strength: Exceeding 7.5%ABV - in addition to the General Beer Duty	5.09
Beer - Lower Strength: Exceeding 1.2% - not exceeding 2.8% ABV	9.17
Rate £ per hectolitre of product	
Still cider and perry: Exceeding 1.2% - not exceeding 7.5% ABV.	39.66
Still cider and perry: Exceeding 7.5% - less than 8.5% ABV.	59.52
Sparkling cider and perry: Exceeding 1.2% - not exceeding 5.5% ABV.	39.66
Sparkling cider and perry: Exceeding 5.5% - less than 8.5% ABV.	258.23
Wine and made-wine: Exceeding 1.2% - not exceeding 4% ABV	82.18
Wine and made-wine: Exceeding 4% - not exceeding 5.5% ABV.	113.01
Still wine and made-wine: Exceeding 5.5% - not exceeding 15% ABV.	266.72
Wine and made-wine: Exceeding 15% - not exceeding 22% ABV.	355.59
Sparkling wine and made-wine: Exceeding 5.5% - less than 8.5% ABV.	258.23
Sparkling wine and made-wine: 8.5% and above - not exceeding 15% ABV	341.63

# Annex B

## Duty plus VAT permitted prices (2013)

Based on the 2013 duty rates, examples of an approximate permitted price after a ban on sales below duty plus VAT would be as follows:

Product	Size	ABV (%)	Permitted price
Beer/Lager	275ml	5.0	32p
	300ml	2.0	7p
	300ml	5.0	35p
	330ml	4.5	35p
		5.0	38p
		6.0	46p
	440ml	4.0	41p
		4.5	46p
		5.0	51p
		9.0	£1.16
	500ml	4.0	46p
		4.5	52p
		5.0	58p
	568ml	4.0	53p
		4.5	59p
		5.0	66p
		8.5	£1.41
Sparkling cider and perry	330ml	4.5	16p
	440ml	5.0	21p
	568ml	4.5	28p
	750ml	7.5	£2.33
	2 litre	7.5	£6.20

Still cider and perry	568ml	4.5	28p
		7.0	28p
		8.0	41p
Wine and made-wine	750ml	4.0	74p
		5.5	£1.02
Still wine and made-wine	750ml	11.5	£2.41
		20	£3.21
Sparkling wine and made-wine	750ml	8.0	£2.33
		11.5	£3.08
Spirits	70cl	17	£4.03
		23	£5.46
		37.5	£8.89
		40	£9.49
	1 litre	17	£5.76
		23	£7.79
		37.5	£12.70
		40	£13.55
Spirit-based ready-to-drinks	250ml	6.4	55p
	275ml	4.0	38p
		4.5	42p
	330ml	6.0	68p
	700ml	4.0	95p

# Annex C

## Duty plus VAT permitted price calculator (2013)

<b>Beer</b>			
Insert volume (in ml) i.e. 440ml can - insert 440	<input type="text"/>	Insert abv (in %) i.e. 4.4% abv - insert '4.4'	<input type="text"/>
<b>Duty + VAT floor price:</b> £0.00		< this is a result. Do not enter a value.	
<b>High Strength Beer (exceeding 7.5% abv)</b>			
Insert volume (in ml) i.e. 440ml can - insert 440	<input type="text"/>	Insert abv (in %) i.e. 4.4% abv - insert '4.4'	<input type="text"/>
<b>Duty + VAT floor price:</b> £0.00		< this is a result. Do not enter a value.	
<b>Low Strength Beer (exceeding 1.2% abv, not exceeding 2.8% abv)</b>			
Insert volume (in ml) i.e. 440ml can - insert 440	<input type="text"/>	Insert abv (in %) i.e. 4.4% abv - insert '4.4'	<input type="text"/>
<b>Duty + VAT floor price:</b> £0.00		< this is a result. Do not enter a value.	
<b>Still cider and perry</b>			
Insert volume (in ml) i.e. 1l bottle - insert 1000	<input type="text"/>	Insert abv (in %) i.e. 5.5% abv - insert '5.5'	<input type="text"/>
<b>Duty + VAT floor price:</b> £0.00		< this is a result. Do not enter a value.	
<b>Sparkling cider and perry</b>			
Insert volume (in ml) i.e. 1l bottle - insert 1000	<input type="text"/>	Insert abv (in %) i.e. 5.5% abv - insert '5.5'	<input type="text"/>
<b>Duty + VAT floor price:</b> £0.00		< this is a result. Do not enter a value.	
<b>Wine and made-wine</b>			
Insert volume (in ml) i.e. 70cl bottle - insert 700	<input type="text"/>	Insert abv (in %) i.e. 13.5% abv - insert '13.5'	<input type="text"/>
<b>Duty + VAT floor price:</b> £0.00		< this is a result. Do not enter a value.	
<b>Sparkling wine and made-wine</b>			
Insert volume (in ml) i.e. 70cl bottle - insert 700	<input type="text"/>	Insert abv (in %) i.e. 13.5% abv - insert '13.5'	<input type="text"/>
<b>Duty + VAT floor price:</b> £0.00		< this is a result. Do not enter a value.	
<b>Spirits</b>			
Insert volume (in ml) i.e. 70cl bottle - insert 700	<input type="text"/>	Insert abv (in %) i.e. 37.5% abv - insert '37.5'	<input type="text"/>
<b>Duty + VAT floor price:</b> £0.00		< this is a result. Do not enter a value.	

# Annex D

## Implementation checklist

The following steps are advised in order to ensure that businesses are selling their alcohol products above the permitted prices for duty plus VAT.

Calculate the duty plus VAT permitted price of an alcohol product



Amend the price (if required) on Central Pricing systems to ensure that the correct price is associated with the barcode on the product



Amend the price on price tags/and or pricing displays on shop shelves



Amend the price on menus



Amend the price on promotional posters, flyers and other materials



Amend the price on websites

# Annex E

## Frequently asked questions

### When will the ban come into effect?

The condition providing for a ban on below cost sales would “go live” when the order is brought into force. This is expected to be 6 April 2014.

On and after this date, the mandatory condition would apply to licensed premises and they would be required to comply with it.

### Calculation of prices and updating

#### What if duty is paid on the alcohol at one rate, but then the duty that applies at the point of sale is different (e.g. following a change in duty at the Budget)?

The duty that applies at the time that the sale is made is the duty to be used in the calculation of the permitted price.

#### How will prices be rounded? For example, if the duty plus VAT on a can of beer is 49.3p, would shops be able to charge at 49p, rounding down, even if this is below the permitted price?

Consistent with the provision in the Alcoholic Liquor Duties Act 1979, prices should be rounded up to the nearest penny.

#### How will retailers know which products attract which rate of duty (for instance, products such as alcoholic ginger beer)?

HMRC produces notices which define the products which are included within the duty categories. If a retailer is in doubt about the category of duty rate payable for a particular product, they should use the higher of the possible permitted prices. For instance, if unsure if a product is a cider or a made-wine, prices for both categories should be calculated:

A 500ml bottle of 4.5% ABV product

Cider =  $39.66 \times 0.5 \times 1.2$

= 23.796

= 24p permitted price

Made-wine =  $113.01 \times 0.5 \times 1.2$

= 67.806

= 68p permitted price

In this example, the permitted price for the product would be 68p.

#### What about small brewers that pay reduced duty?

Where retailers sell alcohol which is produced by breweries subject to reduced rates of duty under the Small Breweries' Relief scheme, the permitted price for that alcohol may reflect the reduced duty rate. However, retailers should be able to demonstrate that they have taken reasonable steps to satisfy themselves that the reduced rate of duty applies, and where there is doubt, retailers should consider applying the higher duty rate to determine the permitted price.

#### How will this affect retailers' obligations under the Grocery Suppliers' Code of Practice (GSCOP)?

The price agreed between the supplier and retailer for products is outside the Code, as is the price the retailers charge consumers. However, if the retailer believes that they need to vary a supply agreement to comply with new legislation, section 3(2)(a) of part 3 of Code allows retailers to vary supply agreements retroactively to allow for circumstances outside their control.

To comply with section 3(3) of part 3 of the Code, the retailer must give the supplier reasonable notice of any variation. A rise in duty rates may be a situation to which this part of the Code could apply.

## Application and enforcement

### **How will this be applied and how will it be enforced?**

As a mandatory condition, the measure is capable of being enforced in the same way as any other condition in a licence.

This provides that a 'relevant person' shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. The relevant person is defined as the premises licence holder, designated premises supervisor (where there is one in relation to the licence) or personal licence holder (there is also provision specifically in respect of clubs).

The prohibition on sales below the prescribed permitted price is a condition. As such, the provisions in the Licensing Act 2003 which apply to conditions (e.g. sections 136 and 139) also apply to this condition. It is an offence by a person to carry on or attempt to carry on a licensable activity on or from any premises otherwise than under or in accordance with an authorisation (the reference to authorisation includes a condition).

However, it is a defence if the person's act was due to a mistake, or to reliance on information given to him, or to an act or omission by another person, or to some other cause beyond his control, and he took all reasonable precautions and exercised all due diligence to avoid committing the offence.

### **What are the penalties for a breach?**

Non-compliance with the condition is likely to mean that the person who made the sale would commit an offence under section 136 of the Licensing Act 2003.

This carries a penalty (on conviction) of up to 6 months' imprisonment and/or a £20,000 fine. It may also result in the licence being reviewed (on the basis of the crime prevention objective).

### **What if retailers do not have an up to date product price list that enforcement officers can take away from the shop floor?**

The production of a price list on request is optional, as enforcement officers can check prices while on the shop floor.

### **What if the price list that has been produced does not take all promotions into account?**

Enforcement officers should be made aware of any known discrepancies

### **Will the enforcement officer come back at a later time to check prices if some on the list that they have taken away are found to be below permitted price?**

This will be for the enforcement authority to decide.

### **Will enforcement be proactive or reactive?**

This is for individual authorities to decide.

## Saving schemes and other promotions

### **How does this deal with the issues of money off vouchers?**

The retailer would be unable to sell alcohol below the permitted price on the basis of any discount arising by virtue of a voucher.

Consumers may still be able to benefit from a discount voucher or other promotion if either the price payable for the alcohol remains above the permitted price after the discount is applied or if they purchase non-alcoholic products with the alcohol (as the prohibition doesn't apply to those products).

### **When alcohol is only part of a basket of goods and a discount or voucher is applied, how should that discount be considered when calculating the permitted price?**

The sale would not breach the condition provided that the aggregate price paid is not less than the permitted price of the alcohol comprised in the sale.

In relation to a sale of two or more alcoholic products, this is the aggregate of the permitted price for each alcoholic product comprised in the sale.

### **What if a supplier voucher takes a price below the permitted price?**

Retailers should be able to show that they have taken all reasonable steps to ensure that discounts applied by supplier vouchers do not take the price of a product below the permitted price.

### **What about loyalty schemes where customers can collect vouchers as a reward for continued custom over a period of time?**

Where the effect of the scheme is to give a person something which in fact has a cash value in a sale of alcohol, its value is taken into account in determining whether its value means that the alcohol was sold below the permitted price.

### **Can retailers still offer staff discount?**

Yes, as long as the price after all discounts are applied is above the permitted price.

### **Do free drinks offered as compensation (e.g. for a delayed meal) count as sales?**

Free drinks offered on ad hoc or impromptu basis, for example as compensation for poor service, do not count as sales because the customer has not paid anything for the drink. This is different to, for instance, 'meal deals' where the drink is offered as part of a package of goods.

### **Where a receipt shows a drink at zero pence, does this count as a sale?**

This does not count as a sale as it has no monetary value.

**REGULATORY SUB COMMITTEE****2:00pm to 2:25pm****13 March 2014**

Present: Councillors Gayton (chair), Gihawi Maxwell and Thomas

Apologies: Councillor Barker

**1. DECLARATIONS OF INTEREST**

There were no declarations of interest

**2. EXCLUSION OF PUBLIC**

**RESOLVED** to exclude the public from the meeting during consideration of items 3 and 4 below on the grounds contained in paragraphs 1 and 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972, as amended.

**\*3. APPLICATION FOR RENEWAL OF A PRIVATE HIRE DRIVERS LICENCE:  
CASE NUMBER 14/00348/PHDRIV (PARAGRAPHS 1 AND 3)**

(The taxi driver attended the meeting for this item. He produced his the card part of his DVLA licence for inspection by the committee, the paper counterpart being produced by the licensing manager from a photocopy taken from his file. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He also confirmed that since the application was completed, he had no further convictions or cautions and had no matters pending).

The licensing manager presented the report.

The taxi driver explained the circumstances of each of his convictions. He said that he did not have a fare in the vehicle for the conviction on 12 December 2012 but was carrying a fare on the 2 November 2013 when he received a conviction.

He explained that he had overlooked declaring his convictions to the council due to his lack of organisational skills and issues arising from his personal circumstances.

(The applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

**RESOLVED**, unanimously, to renew the licence in respect of this application.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The applicant was given a warning regarding his behaviour.)

The chair reminded the applicant that public safety was paramount and suggested that he thought about installing an audible speed warning system in his vehicle to avoid such convictions in the future.

The applicant then left the meeting

CHAIR

**REGULATORY SUB COMMITTEE****2.05pm to 3:40pm****12 May 2014**

Present: Councillors Gayton (chair), Barker, Henderson and Maxwell

**1. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**2. EXCLUSION OF PUBLIC**

**RESOLVED** to exclude the public from the meeting during consideration of items 3 to 7 below on the grounds contained in paragraphs 1 and 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972, as amended.

**\*3. APPLICATION FOR GRANT OF 3 MONTH PRIVATE HIRE DRIVER'S LICENCE: CASE NO 13/00617/PHD3 (PARAGRAPHS 1 AND 3)**

(The applicant attended the meeting for this item along with a supporter. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee. He also confirmed that since the application was completed, he had no further convictions or cautions).

The licensing manager presented the report.

The applicant explained why he had failed to disclose his convictions on the application form and the circumstances surrounding his convictions on 10 January 2011.

(The applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

**RESOLVED**, unanimously, to grant the 3 month private hire driver's licence in respect of this application.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The chair reminded the applicant that it was his responsibility to ensure that vehicles he was driving had adequate insurance. The applicant then left the meeting.)

**\*4. APPLICATION FOR FOR GRANT OF 3 MONTH PRIVATE HIRE DRIVER'S LICENCE: CASE NO 13/01663/PHD3 (PARAGRAPHS 1 AND 3)**

(The applicant attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee. He also confirmed that since the application was completed, he had no further convictions or cautions).

The licensing manager presented the report.

The applicant explained why he had failed to disclose his conviction on the application form and the circumstances surrounding his conviction made on 5 March 2011.

(The applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

**RESOLVED**, unanimously, to grant the 3 month private hire driver' licence in respect of this application.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The chair reminded the applicant that it was his responsibility to ensure all his documentation was in order. The applicant then left the meeting.)

**\*5. APPLICATION FOR RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE CASE NO 14/00443/PHDRIV (PARAGRAPHS 1 AND 3)**

As the applicant did not attend it was -

**RESOLVED**, to defer this matter until the next meeting of the regulatory sub committee.

**\*6. APPLICATION FOR RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE CASE NO 14/00247/PHDRIV (PARAGRAPHS 1 AND 3)**

(The applicant attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee. He also confirmed that since the application was completed, he had no further convictions or cautions).

The licensing manager presented the report.

The applicant explained the circumstances of his conviction made on 10 July 2013.

(The applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

**RESOLVED**, unanimously, to renew the private hire driver's licence in respect of the application.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The chair reminded the applicant of the seven day disclosure process for convictions. The applicant then left the meeting.)

**\*7. APPLICATION FOR RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE'S CASE NO 14/00401/PHDRIV (PARAGRAPHS 1 AND 3)**

As the applicant did not attend it was -

**RESOLVED**, to defer this matter until the next meeting of the regulatory sub committee.

**\*8. APPLICATION FOR RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE CASE NO 14/00553/PHDRIV (PARAGRAPHS 1 AND 3)**

(The applicant attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He did not produce his DVLA licence for inspection by the committee, however, the licensing manager provided a copy of the licence to the committee. He also confirmed that since the application was completed, he had no further convictions or cautions).

The licensing manager presented the report.

The applicant explained the circumstances surrounding his conviction made on 19 February 2013 and for failing to notify the council within seven days of the conviction, in accordance with the regulations set out in the "Green Book".

(The applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

**RESOLVED**, unanimously, to renew the private hire driver's licence in respect of the application, providing that the applicant produced his driving licence for inspection by the licensing manager.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The applicant then left the meeting.)

**\*9. APPLICATION FOR RENEWAL OF A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE CASE NO 13/01694/HACKD (PARAGRAPHS 1 AND 3)**

(The applicant attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to

be. He produced his DVLA licence for inspection by the committee. He also confirmed that since the application was completed, he had no further convictions or cautions).

The licensing manager presented the report.

The applicant explained the circumstances surrounding his conviction made on 8 August 2013 and for failing to notify the council within seven days of the conviction, in accordance with the regulations set out in the "Green Book".

(The applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

**RESOLVED**, unanimously, to renew the hackney carriage and private hire driver's licence in respect of the application.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The applicant then left the meeting.)

**\*10. APPLICATION FOR RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE  
CASE NO 14/00576/PHDRIV (PARAGRAPHS 1 AND 3)**

As the applicant did not attend it was -

**RESOLVED**, to defer this matter until the next meeting of the regulatory sub committee.

**\*11. APPLICATION FOR RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE  
CASE NO 14/00367/PHDRIV (PARAGRAPHS 1 AND 3)**

As the applicant did not attend it was -

**RESOLVED**, to defer this matter until the next meeting of the regulatory sub committee.

CHAIR