



NOTICE OF MEETING

Licensing and Safety Committee

Thursday 24 March 2011, 7.30 pm

Council Chamber, Fourth Floor, Easthampstead House, Bracknell

To: The Licensing and Safety Committee

Councillor Brunel-Walker (Chairman), Councillor Mrs Ryder (Vice-Chairman), Councillors Mrs Angell, Baily, Mrs Barnard, Beadsley, Brossard, Burrows, Finch, Leake, Osborne, Phillips, Thompson, Virgo and Ms Wilson

ALISON SANDERS
Director of Corporate Services

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Licensing and Safety Committee
Thursday 24 March 2011, 7.30 pm
Council Chamber, Fourth Floor, Easthampstead House,
Bracknell

AGENDA

	Page No
1. Apologies for Absence To receive apologies for absence.	
2. Declarations of Interest Members are required to declare any personal or prejudicial interests and the nature of that interest, in respect of any matter to be considered at this meeting.	
3. Minutes To approve as a correct record the minutes of the meeting held on 13 January 2011.	1 - 4
4. Urgent Items of Business Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.	
5. Notice of Public Speaking To note those agenda items which have received an application for public speaking	
6. Health And Safety Law Enforcement Plan 2011/12 To receive and comment on the draft Health and Safety Law Enforcement Plan 2011-2012 and note the timescales for the production of the final Health and Safety Law Enforcement Plan 2011-2012	5 - 14
7. Animal Boarding Establishments To receive a report seeking approval of a consultation exercise in respect of the potential adoption of the new model licence conditions for animal boarding establishments.	15 - 76
8. Hackney Carriage Fares To consider a report setting out proposed changes to Hackney Carriage fares.	77 - 92

9. **Sex Establishments Policy**

To receive a report seeking approval of the adoption of the Sex Establishment Licensing Policy Statement.

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**LICENSING AND SAFETY COMMITTEE
13 JANUARY 2011
7.30 - 8.15 PM**

Present:

Councillors Brunel-Walker (Chairman), Mrs Angell, Baily, Mrs Barnard, Brossard, Leake, Osborne, Phillips, Thompson and Ms Wilson

Apologies for Absence were received from:

Councillors Mrs Ryder, Beadsley, Burrows and Virgo

20. Declarations of Interest

There were no declarations of interest.

21. Minutes

RESOLVED that subject to the amendment of Minute 16: Licensing Policy in Regard to Sex Establishments to read:

The results of the consultation be considered at the Committee's next meeting on 13 January 2011.

The minutes of the meeting of the Licensing and Safety Committee held on 14 October 2010 be approved as a correct record and signed by the Chairman.

22. Urgent Items of Business

There were no urgent items of business.

23. Public Speaking

The Committee noted that Mr John Yexley, Chairman of the Bracknell Licensed Taxi Forum, had registered to speak to Item 7 of the agenda.

24. Review of Guidance Notes and Conditions for Hackney Carriages and Private Hire Vehicle Owners, Operators and Drivers

The Committee considered a report seeking approval of the annual review of the Council's Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers.

The Guidance Notes were updated annually to reflect changes in the law and Council policy and were scheduled for publication by 1 April 2011. The revised guidance contained the following three material changes:

- i. To clarify that a driver is required by law to wear the licence badge issued by the Council,

- ii. To add a section to the penalty points form for failure to provide insurance, MOT or vehicle inspection documentation, and
- iii. The addition of the new Age Limitation for Vehicles policy at Annex G

It was clarified that the original paper counterparts of photocard driving licences were requested when a driver either applied for or renewed a licence. The Licensing Team also submitted a DQ3 request to the DVLA to ascertain whether or not an applicant had any convictions.

RESOLVED that the amended Guidance Notes and Conditions document at Appendix A of the report be approved to take effect from 1 April 2011.

25. **Signing on Vehicles**

The Committee considered a report updating members on the progress and results of a consultation exercise which explored the possibility of introducing conditions to require additional signage on private hire vehicles in order for them to be more readily differentiated from licensed Hackney Carriages.

The Chairman invited Mr Yexley, Chairman of the Bracknell Licensed Taxi Forum to speak to the meeting. Mr Yexley expressed the view that the majority of private hire drivers adhered to the rules regulating the pick up of passengers and that it was only a very small minority who flouted these rules. The Forum was also supportive of the introduction of signs stating 'No Booking No Ride' on private hire vehicles.

Arising from members' questions and comments the following points were noted:

- In excess of 240 letters had been sent out seeking the views of interested parties. Five replies had been received in response
- The TPI Unmet Demand Survey, carried out in 2009, had identified a possible problem with private hire vehicles picking up fares without having been prebooked. However, the survey had been conducted by a third party and officers were unable to ascertain and verify the extent of any problems in this area through the level of complaints or market testing
- Allegations made by the BLTF that an private hire vehicles were plying for hire at Bracknell Bus Station had been investigated through mystery shopper exercises using officers from other local authorities and the police but on all occasions the 'shopper' had been advised to go to the official taxi rank by the private hire drivers. A driver had however received points for illegally parking and leaving unattended a private hire vehicle on the rank

Notwithstanding the officer's recommendations that the matter be looked into in more detail and a further report brought back to their next meeting the Committee **RESOLVED** that no further action be taken on this matter for a six month period starting from the date of the meeting.

26. **Chauffeur Badges**

The Committee noted an information paper appraising them of work taking place to investigate the possible introduction of a Chauffeur Badge to the driver licences currently available.

27. **Equality Act 2010**

The Committee noted an information paper setting out the implications for drivers and operators of licensed vehicles of the implementation of legislation contained within the Equalities Act 2010.

28. **Police Reform and Social Responsibility Bill**

The Committee received an information paper detailing reforms and a number of proposed amendments to the Licensing Act contained within the Police Reform and Social Responsibility Bill which had been presented to Parliament on 30 November 2010.

The Committee was informed that the payment of funds raised through proposals to place a levy on premises open between midnight and 6am was aimed at establishments that traded late into the night necessitating a police presence. The Licensing Authority would act as a broker collecting money on behalf of the police. It would be a discretionary levy which generally only applied to large metropolitan areas.

The Committee noted the report.

CHAIRMAN

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LICENSING AND SAFETY COMMITTEE
24 March 2011

**HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2011-12
(Director of Environment, Culture and Communities)**

1 PURPOSE OF DECISION

- 1.1 The Council has responsibility for the enforcement of health and safety in private sector businesses in the Borough. Members will recall approving the Health and Safety Law Enforcement Plan 2009-2010 at the Committee meeting on 1 July 2010. The purpose of this report is to provide members with an opportunity to comment on the draft Health and Safety Enforcement Plan for 2011-2012 prior to the final version the Committee will receive later in the year. The Work Plan for Health and Safety Law Enforcement 2011-2012 (Appendix A) is in the process of being re-drafted and sets out a framework for the Council's plan for health and safety in line with direction from the HSC and the Health and Safety Executive (HSE).
- 1.2 The plan is required to comply with Section 18 of the Health and Safety at Work etc Act 1974 to ensure that national priorities and standards are delivered effectively and consistently at a local level.

2 RECOMMENDATIONS

2.1 That DMT:

- (a) **notes the timescales for the production of the final Health and Safety Law Enforcement Plan 2011-2012 and**
- (b) **comments on the contents of the draft Enforcement Plan (Appendix A).**

3 ADVICE RECEIVED FROM STATUORY AND OTHER OFFICERS

Borough Solicitor

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

Borough Treasurer

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

Impact Assessment

- 3.3 The plan targets premises based on history of risk and identified need where issues of equality may arise, then special provision is made to help as may be necessary. The activity is regulatory and the current equalities impact assessment is undergoing a refresh and the update will accompany the final Health and Safety Enforcement Plan at the licensing and safety committee in July 2011.
- 3.4 There are no strategic risk management issues arising from the report.

Head of Trading Standards and Licensing

- 3.5 The Head of Trading Standards and Licensing has been consulted and contributed to the proposed plan.

4 SUPPORTING INFORMATION

- 4.1 To assist and prepare members for receipt of a final document later in the year, the committee is being shown a draft Health and Safety Enforcement Plan. On completion after April, the full plan will set out the work for 2011-2012 and be accompanied by information providing details of how we have performed in the current financial year.
- 4.2 A key theme of the work plan is to continue to develop targeted health and safety activity by working effectively in partnership with business and the Health and Safety Executive. We will continue to support businesses with adopting and encouraging a common sense approach to health and safety. This year's work plan as set out in Appendix A is in the process of being populated with targets and initiatives under 3 main headings which are: Protecting Consumers, Support for Local Businesses, and Local Partnerships. The portfolio of work is based on national accident data combined with local intelligence to deal with areas of concern for businesses and the public of Bracknell Forest. Visits to businesses will where appropriate encompass multiple regulatory services. However we would not seek to burden businesses with additional regulatory controls unless this can be justified. The Health and Safety work also covers accident and complaint investigation.
- 4.3 There are effectively two main regulatory arms: the Health and Safety Executive and the Local Authorities. Within Bracknell Forest enforcement is a function of the Environmental Health and Safety Section. At 1 April 2010 the Borough had 1,350 local businesses where it has the statutory responsibility to enforce the Health and Safety at Work etc Act 1974. This figure will be adjusted in the new financial year to account for the closure and start-up of new businesses.
- 4.4 Progress against the plan is reported monthly as a key performance indicator to the Departmental Management Team. In addition The Council's performance in relation to health and safety enforcement is reported annually to the Health and Safety Executive. The Executive has powers to intervene where there is a shortfall in performance. When the Committee approved the Health and Safety Law Enforcement Plan on 1 July 2010 it was reported that there had been longstanding staff vacancies but since that time the vacancies have been filled and it is expected that plan will be met.
- 4.5 Consultation with stakeholders has been ongoing since the Committee approved the plan for 2010-2011. It has been published on the Borough Council's website and copies have been issued at key locations in the Borough including the Council's libraries and town and parish council offices. To date no representations have made in relation to the plan.
- 4.6. The report is concerned with health and safety but, to put the volume of work associated with the Commercial Team into context, the team is comprised of 5 officers who spend approximately 40% of their time on health and safety issues. So far in the current year 165 health and safety inspections and a further 112 health and safety visits have been made for advisory or enforcement purposes. The remaining 60% is committed to visiting business to carry out full food hygiene inspections to assess for legal compliance and officer advice and information. In the current year 290 inspections have been carried out and 100 visits have been made for advisory or enforcement purposes. Additionally all

new businesses are required to be inspected within 28 days of opening and also follow-up visits are required for businesses where issues of non-compliance have been found. Officers also deal with public health issues including environmental protection visits and food poisoning outbreak investigations. The total number of visits across both functions is likely to exceed over 1,000 visits at year end. The final audited figures will be presented to the committee in July 2011.

Background Papers

1. HELA Strategic Plan 2000-2004
2. HSC Strategy for Workplace Health and Safety in Great Britain to 2010 and Beyond – (Securing Health Together – SH2)
3. Health and Safety in Local Authority Enforced Sectors, Section 18. HSC Guidance to Local Authorities (09/01)
3. HELA Circular Number 67/1 (Rev 3) Advice to Local Authorities in Inspection Programmes and an inspection rating system (12/2000)
4. Health and Safety Law Enforcement Plan 2010-11

Contact for further information

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Doc ref

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**APPENDIX A
HEALTH & SAFETY ENFORCEMENT PLAN 2011-12**

Protecting Consumers			
Task	Outcome	Resource	By when
To seek to improve the health and safety standards of workplaces in Bracknell Forest through effective enforcement methods.	Inspection 57 businesses in Bracknell Forest where we are the enforcing authority for health and safety in accordance with risk aiming to complete 100% of identified high-risk premises and using targeted interventions for other business, where appropriate.	57x4 hours 100 hours re-visits 100 hours Notices 100 hours Prosecutions Total 528 hours	50% - October 2011 Complete March 2012
To develop, implement and maintain a Health and Safety Plan	Provide encouragement, direction and support to local businesses in achieving higher levels of compliance and standards to enhance the wellbeing of Bracknell Forest residents and visitors. Plan to be achieved within existing resources.	Incorporated into other tasks	March 2012
Respond to and investigate workplace accidents and reports of poor working practices and conditions	To ensure that effective investigations are carried out for 100% notifications and to take prompt action to improve conditions and reduce likelihood of injury recurring. Examine local trends in accidents reports.	Total 200 hours	March 2012
In partnership with the Health & Safety Executive work towards reducing the number of accidents and ill health that occurs within Bracknell Forest by focusing on priority areas identified local, regional and national level.	Adapting existing project plans that have been developed by the HSE for campaigns to: <ul style="list-style-type: none"> • Free up officer time for developing 5 campaigns and allow more contact time with businesses • Low cost publicity and support material by use of nationally produced resources and publicity • Impact on the health of the community and the strength of the local economy by targeting areas of identified significant risk. 	Planning + research Visit/Inspecting Follow up Total 600 hours	March 2012

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**APPENDIX B
HEALTH & SAFETY ENFORCEMENT PLAN 2011-12**

Project Working – Focussing Resources			
National Topics	Comments and Outcome	Resource	By when
Liquid Petroleum Gas Inspection Campaign	Nationwide	3 premises x 4 hours 8 Hours Follow Up Total 20 hours	March 2012
Asbestos	Nationwide	Incorporated into visits	March 2012
Local Topics Based on National Data and Local Intelligence	Comments and Outcome	Resource	By when
Sunbeds + Spray tanning	Following on from successful project focussing on sun beds (the coin operated facilities) - to also incorporate premises offering spray tanning – to address issues of poor local ventilation	10 premises x 4 hours 10 hours database 10 hours research Total 60 hours	May to August 2011
Nail Bars	Following on from successful project focussing on nail bars to address issues of poor local ventilation	10 premises x 5 hours 10 hours database 10 hours research Total 70 hours	September to November 2011
<u>Catering Priority Areas</u> Deep Fat Fryers Gas Liquid Petroleum Gas in Mobile Caterers	To be carried out jointly as part of food hygiene inspections	120 visits x 30 mins Total 60 hours	September to November 2011

**APPENDIX B
HEALTH & SAFETY ENFORCEMENT PLAN 2011-12**

Local Topics	Comments and Outcome	Resource	By when
Legionella	Identify high risk sources and raise awareness with 10 duty holders at leisure centres, garden sales premises, spa venues, and golf clubs. Aim is to adopt best practice. Potential sampling activities to be incorporated	10 visits x 5 hours 5 hours research 10 hours follow up Total 65 hours	50% - October 2011 Complete March 2012
Disease Reduction – Dermatitis	Aimed at industries where skin hazards are high risk. Following up successful seminars held in 08/09 + targeted project in 10/11 – focuses on florists. Aim is to raise awareness and implement simple controls in 10 flower sales premises.	10 visits x 1 hours 5 hours research 5 hour follow up Total 20 hours	50% -October 2011 Complete March 2012
Special Treatments	To revisit conditions and examine existing byelaws with view to updating these. To process all new applicants and deal with all queries relating to these premises. Risk focused inspection for 30% of licensed premises with view to visit remainder in next 2 years.	60 hours 7 visits x 5 hours 5 hours research 1 hour follow up Total 47 hours	March 2012
Seasonal Retail Project	Focussing on warehouse and stock management not affected by Christmas, Easter and bank holiday demands	10 visits x 1 hour 1 hour follow up Total 20 hours	March 2012
Noise at Work in Licensed Premises	Focus on noise levels affecting staff. Information and Advisory focus, linking with Environmental Protection (EP) and Licensing noise complaints Joint working with EP + Licensing teams.	10 hours research 10 visits x 1 hour Total 20 hours	March 2012
Commercial Swimming Pools	Focus on management of water quality and general safety standards – project will involve obtaining up-to-date Risk assessments and recent sampling results s to ensure appropriate interpretation and actions	5 visits x 60 mins 5 hours research Total 10 hours	March 2012
Attendance at safety advisory group	Attend monthly meetings and provide support and information for groups interested in holding events.	6 meetings x 1 hour Total 6 hours	March 2012

**APPENDIX B
HEALTH & SAFETY ENFORCEMENT PLAN 2011-12**

Local Topics	Comments and Outcome	Resource	By when
Caravan Sites	Conduct full inspection of one caravan site to check compliance, health and safety aspects of model standards and licence conditions.	1 visit x 20 hours Total 20 hours	March 2012
Fireworks	To inspect 40 licensed premises to check compliance with storage and safe provisions.	40 visits x 2 hours Total 80 hours	March 2012
Taxi Inspections	To conduct at least one joint enforcement agency inspection involving VOSA, Social Security, Customs and Excise and Thames Valley Police to check safety of licensed vehicles.	2 visits x 10 hours Total 20 hours	March 2012
Petroleum	To inspect through risk assessment premises licensed for the storage and sale of petroleum, checking for unattended and overnight delivery.	16 visits Total 30 hours	March 2012
Animal Establishments	Inspections of premises.	10 visits x 4 hours Total 40 hours	March 2012

**APPENDIX B
HEALTH & SAFETY ENFORCEMENT PLAN 2011-12**

Support for Local Businesses			
Task	Outcome	Resource	By when
To facilitate the delivery of health and safety promotional events and material to reflect local needs and national priorities	Organise one major workshop during the year in conjunction with Chamber of Commerce	20 hours	March 2012
	Produce one health and safety newsletter for distribution to all Bracknell Forest businesses	5 hours 3 hours	
	Prepare 2 health and safety press releases	10 hours	
	Ensure that the full range of information and guidance is available on priority areas	Total 38 hours	
To provide support and advice to local businesses to help them improve their health and safety compliance, maintaining relationship with business community and ensuring regulatory impact does not generate unnecessary burden	Respond to requests for advice within 2 working days and provide full advice within 14 days and provide "Health and Safety Handbook" to businesses, with questionnaire for low risk premises to ensure communication	192 hours	March 2012
To maintain up-to-date health and safety pages on the Council's website	Provision of relevant accessible information and links to other key sites including Berkshire Health and Safety Website.	50 hours	March 2012 Ongoing
To provide training in Level 2 Health and Safety	One low cost course aimed at small businesses – Level 2 (Chartered Institute of Environmental Health)	15 hours	March 2012

**APPENDIX B
HEALTH & SAFETY ENFORCEMENT PLAN 2011-12**

Local Partnerships			
Task	Outcome	Resource	By when
To support and participate in a joint warranting project with the HSE	Work effectively together on agreed regional projects to provide a consistent and improved service	Previously counted	March 2012
Develop links with local businesses via the Chamber of Commerce, to support local priority topics	To form partnerships with a variety of organisations to help support the service aims particularly focussing on raising awareness during European Health and Safety Week. Attending business forum meetings and work closely with businesses.	30 hours	March 2012
		20 Hours	
		Total 60 hours	

**APPENDIX B
HEALTH & SAFETY ENFORCEMENT PLAN 2011-12**

Performance Management			
Task	Outcome	Resource	By when
To respond within agreed timetables for performance data for HSE	Full reports annually and in year returns submitted within time frames	10 hours	May 2011
To maintain a quality service in accordance with Section 18 HSC	Implementation of the agreed work plan, ensuring consistency of approach and maximised resources Continue to implement an in-house competency system for appointed officers Identification of staff training needs during appraisals, including: Regulators Development Needs Analysis tool (RDNA) Guidance for Regulators Information Point (GRIP) Reviewed and up-to-date internal procedures	20 hours (3 hours x 5 officers) 15 hours 10 hours Total 45 hours	March 2012
Complete Monthly Performance Assessments	Report on quality and consistency of the Commercial Team's work and review as necessary	15 hours	March 2012
To undertake benchmarking with the other Berkshire Authorities via the Berkshire Health & Safety Liaison Group and Berkshire EH Managers Group	Application of best practice, enabling the service to continually improve and identify areas suitable for collaborative working. To ensure S18 compliance through consistency exercise training and ensuring consideration to reducing the burden on businesses	10 hours 10 hours Total 20 hours	Ongoing
To maintain officer competence for Flexible Warranting with HSE	Staff training and experiential learning. Ensuring competence in basic health and safety skills	(3 hours x 5 officers) 15 hours	Ongoing
To consult with stakeholders	To seek Business satisfaction levels by annual ongoing consultation and to use the information to improve the service and to further identify local needs.	40 hours	Ongoing
To maintain database	To ensure accurate record of premises in the borough	90 hours	Ongoing
		Total Resource 2,546 hours = 2.8 FTEs	

RECOMMENDATION

LICENSING AND SAFETY COMMITTEE 24 MARCH 2011

ANIMAL BOARDING ESTABLISHMENT LICENCE CONDITIONS (Chief Officer: Environment and Public Protection)

1 PURPOSE OF DECISION

- 1.1 The purpose of this report is to consider adoption of the Model Licence Conditions for Boarding Establishments as published by the Chartered Institute of Environmental Health (CIEH) in 1995. The current conditions have never been reviewed in light of this guidance.
- 1.2 If agreed it is proposed that existing licence holders are consulted to seek their views on the model licence conditions so that a report can be brought to a future Committee meeting.

2 RECOMMENDATIONS

- 2.1 That the Committee approves a consultation exercise with all existing licence holders in respect of the potential adoption of the new model licence conditions.**

3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 3.1 The legal implications are identified within the report.

Borough Treasurer

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

Equalities Impact Assessment

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

Strategic Risk Management Issues

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

4 SUPPORTING INFORMATION

- 4.1 Animal boarding establishments are licensed on an annual basis following an inspection by a Licensing Officer. A licence is granted subject to conditions being attached that relate to conditions to protect the welfare of the animals being cared for

as well as the number and type of animals that can be boarded. The current conditions issued by the Council can be found at Annex A.

- 4.2 Under section 3 of the Animal Boarding Establishments Act 1963, a local authority can attach licence conditions to ensure:
- i) that animals will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;
 - ii) that animals will be adequately supplied with suitable food, drink and bedding material, adequately exercised, and (so far as necessary) visited at suitable intervals;
 - iii) that all reasonable precautions will be taken to prevent and control the spread among animals of infectious or contagious diseases, including the provision of adequate isolation facilities;
 - iv) that appropriate steps will be taken for the protection of the animals in case of fire or other emergency;
 - v) that a register be kept containing a description of any animals received into the establishment, date of arrival and departure, and the name and address of the owner, such register to be available for inspection at all times by an officer of the local authority, veterinary surgeon or veterinary practitioner authorised under section 2(1) of this Act.
- 4.3 The contents of the CIEH Model Licence Conditions are widely accepted as representing the minimum standards to be applied in order to ensure appropriate standards of health, safety and welfare in such establishments. The Model Licence Conditions for Dog Boarding Establishments can be found at Annex B, and for Cat Boarding Establishments at Annex C.
- 4.4 If agreed this consultation would not involve those persons licensed to board dogs in their own home. The Council has already adopted the model conditions in respect of home boarders of dogs.

Background Papers

Animal Boarding Establishments Act 1963

Model Licence Conditions and Guidance for Cat Boarding Establishments

Model Licence Conditions and Guidance for Dog Boarding Establishments

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ANIMAL BOARDING ESTABLISHMENTS ACT 1963

SCHEDULE OF CONDITIONS

- 1 The number of animals accommodated at the establishment at any one time shall not exceed ** dogs/cats.
- 2 Accommodation provided for animals must, in all respects, be suitable as regards construction, size of quarters, exercising facilities, temperature, lighting, ventilation and cleanliness.
- 3 All dogs and cats accommodated at the premises must be provided with suitable bedding materials and must be given adequate exercise.
- 4 Suitable food and drink must be provided for all animals.
- 5 Whilst animals are boarded at the establishment, there must always be someone resident at the premises, and all animals must be visited at suitable intervals.
- 6 All reasonable precautions must be taken to prevent and control the spread among animals of infectious or contagious diseases, including the provision of adequate isolation facilities.
- 7 All heating appliances must be of such construction as to constitute no risk of fire.
- 8 Appropriate steps must be taken for the protection of animals in case of fire or other emergency.
- 9 All bulk supplies of food must be kept in rodent-proof containers.
- 10 A register must be kept containing a description of any animal received into the establishment, date of arrival and departure, and the name and address of the owner, such register to be available for inspection at all times by an officer of the Bracknell Forest Borough Council, veterinary surgeon or veterinary practitioner authorised under Section 2(1) of the Animal Boarding Establishments Act 1963.
- 11 The licensee shall permit any officer of the Bracknell Forest Borough Council veterinary surgeon or veterinary practitioner authorised by them, to enter the premises at all reasonable times and inspect them and anything found therein.
- 12 For the purpose of determining what is suitable or reasonable in the context of these conditions, the licensee shall have regard to any written advice or guidance as may be issued by the Bracknell Forest Borough Council from time to time.

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**MODEL LICENCE CONDITIONS AND GUIDANCE
FOR DOG BOARDING ESTABLISHMENTS**

ANIMAL BOARDING ESTABLISHMENTS ACT 1963

Model Licence Conditions and Guidance for Dog Boarding Establishments

A Report based on the work of the CIEH Animal Boarding Establishments Working Party published in 1993, as amended by discussions with the British Veterinary Association (BVA), British Small Animal Veterinary Association (BSAVA), Feline Advisory Bureau (FAB), Pet Trade and Industry Association (PTIA) and the Association of District Councils (ADC).

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

THE CHARTERED INSTITUTE OF ENVIRONMENT HEALTH

Founded in 1883, the Chartered Institute of Environmental Health (CIEH) is a professional and educational body, dedicated to the promotion of environmental health and to encouraging the highest possible standards in the training and the work of environmental health officers.

The Institute has over 9,000 members, most of whom work for local authorities in England, Wales and Northern Ireland. Apart from providing services and information to members, the Institute also advises government departments on environmental health and is consulted by them on any proposed legislation relevant to the work of environmental health officers.

The Institute received its Royal Charter in 1984.

FOREWORD

Following the passing of the Animal Boarding Establishments Act 1963, the BVA published guidance in the 1970s and again in the 1980s¹ on appropriate conditions to be applied in the licensing of animal boarding establishments. The comments in their 1985 document are still relevant:

“Historically local authorities were recommended to grant licences to premises of sub-standard nature conditional upon the recommended standards being met by a specified date but not later than 1 January 1980. In practice in many instances it has proved impossible to raise the standards of such premises after the initial issue of licences. Concurrently a greater number of premises are now being offered for inspection prior to the granting of licences for the boarding of cats and dogs and no reason can be seen for granting licences to any premises which fail to meet current standards in any major respect.”

Animal boarding establishments fulfil a public need. The public have a right to expect that all premises satisfy basic standards relating to the health, welfare and safety of the animals boarded. Establishment owners should know the minimum standards they must attain. The licensing authority should apply the standards sensibly and appropriately.

The continuing task for local authorities, veterinary professionals and the trade is to raise standards of health, safety and welfare in such establishments. The conditions contained in this booklet have been agreed by relevant bodies involved in the provision and control of such establishments. The contents represent the minimum standards to be applied in order to achieve that goal.

GRAHAM M JUKES

Chairman

¹ Animal Boarding Establishments Act 1963 – A Guide for District Authorities and their Veterinary Inspectors, BVA 1985

ACKNOWLEDGEMENTS

This booklet is based on the original work of the Institution of Environmental Health Officers (IEHO), now The Chartered Institute of Environmental Health (CIEH) Animal Boarding Establishments Working Part, which reported in 1993.

The original Members of the CIEH Animal Boarding Establishments Working Party were:

Graham Bell (Corresponding member)	Wigan Metropolitan District Council
Chris Evans	North Hertfordshire District Council
Tina Garrity	CIEH
Lou Leather (Chairman)	Wood Green Animal Shelters
Cathy McKenzie	CIEH
Andy Piper	Borough Council of King's Lynn and West Norfolk
Mike Reed	Eastleigh Borough Council

In the former publication acknowledgements were given to the following organisation for their assistance in its production:

British Small Animal Veterinary Association (BSAVA)
British Veterinary Association (BVA)
Department of the Environment (DoE)
Feline Advisory Bureau (FAB)
Home Office (HO)
National Dog Warden Association (NDWA)
Royal Society for Prevention of Cruelty to Animals (RSPCA)

This revised booklet is the result of further discussions and deliberations by the following:

Deborah Wood	Association of District Councils (ADC)
John Dalton	(BSAVA)
Paul DeVille	(BVA)
Graham Jukes	(CIEH) (Chairman)
Lou Leather	(CIEH)
Andy Piper	(CIEH)
Caryl Cruickshank	(FAB)
Diana Cruickshank	(FAB)
David Cavill	Pet Trade and Industry Association (PTIA)
Barry Huckle	(PTIA)

The Chartered Institute is grateful to the following sponsors whose generous financial contribution has enabled the publication to be distributed initially without charge.

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Pet Trade and Industry Association
Pedigree Petfoods
Spillers Foods

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1. **INTRODUCTION**

Local Authorities issue licences to proprietors of boarding kennels under the provision of The Animal Boarding Establishments Act 1963. The licence can stipulate a number of conditions to secure the following objectives:

- i) that dogs are kept in accommodation suitable in respect of construction, size, temperature, lighting, ventilation and cleanliness;
- ii) that dogs are adequately supplied with suitable food and drink, and are visited at suitable intervals;
- iii) that dogs are kept secure;
- iv) that reasonable precautions are taken to prevent the spread of infectious diseases;
- v) that appropriate steps be taken in the event of an emergency;
- vi) that a suitable consistent level of management is maintained.

In 1993 The Chartered Institute of Environmental Health (CIEH) published comprehensive guidance and model licence conditions to ensure that a consistent approach was maintained in the issuing of licences and the enforcement of the legislation by local authorities.

Following the publication of the guidance and model conditions it became apparent that the conditions were being applied by some local authorities too rigidly and without due regard to the detailed guidance notes, which in the original document, were separated from the model conditions. The Guidance Notes provided a detailed explanation for the conditions and provided a framework for a consistent approach while allowing freedom of interpretation and flexibility to be applied by the licensing authorities in accordance with local circumstances.

A working group consisting of CIEH, Association of District Councils (ADC), British Veterinary Association (BVA), British Small Animal Veterinary Association (BSAVA), Feline Advisory Bureau (FAB) and the Pet Trade and Industry Association (PTIA) met to consider changes in the format of the guidance and model conditions based on the CIEH's original work in order to improve the readability, interpretation and consistent application of the document. This booklet and its companion volume dealing with cat boarding establishments contains the model conditions and guidance together with additional information will be of considerable value to both the industry and enforcement officers.

It should be stressed that the aim of licence conditions is to ensure high standards of animal care and health and safety are maintained in animal boarding establishments. If variations to the model conditions are made local authorities should bear in mind that the principal aim must still be met.

In new establishments there is an expectation that all appropriate conditions should be met as a basic minimum standard. In existing establishments it is accepted that some of the conditions may need to be phased in over a period of time by agreement between the establishment owner and the local authority in which case a licence, subject to an agreed scheme of works and a suitable realistic timescale for implementation should be issued.

Where appropriate and as necessary the local authority should seek the advice and assistance of a veterinary surgeon.

For ease of reference and application the model conditions have been set out in the text in bold type with notes appended adjacent in italics giving additional information.

Throughout the text and as a licence condition the following applies:

- 1.1 Unless otherwise stated, these conditions shall apply to all the buildings and areas to which dogs have access and/or are used in association with the boarding of dogs.

Use of the term 'kennel' refers to combined sleeping and individual exercise areas.

2 LICENCE DISPLAY

The principal legislation dealing with Animal Boarding Establishments is the Animal Boarding Establishments Act 1963 which addresses the areas to be covered by the licence relating to animal welfare and management. It is essential that consumers and those responsible for premises management are aware of the licence conditions:

LICENCE DISPLAY

- 2.1 A copy of the licence and its conditions must be suitably displayed to the public in a prominent position in, on or about the boarding establishment.

Notes:

If displayed externally the licence and its conditions should be protected from the weather. Preferably the licence should be displayed in the reception area.

The number of dogs for which the premises is licensed, the number of isolation and holding kennels must be specified on the licence. Guidance to their numbers are found in the notes below.

Other legislation and issues to be taken into consideration by kennel owners are:

INSURANCE

Notes:

Adequate insurance indemnity should be arranged by the operator of the premises. This should be maintained at a sufficient level to cover the maximum number of dogs boarded. Several companies offer policies specific to animal boarding establishments. Details are often advertised in pet publications.

Proprietors of animal boarding establishments are able to insure purely the liability aspect by taking out third party liability cover. In addition, you can insure against veterinary fees for accidents and illness, death from accidents, illness, death from accidents, death from illness and loss from theft and straying. You must insure against public liability.

Employers Liability Insurance is mandatory for boarding establishment owners who employ staff. Employers Liability (Compulsory Insurance) Act 1969.

Certificates of insurance must be prominently displayed.

STAFF FACILITIES

Notes:

Adequate toilet and washing facilities must be available for staff in accordance with health and safety requirements.

An adequate First Aid kit must be available for staff use.

Staff should be adequately trained in the safe handling of dogs, emergency procedures to be followed, and all other aspects of the licence conditions which are pertinent to their work. Staff should also be regularly vaccinated against Tetanus.

ESTABLISHMENTS RECEIVING BOTH DOGS AND CATS

Notes:

When the granting of the licence is being considered by the local authority, there will be a presumption against cats and dogs being kept within sight of each other, unless good reason can be made otherwise. [See companion booklet on model licence conditions and guidance for cat boarding establishments].

In consideration of “Good Reasons” existing facilities and management must be taken into account.

3 CONSTRUCTION

3.1 GENERAL

3.1.1 The establishment must, at all times, be laid out and operated in accordance with an approved plan, to be attached to the licence. Before carrying out any alterations, plans must be submitted to and approved by the licensing officer of the local authority.

Notes:

The conversion of existing buildings should be discouraged. Experience shows that they may be more expensive to adapt and less efficient to operate.

At least 20% of the individual exercise runs must be covered with a suitable mesh.

Where galvanised welded mesh is used for fencing the wire diameter must not be less than 2.0mm (14 standard wire gauge) excluding any covering and the mesh size must not exceed 5.0cm (2").

3.1.2 Where wood has been used in existing construction it must be smooth and treated to render it impervious. Wood should not be used in exposed construction of walls, floors, partitions, doorframes or doors in the dog kennelling area. There must be no projections liable to cause injury

Application for building works may well require approval from the building control department and/or the planning department.

The interior and exterior of the buildings should be kept in good decorative order and repair. Outer paths, gardens, exercise areas and general surroundings must be kept in a good, clean, presentable condition. Failure to comply with this recommendation may be a consideration in any decision by the local authority to withdraw the licence for any reason.

3.1.3 Fencing material must be secure and safe.

A safe system of work must ensure correct use of chemicals and materials used in the kennel and must include constructional details suitable to reduce spread of infection, disease and contamination.

3.1.4 Sleeping areas of kennels must be so insulated as to prevent extremes of temperature.

Wood in Kennels:

The purpose of avoiding wood on surface structures of kennel interiors is because of the possibility of damage to the material caused by scratching by animals. Worn and splintered material is difficult to clean, harbours bacteria, viruses etc. and allows the splinters produced to penetrate the animals' skin.

3.1.5 The construction must be such that the security of the dog is ensured.

The whole point of hygienic and safe practice is to provide easy to clean surfaces.

3.1.6 All exterior wood must be properly treated against wood rot, e.g. Tanalised. Only products which are not toxic to cats may be used.

3.1.7 All internal surfaces used in the construction of walls, floors, partitions, doors and door frames to be durable, smooth and impervious. There must be no projections or rough edges liable to cause injury.

3.2 WALLS AND PARTITIONS

3.2.1 Walls with which dogs may come into contact must be of smooth impervious materials, capable of being easily cleansed. Where concrete or other building blocks or bricks are used in such walls, they must be sealed so as to be smooth and impervious, and resealed as necessary.

Notes:

This condition is to provide a physical barrier to infection. It will also reduce aggression while allowing socialisation.

Suitable materials for the construction of partition walls would be properly surfaced impervious brick/block constructions, moulded plastic, glass reinforced plastic (GRP), pre-formed plastic surfaced board, etc. Such solid construction may be from floor to ceiling, but this should not be detrimental to other welfare considerations such as the dog's outlook, lighting and ventilation. Sealing refers to the use of a proprietary water proofing agent for sealing the wall against damp-penetration. Under certain circumstances sealing of brickwork can only be achieved by rendering prior to sealing.

3.2.2 Junctions between vertical and horizontal sections should be covered. If impractical in existing premises, all joints must be sealed.

In individual exercise areas it is recommended that the solid partition be of a minimum of 675mm (27 inches) high from the ground and in existing construction this condition should be phased in over a suitable period taking into consideration existing construction and the condition of the kennels.

3.2.3 Partition walls between kennels must be of solid construction to a minimum height of 1.2m (4ft).

3.2.4 In new construction, in exercise runs the lower section of partitions in adjoining runs must be of solid construction.

3.3 FLOORS

3.3.1 Floors of all buildings, individual exercise areas and kennels, must be of smooth, impervious materials, capable of being easily cleansed and in new kennels must incorporate a damp proof membrane.

Notes:

Floors of kennels and related exercise areas should be constructed in impervious material and be readily cleansable while providing sufficient grip for the animal to walk or run without sustaining injury.

3.3.2 All floors of kennels and individual exercise areas must be constructed and maintained in such a condition as to prevent ponding of liquids.

Drainage channels should be provided near to the kennel edge so that urine is not allowed to pass over walk areas in corridors and communal access areas. It is reasonable to face a bedding area in the opposite direction to the exercise area if separate drainage channels are approximately sited. Before beginning any alterations you are advised to contact the building control section of the local authority. Waste water outlets may need approval from the National Rivers Authority (contact your local area office for advice).

"Communal" facilities must not be used by more than one dog at any one time unless they are from the same household.

Communal exercise areas should generally be discouraged – see Notes in Section 4.

3.3.3 In new construction floors must be laid to a minimum fall of 1 in 80 leading to a shallow drainage channel or effectively covered deep drainage channel.

3.3.4 Communal exercise areas must be suitably drained but need not comply with conditions 3.3.1 and 3.3.2.

3.4 CEILINGS

3.4.1 Ceilings must be capable of being easily cleansed and disinfected.

Notes:

Where kennels are provided, within converted outbuildings, consideration should be given to ease of cleaning, energy conservation, wildlife access, lighting and ventilation.

3.5 DOORS

3.5.1 Kennel doors must be strong enough to resist impact and scratching and must be fitted to be capable of being effectively secured.

Notes:

See also General Construction for galvanised welded mesh use (Section 3.1).

Galvanised Weld Mesh should be a minimum of 2mm (14 gauge) in thickness. It is recommended that the spacing of the wire should not exceed 50mm (2 inches).

3.5.2 Where metal bars and frames are used, they must be of suitable gauge (approximately 10-14) with spacing adequate to prevent dogs escaping or becoming entrapped. Where metal edging is used, this must not present a risk of injury to the dog.

When designing kennel doors regard should be paid to the Health and Safety of the person working in the kennel, for example large dogs may push against the door which may give rise to difficulties in securing the door and even to accidents to the person on the opposite side of the door when it opens outwards. Therefore consideration could be given to opening the outer door in an inward direction in the interests of staff safety.

3.5.3 Door openings must be constructed such that the passage of water/waste is not impeded, or allowed to gather due to inaccessibility.

3.6 WINDOWS

3.6.1 All windows which pose a security risk must be escape proof at all times.

Notes:

Windows when a security risk must be protected by welded mesh, or be made of reinforced glass, polycarbonate or other impact resistant material.

3.7 DRAINAGE

- 3.7.1 The establishment must be connected to mains drainage or an approved, localised sewage disposal system.

3.8 LIGHTING

- 3.8.1 During daylight hours light must be provided to exercise and sleeping areas so that all parts are clearly visible. Where practicable this must be natural light.

Notes:

Natural and artificial lighting must be of sufficient standard to enable efficient working after daylight hours.

- 3.8.2 Adequate supplementary lighting must be provided throughout the establishment.

3.9 VENTILATION

- 3.9.1 Ventilation must be provided to all interior areas without the creation of excessive, localised draughts in the bedding area.

Notes:

Draughts can be the outcome of ventilation provided for animal health. Heating can equally be removed by ventilation. A balance is necessary between adequate ventilation and the unnecessary removal of warm air.

Ventilation is important as an aid to disease control, a protection against smell accumulation, and prevents excessive humidity of the atmosphere. High humidity increases the risk of kennel cough and should be avoided.

Siting of the bed is an important consideration. Raising the bed and providing adequate protective sides to allow the dog "depth" to seek protection are consideration in protecting the dog.

3.10 MAINTENANCE

- 3.10 Maintenance and repair of the whole establishment must be carried out regularly.

4 NUMBER OF ANIMALS

4.1 NUMBER OF DOGS PERMITTED

- 4.1.1 The maximum number of dogs to be kept at any one time is [TO BE DETERMINED BY THE LOCAL AUTHORITY].

Notes:

The number of dogs permitted relates to the number and size of the kennels and must be stipulated clearly on the front sheet of the displayed licence. The decision regarding the number of dogs, as well as considering kennel size and numbers, will take into account the effectiveness of site management.

- 4.1.2 Each dog must be provided with a separate kennel except that dogs from the same household may share a kennel of adequate size with the written consent of the dogs' owner.

Dogs from the same family who normally live together, may prefer to share a kennel. It is a requirement that operators obtain written authorisation from the dog owner before kennel sharing is allowed. Where sharing occurs the dogs must be able to lie down comfortably in the sleeping area, with sufficient space for the door to open fully.

Holding Kennels

- 4.1.3 Holding kennels may be provided for temporarily kennelling a dog for not more than 24 hours. Holding kennels, if provided, must comply with conditions as required for main kennels. Holding kennels must be a minimum area of 2.3 sq m (25 sq ft).

The number of holding kennels provided should be agreed between the kennel owner and the local authority and noted on the licence. In general holding kennels should not constitute more than 25% of the total number of residential kennels.

Identification and Control of Dogs on Site

- 4.1.4 No animals other than dogs are to be boarded within the licensed facilities without the written approval of the local authority.

The Control of Dogs Order 1992 requires that all dogs, whilst in a public area, must wear a collar and tag stating the name and address of the owner. It is recommended that all dogs boarded at the establishment should wear a collar and tag identifying the name of the owner, or have the collar and tag secured immediately outside the kennel. This will assist in the identification. It will also assist staff with dog control if one tries to escape, or if there is a fire or other emergency. In the case of sharing it will be necessary to take the collars off and hang them outside the kennel.

Dangerous Dogs

- 4.1.5 Where stray dogs are accepted by the kennels they must be kept in a separate area away from boarded dogs.

Dogs subject to contracts under current Dangerous Dogs Legislation must have a copy of the licence and insurance certificate lodged with the boarding kennel.

4.2 KENNEL SIZE, LAYOUT AND EXERCISE FACILITIES

- 4.2.1 For new kennels each kennel must be provided with a sleeping area of at least 1.9 sq m (20 sq ft).

Notes:

In existing kennels the new size requirements for sleeping areas should be phased in over a number of years after consultation between the kennel owner and local authority taking into account local circumstances

- 4.2.2 Suitable bedding equipment must be provided which allows the dog to be comfortable and which is capable of being easily and adequately cleaned and

During kennel construction it is necessary to use an appropriate design and correct materials to overcome problems of noise emission and to ensure energy conservation. This is in order to minimise discomfort to the dog and to minimise the risk of nuisance to persons in the vicinity of the site.

sanitised. Such equipment must be sited out of draughts. All bedding material must be maintained in a clean, parasite free and dry condition.

- 4.2.3 For new kennels each kennel must be provided with an exercise area of at least 2.46 sq m (26 sq ft) (for dogs up to 24 inches high at shoulder) or 36 sq ft for larger dogs, which is separate from the bedding area and exclusive to that kennel, for free use by the dog at all times except at night.
- 4.2.4 Kennels must have a minimum height of 1.8m (6 ft) to facilitate adequate access by kennel staff for cleaning.
- 4.2.5 Kennels and exercise areas must open onto secure corridors or other secure areas so that dogs are not able to escape from the premises.
- 4.2.6 Exercise areas must not be used as bedding areas.

Adverse Weather:

In adverse weather conditions the responsible person must decide whether or not dogs are given free access to their exercise area.

In existing kennels the new size requirements for exercise areas should be phased in over a number of years after consultation between the kennel owner and local authority taking into account local circumstances. This exercise area should be roofed to a minimum of half the area, sufficient to give the dog protection against the weather.

Some of this should be translucent material capable of filtering UV light and providing adequate shade.

Communal Areas for Exercise:

In general, communal areas should be discouraged because of the risk of disease spread, in particular worms, and fighting. With the provision of individual exercise areas to each kennel, the extra provision of a communal area need not be provided. Surface ponding of water must not occur and land drainage should be provided where necessary if normal site drainage proves inadequate.

The risk of spreading disease, in particular worms, is increased by use of communal areas.

All communal exercise areas should be provided with an impervious cleansable surface at least around the perimeter (concrete, laid to a suitable fall to prevent ponding and promote drainage).

5 Management

5.1 TRAINING

- 5.1.1 A written training policy must be provided. Systematic training of staff must be demonstrated to have been carried out.

Notes:

The licensee must formulate a written training policy for permanent, part time and seasonal workers. The following are regarded as essential topics to be covered in the programme:

*Animal Welfare
Cleanliness and Hygiene
Feeding and Food Preparation
Disease Control
Recognition and Treatment of Sick Animals
Health and Safety
Emergency Procedures*

Transportation of Animals:

All vehicles used by the establishment for the transportation of dogs must be regularly serviced and kept clean. They must be fitted with cages of adequate size for the safe transportation of dogs and be provided with adequate ventilation. All vehicles must be secure and should not be left unattended when transporting a dog.

5.2 TEMPERATURE IN KENNELS

- 5.2.1 Heating facilities must be available in the kennel and used according to the requirements of the individual dog.

Notes:

Many kennels have been built without proper concern for the welfare of the dog. The materials used on the kennel exterior may not offer adequate protection against temperature variations throughout the majority of the year.

- 5.2.2 There must be some part of the dog's sleeping area where the dog is able to enjoy a temperature of at least 10°C (50°F).

There will be periods in the year where ambient external temperatures will cause temperatures to fluctuate above or below the recommended levels. If the higher temperature level is exceeded due to structural shortcomings rather than normal ambient temperature then artificial means of counteracting this high temperature should be introduced.

- 5.2.3 In isolation kennels there should be a means of maintaining the temperature at a level suitable for the conditions of the dog and dependent on veterinary advice.

Where temperatures lower than indicated are reached the use of individual heating lamps for dogs may prove adequate. In some circumstances additional background heating will also be required.

The temperature of the isolation kennels should not be allowed to fall below 15.5°C (60°F) generally, unless specific advice is given to the contrary by the Veterinary Surgeon.

The difficulty of providing maximum temperature levels is acknowledged. 26°C (79°F) is a realistic temperature which should not be exceeded in normal circumstances.

It is important to remember that a minimum temperature of 10°C (50°F) is required, and if inadequate attention has been given to construction and insulation it will be necessary to use additional heating and thereby increase running costs. Failure to provide additional heating will cause dogs to suffer. Particular attention should be paid to design and construction. Geographical orientation is also relevant. Aspect affects temperature. It is often difficult to maintain adequate temperatures with north facing openings. Correct attention to orientation of the kennel will allow maximum use of natural light.

Similarly in summer temperatures, poorly insulated exteriors will allow internal temperatures to build up (similar to car interiors) to excessive levels. Even with additional ventilation the dogs will suffer.

Some summer temperatures will naturally exceed 26°C (79°F). Inadequate construction or ventilation of the kennels must not be an excuse to allow unnecessarily high temperatures being attained.

Where temperatures are likely to rise above the maximum levels specified in the notes there should be some means of mechanical or automatic cooling/ventilation.

A safe system of heating must be provided so that risks of electrocution and burning are avoided. Open flame appliances must not be used.

5.3 CLEANLINESS

5.3.1 All kennels, corridors, common areas, kitchens etc. must be kept clean and free from accumulations of dirt and dust and must be kept in such a manner as to be conducive to maintenance of disease control and dog comfort.

Notes:

Arrangements must be made with the Waste Collection Authority or waste management contractor authorised for the purposes of the duty of care, for removal of other wastes from the establishment under the Environmental Protection Act 1990. Foul waste water must be disposed of by discharge to the approved drainage system.

Cleaning:

There are a range of alternative cleaning regimes.

Basically the regime should include:

1. Removal of solids
2. Washing
3. Disinfection
4. Drying

5.3.2 Each occupied kennel must be cleansed daily. All excreta and soiled material must be removed from all areas used by dogs at least daily and more often if necessary.

The physical collection (shovel and bucket) of faeces is usual.

5.3.3 All bedding areas must be kept clean and dry.

The use of detergent and water will “wash down”. Equally pressure hoses or steam cleaning will wash down more effectively.

5.3.4 Each kennel must be thoroughly cleansed, disinfected and dried upon vacation. All fittings and bedding must also be thoroughly cleansed and disinfected at that time.

There is a need to control bacteria, viruses, and fungi within the sanitising process.

There is little point in putting down disinfectant only to wash it away in a short period of time. The long term activity of chemicals used in the control of viruses, bacteria and fungi should be considered.

5.3.5 Facilities must be provided for the proper reception, storage and disposal of all waste. Particular care should be taken to segregate clinical waste arising from the treatment and handling of dogs with infectious diseases. The final

Great care should be taken when using any chlorine based chemical, e.g. bleach. (See notes of COSHH)

Combinations of bactericides, fungicides and virucides may prove expensive to use and may not necessarily be the best system to use.

There is a balance between the dog enjoying a known environment and introducing infection and infestation in wickerwork baskets and old clothing/bedding, etc. Staff handling between kennels further increase the risk of disease spread. While owners' own baskets and bedding may help a

disposal route for all such waste must be incineration.

dog to settle, particularly during its first stay in boarding conditions, their use should be discouraged as there is no immediate control over cleanliness and parasite transmission.

- 5.3.6 Measures must be taken to minimise the risks from rodents, insects and other pests within the establishment.

5.4 FOOD AND WATER SUPPLIES

- 5.4.1 All dogs must be adequately supplied with suitable food. Wholesome water must be available at all times and changed daily.

Notes:

Dogs should be fed to a standard compatible with the maintenance of health. Inspectors will observe the general nutritional status of the dogs and the type and quality of food in store and in the process of preparation. If necessary, a veterinary surgeon will be called into advise.

- 5.4.2 Eating and drinking vessels must be capable of being easily cleansed and disinfected to prevent cross-contamination. They must be maintained in a clean condition.

Food should not be left for excessive periods within the kennel in order to avoid smells and flies. More food and water may be required for old or young dogs. No food should be left outside at night.

Disposable eating dishes, although expensive, are recommended as hygienic since they cannot transmit infection and are a saving of time and labour since they are immediately disposable. Expanded polystyrene is not a suitable material for this use.

- 5.4.3 Eating vessels must be cleansed after each meal.
- 5.4.4 Drinking vessels must be cleansed at least once a day.

5.5 KITCHEN FACILITES

- 5.5.1 Excusive facilities, hygienically constructed and maintained, must be provided for the storage and preparation of food for the dogs.

- 5.5.2 Where fresh and cooked meats are stored, refrigeration facilities must be provided, and potential food contamination must be avoided.

- 5.5.3 A sink with hot and cold water must be provided for the washing of food equipment and eating and drinking vessels. A separate wash hand

basin with hot and cold water must be provided for staff use.

- 5.5.4 Containers must be provided for the storage of foods and shall be so constructed and kept in such good order, repair and condition as to be proof against insects and other pests.

5.6 DISEASE CONTROL AND VACCINATION

- 5.6.1 Adequate precautions must be taken to prevent and control the spread of infectious and contagious disease and parasites amongst the dogs, staff and visitors.

Notes:

“Other relevant diseases” allows for the insertion of diseases which may as yet be unknown but which may be regarded as important in the future or which may be added according to circumstances.

Four weeks is the maximum time for all current vaccines to become fully effective. A shorter time is acceptable if suitable veterinary evidence is provided, based on manufacturers’ instructions. For example, intra-nasal vaccination for Bordatella bronchiseptica (part of the Kennel Cough complex) is regarded as giving solid protection after only 5 days.

- 5.6.2 Proof must be provided that dogs boarded or resident have current vaccinations against Canine Distemper, Infectious Canine Hepatitis (Canine adenovirus), Leptospirosis (L. canicola and L. icterohaemorrhagiae) and Canine Parvovirus and other relevant diseases. The course of vaccination must have been completed at least four weeks before the first date of boarding or in accordance with manufacturers instructions. A record that this proof has been supplied must be kept on-site throughout the period that the dog is boarded.

Vaccination against Kennel Cough should be encouraged. Kennel owners should seek the advice of their Veterinary Surgeon regarding accomplishment of this, as the disease is generally regarded as being multi-factorial.

It is important that there are facilities and procedures for cleansing and disease control and that staff are familiar with the procedures and understand what action to take in the event of an outbreak of disease.

Phenolic disinfectants should not be used around dogs and dogs must be kept dry during cleaning of enclosures.

If there is evidence of external parasites (fleas, ticks, lice, etc.) the dog must be treated with a proprietary insecticide.

If there is evidence of internal parasites the advice of a veterinary surgeon should be sought.

- 5.6.3 Advice from a veterinary surgeon must be sought in case of signs of disease, injury or illness. Where any dog is sick or injured any instructions for its treatment which have been given by a veterinary surgeon must be strictly followed.

All insecticides, disinfectants, etc. must be used strictly in accordance with the manufacturers instructions, and hazard sheets kept for staff which explain precautions to be taken by the user.

The first-aid for use on dogs must be kept well stocked at all times. Advice on contents should be available from the establishment’s veterinary surgeon.

It is important to consider procedures to be carried out in case of death or escape. All staff should be made fully aware of these procedures. They will also help to reassure owners that the establishment acted correctly in that situation. Any dog that has died on the premises must be referred to a veterinary surgeon and the licensing officer of the local authority must be informed.

- 5.6.4 A well stocked first-aid kit suitable for use on dogs must be available.

A veterinary practice should be appointed for the establishment. The name, address and telephone number must be displayed in a prominent position in a public area.

- 5.6.5 A suitable range of muzzles of varying sizes and a suitable dog catching device, must be kept on site. *The 24 hour telephone contact number of the veterinary surgeon used by the establishment should be displayed in a suitable place, close to the telephone and accessible to all members of staff.*

5.7 ISOLATION

- 5.7.1 Isolation facilities must be provided. *Notes:*
- 5.7.2 In existing facilities these isolation facilities must be in compliance with the other boarding requirements but must be separate and physically isolated from the main kennels. This must be a minimum 5m (15ft). (See also temperature control). *Isolation facilities must be provided at the rate of at least 1 isolation kennel for up to 50 kennels at the establishment and pro rata above that. The number should be noted on the Licence.*
- 5.7.3 Adequate facilities to prevent the spread of infectious disease between the isolation and other kennels must be provided. *The requirement for 5m distance between isolation facilities and main kennels is based upon consideration of the distance that a dog sneeze travels. Intervening buildings and constructional detail (i.e. window and door positions) should be taken into account. Individual circumstances may significantly vary the stated figure.*
- 5.7.4 Hands must be washed after leaving the isolation facilities before visiting the other kennels. *Isolation facilities must be used where the presence of infectious disease is suspected. Where stray dogs accepted by the kennels they must be kept in a separate area away from boarded dogs. Isolation facilities must only be used for this purpose in exceptional circumstances (i.e. where stray intake is minimal). Condition 5.5.5 would apply to staff handling strays.*
- Protective clothing and equipment, for use only in the isolation facility, must be used to reduce the spread of infection.*
- In new build isolation facilities separated 10 metres from the main units must be provided.*

5.8 REGISTER

- 5.8.1 A register must be kept of all dogs boarded. The information kept must include the following:
- date of arrival
 - name of dog, any identification system such as microchip number or tattoo
 - description, breed, age and gender of dog
 - name, address and telephone number of owner or keeper
 - name, address and telephone number of contact person whilst boarded
- Notes:*
- Computerised, loose-leaf, index card and book register systems are acceptable. If a book register is used, pages must be consecutively numbered. Records of the owners agreement to share may be kept on a separate form if a computerised system is used.*
- It is strongly urged that the establishment introduce formal boarding agreements, stating clearly the responsibilities of both parties during the duration of the kennelling. The Licensing Officer of the local authority will consider the details recorded in the register against the actual facts observed.*

- name, address and telephone number of dog's veterinary surgeon
- anticipated and actual date of departure
- health, welfare and nutrition requirements

5.8.2 The register must be kept readily available for a minimum of 24 months and kept in such a manner as to allow an authorised officer easy access to such information.

5.8.3 Where records are computerised, a back up copy must be kept. The register must also be available to key members of staff of the establishment at all times.

5.9 IDENTIFICATION OF KENNELS

5.9.1 Each kennel must be clearly marked (e.g. numbered), and a system in place which ensures that relevant information about the dog in that kennel is readily available.

Notes:

An alternative system of identification can be used with the approval of the Licensing Authority providing the system in use meets the criteria for identification and information provision for each dog and is readily accessible and easy to use.

The system of identification of units must be capable of containing relevant information such as feeding habits and frequencies, medicinal treatments, etc. If identified on the kennel it must not obscure the primary information. If additional information is stored electronically or manually away from the kennel the information must be readily and easily accessible.

5.10 SUPERVISION

5.10.1 A fit and proper person must always be present to exercise supervision and deal with emergencies whenever dogs are boarded at the premises.

Notes:

Suitable intervals for visiting means intervals of not less than four hours, starting at 8.00am, until 6.00pm. An evening visit may be appropriate but must be balanced against the possibility of disturbing the dogs and causing noise nuisance.

5.10.2 Dogs must be visited at regular intervals as necessary for their health, safety and welfare.

5.11 FIRE PRECAUTIONS

- 5.11.1 Appropriate steps must be taken for the protection of the dogs in case of fire or other emergencies.
- Notes:*
It is recommended that plans and details of the establishment are logged with the police and fire authorities. Fire protection advice must be sought from the Fire Prevention Officer regarding appropriate fire extinguishers and their correct siting, fire drills, fire escapes, etc. and implemented. The general maxim of "people first" in the event of fire is good advice.
- 5.11.2 A proper emergency evacuation plan and fire warning procedure must be drawn up and posted on the premises. This must include instructions on where dogs are to be evacuated to in the event of a fire or other emergency.
- Where rebuilding or providing new buildings, the Fire Prevention Officer will give advice on fireproofing requirements.*
The advice given by the Fire Prevention Officer should be in writing and particular regard should be given to the safe storage of inflammable substances. Staff should know how to use the fire extinguishers. It is also advisable to install smoke detectors.
- 5.11.3 Fire fighting equipment must be provided in accordance with advice given by the Fire Prevention Officer.
- Dogs should not have direct access to open flame heating devices.*
- 5.11.4 All electrical installations and appliances must be maintained in a safe condition. There must be a residual current circuit breaker system on each block of kennels.
- 5.11.5 Heating appliances must not be sited in a location or manner where they may present a risk of fire, or risk to dogs.
- 5.11.6 Precautions must be taken to prevent any accumulation which may present a risk of fire.
- 5.11.7 There must be adequate means of raising an alarm in the event of a fire or other emergency.

6. DOG SITTING SERVICES

During the course of the review the Working Party became aware of the practice of “dog sitting” organised on a business footing.

There is at least one national organisation promoting the practice and offering advice, support and guidance to those wishing to operate such a service.

The service essentially, and in theory, involves dogs being kept in small numbers, often singularly, in the dog sitter’s home.

Those operating such services are subject to the requirements of the Animal Boarding Establishments Act 1963. It should be stressed however that at present this is a very small part of the boarding market and the application of some of the conditions contained within this document may be inappropriate to enforce.

The Working Party recommends that local authorities license such premises and apply appropriate and relevant conditions to ensure the prevention of spread of disease between animals and to ensure the health, safety and welfare of the individual animal being boarded.

Service providers should be advised that planning permission may be required if it is intended to board more than 6 dogs. They should further be advised that appropriate insurance cover should be obtained to protect both the operator and the owner of the animal.

The Chartered Institute of Environmental Health is considering this issue further and consulting with the national body and will provide further, more detailed, advice as appropriate at a later stage.

7. OTHER RELEVANT LEGISLATION

HEALTH AND SAFETY AT WORK ETC ACT 1974

- i) There is a duty on all employers and employees to ensure safety of themselves, workmates and visitors to the site and contractors. This also extends to the self-employed.
- ii) An “accident book” must be provided to record details of accidents and “near misses”. An annual review will indicate how to keep staff safer by introducing safer practices based on experience.
- iii) Regard should be paid to providing safe systems of work for staff, particularly those involved in dog handling.
- iv) An establishment employing more than four people requires a written safety policy.
- v) There is a requirement for a risk assessment to be carried out to identify hazards in the workplace and assess risks, e.g. number of people affected etc, in order to assess any health and safety risk in an objective manner as far as possible.

Legislation is evolving all the time and reference should be made to enforcement authorities for up to date advice.

More details will be available from your local authority or from Management of Health and Safety at Work – Approved Code of Practice ISBN 0-11-886330-4 available from HSE Books, tel no. 0797 881165 (mail order).

ENVIRONMENTAL PROTECTION ACT 1990

- i) Under section 34 operators have a “duty of care” to ensure that all waste arising from their premises is disposed of without harm to human health or the environment. They may only pass their waste to registered carriers or appropriately licensed or authorised disposal facilities.

The definition of waste is currently under review. Reference to the local authority will help clarify the position with regard to waste material generated from boarding establishments.

- ii) Part III of this Act deals with nuisance. When setting up a boarding establishment, it is most important to consider the potential problem of noise or odour nuisance in order to prevent possible legal action which could lead to closure at a later date.

Environmental Health Officers are able to give further advice and guidance on nuisance problems and related statutory provisions.

Noise emission is often not considered by establishment owners. Monitoring a single dog barking at close range may produce a reading in the region of 95 dB(A). It is important to design and site kennels to minimise any cause of complaint from neighbours. The choice of appropriate materials, and their correct use in design, in terms of preventing noise nuisance is extremely important.

In view of the law allowing noise sensitive premises to be built near kennels, often after the kennel has been built, consideration should always be given to the need to retain noise within site boundaries as much as possible, having regard to local background noise levels.

- iii) The use of incinerators to dispose of animal carcasses may require licensing by your local authority who will advise you regarding the requirements of part 1 of the Environmental Protection Act 1990.

If you use an incinerator you are advised to notify the local authority.

The Environmental Protection Act 1990 places a duty of care on businesses to ensure that waste is disposed of by a registered carrier to an appropriate licensed or authorised disposal facility. Those wishing to dispose of waste on their premises or operate an incinerator may need planning permission, and a waste management licence or authorisation under the Environmental Protection Act 1990. They should seek advice from their Waste Regulation Authority or Environmental Health Department.

Dog faeces and “sharps” such as needles, scalpels etc, constitute “clinical” waste and are likely to be subject to specific disposal conditions.

ELECTRICITY AT WORK REGULATIONS 1989

Apply to every employer or self employed person, and you therefore have a duty to comply with these Regulations ensuring your electrical fittings and equipment are maintained in a safe condition.

In the event of something going wrong, you will be asked to say why you thought the equipment was safe, which means regular testing of fittings is advisable.

CONTROL OF SUBSTANCES HAZARDOUS TO HEALTH REGULATIONS 1988 (COSHH)

- i) These are known as the “COSHH” Regulations. They require you to keep chemical substances on your premises in a safe manner, and to review whether you are able to reduce the number of chemicals used and to see if you are able to use chemicals which are less hazardous in order to do the same job.
- ii) They also deal with zoonoses (diseases transmitted from animals to people, such as Salmonellosis, Toxocariasis and Toxoplasmosis) and you should bring suitable advice on risks and precautions to the attention of your staff, and ensure that they are suitably vaccinated.

For further advice contact your medical practitioner and/or the environmental health department.

CONTROLLED WASTE REGULATIONS 1992

The definition of clinical waste in these regulations include animal tissue, blood or other body fluids, excretions, drugs or other pharmaceutical products, swabs, dressings or syringes, needles or other sharp instruments which unless rendered safe may prove hazardous to any persons coming into contact with it.

The Health and Safety Commission's guidance document 'Safe Disposal of Clinical Waste' advises on best practice in the handling and disposal of such waste and you can also seek advice from the local Waste Regulation Authority or the Environment Agency Regional Office (to be formed in 1995).

THE CONTROL OF DOGS ORDER 1992 (S1901)

Every dog whilst in a place of public resort must wear a collar with the name and address of the owner inscribed upon it.

"Public Place" means any street, road or other place (whether or not enclosed) to which the public have or are permitted to have access whether for payment or otherwise and includes the common parts of a building containing two or more separate dwellings.

It should be noted that premises may also be visited from time to time under the Animal Protection Acts, Acts which are principally concerned with animal welfare and the prevention of cruelty.

DANGEROUS DOGS ACT 1991

The Act prohibits persons from having in their possession or custody dogs belonging to types bred for fighting; it imposes restrictions in respect of such dogs; it enables restrictions to be imposed in relation to other types of dog which present a serious danger to the public; and makes further provision for ensuring that dogs are kept under proper control.



Chartered
Institute of
Environmental
Health

**MODEL LICENCE CONDITIONS AND
GUIDANCE FOR CAT
BOARDING ESTABLISHMENTS**
ANIMAL BOARDING ESTABLISHMENTS Act 1963

**WORKING PARTY
REPORT**



Feline Advisory Bureau



**Chartered
Institute of
Environmental
Health**



**ASSOCIATION
OF DISTRICT
COUNCILS**



MODEL LICENCE CONDITIONS AND GUIDANCE FOR CAT BOARDING ESTABLISHMENTS

ANIMAL BOARDING ESTABLISHMENTS ACT 1963

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Model Licence Conditions and Guidance for Cat Boarding Establishments

A Report based on the work of the CIEH Animal Boarding Establishments Working Party published in 1993, as amended by discussions with the British Veterinary Association (BVA), British Small Animal Veterinary Association (BSAVA), Feline Advisory Bureau (FAB), Pet Trade and Industry Association (PTIA) and the Association of District Councils (ADC).

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

THE CHARTERED INSTITUTE OF ENVIRONMENTAL HEALTH

Founded in 1883, the Chartered Institute of Environmental Health (CIEH) is a professional and educational body, dedicated to the promotion of environmental health and to encouraging the highest possible standards in the training and the work of environmental health officers.

The Institute has over 9,000 members, most of whom work for local authorities in England, Wales and Northern Ireland. Apart from providing services and information to members, the Institute also advises government departments on environmental health and is consulted by them on any proposed legislation relevant to the work of environmental health officers.

The Institute received its Royal Charter in 1984.

Sponsorship from the Feline Advisory Bureau for publication was dedicated as a tribute to Sophie Hamilton-Moore who died during 1995.

FOREWORD

Following the passing of the Animal Boarding Establishments Act 1963, the BVA published guidance in the 1970s and again in the 1980s¹ on appropriate conditions to be applied in the licensing of animal boarding establishments. The comments in their 1985 document are still relevant:

"Historically local authorities were recommended to grant licences to premises of sub-standard nature conditional upon the recommended standards being met by a specified date but not later than 1 January 1980. In practice in many instances it has proved impossible to raise the standards of such premises after the initial issue of licences. Concurrently a greater number of premises are now being offered for inspection prior to the granting of licences for the boarding of cats and dogs and no reason can be seen for granting licences to any premises which fail to meet current standards in any major respect."

Animal boarding establishments fulfil a public need. The public have a right to expect that all premises satisfy basic standards relating to the health, welfare and safety of the animals boarded. Establishment owners should know the minimum standards they must attain. The licensing authority should apply the standards sensibly and appropriately.

The continuing task for local authorities, veterinary professionals and the trade is to raise standards of health, safety and animal welfare in such establishments. The conditions contained in this booklet have been agreed by relevant bodies involved in the provision and control of such establishments. The contents represent the minimum standards to be applied in order to achieve that goal.

GRAHAM M JUKES
Chairman

¹ Animal Boarding Establishments Act 1963 - A Guide for District Authorities and their Veterinary Inspectors, BVA 1985

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Department of the Environment	(DoE)
Feline Advisory Bureau	(FAB)
Home Office	(HO)
National Dog Warden Association	(NDWA)
Royal Society for Prevention of Cruelty to Animals	(RSPCA)

This revised booklet is the result of further discussions and deliberations by the following:

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1 INTRODUCTION

Local Authorities issue licences to proprietors of boarding catteries under the provisions of The Animal Boarding Establishments Act 1963. The licence can stipulate a number of conditions to secure the following objectives:

- i) that the cats are kept in accommodation suitable in respect of construction, size, temperature, ventilation and cleanliness;
- ii) that boarded cats are adequately supplied with food and drink, and are visited at suitable intervals;
- iii) that the cats are kept secure;
- iv) that reasonable precautions are taken to prevent the spread of infectious diseases;
- v) that appropriate steps be taken in the event of an emergency;
- vi) that a suitable consistent level of management is maintained.

In 1993, The Chartered Institute of Environmental Health (CIEH) published comprehensive guidance and model licence conditions to ensure that a consistent approach was maintained in the issuing of licences and the enforcement of the legislation by local authorities.

Following the publication of the guidance and model conditions it became apparent that the conditions were being applied by some local authorities too rigidly and without due regard to the detailed guidance notes which, in the original document, were separated from the model conditions. The Guidance Notes provided a detailed explanation for the conditions and provided a framework for a consistent approach while allowing freedom of interpretation and flexibility to be applied by the licensing authorities in accordance with local circumstances.

A working group consisting of CIEH, Association of District Councils (ADC), British Veterinary Association (BVA), British Small Animal Veterinary Association (BSAVA), Feline Advisory Bureau (FAB) and the Pet Trade and Industry Association (PTIA) met to consider changes in the format of the guidance and model conditions based on the CIEH's original work in order to improve the readability, interpretation and consistent application of the document. This booklet and its companion volume dealing with dog boarding establishments contains the model conditions and guidance together with additional information which will be of value to both the industry and enforcement officers.

It should be stressed that the aim of licence conditions is to ensure high standards of animal care and health and safety are maintained in animal boarding establishments. If variations to the model conditions are made, local authorities should bear in mind that the principal aim must still be met.

In new establishments, there is an expectation that all appropriate conditions should be met as a basic minimum standard. In existing establishments taking into account local circumstances, it is accepted that some of the conditions may need to be phased in over a period of time by agreement between the establishment owner and the local authority in which case a licence, subject to an agreed scheme of works and a suitable realistic timescale for implementation, should be issued.

Where appropriate and as necessary, the local authority should seek the advice and assistance of a veterinary surgeon.

For ease of reference and application, the model conditions have been set out in the text in bold type with notes appended adjacent in italics giving additional information.

Throughout the text and as a licence condition the following applies:

1.1 Unless otherwise stated, these conditions shall apply to all buildings and areas to which cats have access and/or which are used in association with the boarding of cats.

Use of the term 'unit' relates to combined sleeping and individual exercise areas.

2 LICENCE DISPLAY

The principal legislation dealing with Animal Boarding Establishments is the Animal Boarding Establishments Act 1963 which addresses the areas to be covered by the licence relating to animal welfare and management. It is essential that consumers and those responsible for premises management are aware of the licence conditions:

LICENCE DISPLAY

2.1 A copy of the licence and its conditions must be suitably displayed to the public in a prominent position in, on or about the boarding establishment.

Notes: If displayed externally the licence and its conditions should be protected from the weather. Preferably the licence should be displayed in the reception area.

The number of cats for which the premises is licensed, the number of isolation and holding units must be specified on the licence. Guidance to their numbers are found in the notes below.

Other legislation and issues to be taken into consideration by cattery owners are:

INSURANCE

Notes: Adequate insurance indemnity should be arranged by the operator of the premises. This should be maintained at a sufficient level to cover the maximum number of cats boarded. Several companies offer policies specific to animal boarding establishments. Details are often advertised in pet publications.

Proprietors of animal boarding establishments are able to ensure purely the liability aspect by taking out third party liability cover. In addition, you can insure against veterinary fees for accident and illness, death from accidents, death from illness and loss from theft and straying. You must insure against public liability.

Employers Liability Insurance is mandatory for boarding establishment owners who employ staff. Employers Liability (Compulsory Insurance) Act 1969.

Certificates of insurance must be prominently displayed.

STAFF FACILITIES

Notes: Staff should be adequately trained in the safe handling of cats, emergency procedures to be followed, and all other aspects of the licence conditions which are pertinent to their work.

Adequate toilet and washing facilities must be available for staff in accordance with health and safety requirements.

An adequate First Aid Kit must be available for staff use.

Staff should also be regularly vaccinated against Tetanus.

ESTABLISHMENTS RECEIVING BOTH CATS AND DOGS

Notes: When the granting of the licence is being considered by the local authority, there will be a presumption against cats and dogs being kept within sight of each other, unless good reason can be made otherwise. [See companion booklet on model licence conditions and guidance for dog boarding establishments.]

In consideration of "Good Reasons" existing facilities and management must be taken into account.

3 CONSTRUCTION

3.1 GENERAL

3.1.1 The establishment must, at all times, be laid out and operated in accordance with an approved plan, to be attached to the licence. Before carrying out any alterations, plans must be submitted to and approved by the licensing officer of the local authority.

3.1.2 All new units must be built on a concrete base with a damp proof membrane to Building Regulation standards. This should have a minimum fall of 1 in 80. (see - 3.3.2)

3.1.3 All exterior wood must be smooth and properly treated against wood rot. Only products which are not toxic to cats may be used.

3.1.4 All internal surfaces used in the construction of walls, floors, partitions, doors and door frames to be durable, smooth and impervious. There must be no projections or rough edges liable to cause injury.

3.1.5 Sleeping areas of units must be so insulated as to prevent extremes of temperature.

3.1.6 Fencing material must be secure and safe.

3.1.7 The construction must be such that security of the cat is ensured.

3.1.8 All areas to which cats have free access must be roofed. (See - 3.4.2)

Notes: The conversion of existing buildings should be discouraged. Experience has shown that they may be more expensive to adapt and less efficient to operate.

Application for building works may well require approval from the building control department and/or planning department.

The purpose of the plan is to aid interpretation of the conditions applied.

An approved plan need not be a detailed surveyors drawing. A site plan to scale of the whole site including domestic/staff accommodation will suffice.

The interior and exterior of the buildings should be kept in good decorative order and repair. Outer paths, gardens, exercise areas and general surroundings must be kept to a good, clean, presentable condition. Failure to comply with this recommendation may be a consideration in any decision by the local authority to withdraw the licence for any reason.

A safe system of work must ensure correct use of chemicals and materials used in the cattery and must include constructional details suitable to reduce the spread of infection, disease and contamination.

Materials used in construction must not contain chemicals harmful to cats. For example, phenol or creosote. Consideration should also be given to providing suitable finishes and adequate thermal insulation, which should be fireproof.

Where galvanised welded mesh is used the wire diameter must not be less than 1.60mm (16 gauge welded mesh) excluding any covering and mesh size must not exceed 2.5 cm (1").

Units may be of different construction, eg full-height houses, half-height penthouses or similar. Units may also be of the ideal outdoor type or indoor units, either built within an existing building (eg a barn) or purpose built as an indoor cattery. Wherever possible, such indoor units should be provided with an outdoor exercise area. Units may also be constructed in a roundel, ie. individual units entered from a circular central area. If correctly constructed and managed to the following specifications, all these will provide better conditions for boarded animals, improved hygiene and safer systems of work.

In designing a building conversion to be used as a cattery, consideration should be given to providing a window with a shelf underneath, within the sleeping quarters, as cats are great spectators.

Ideally, in outdoor construction, there should be a 0.65 m. (2') gap between individual units as the resultant air-flow lessens the risk of cross-infection. In the absence of this gap, a full-height sneeze barrier between units is required. (See 3.2.3)

The whole point of hygienic and safe practice is to provide easy to clean surfaces.

3.2 WALLS

3.2.1 The walls with which cats may come into contact must be of smooth impervious materials, capable of being easily cleansed. Where concrete or other building blocks or bricks are used, they must be sealed to be as smooth, impervious and be resealed as necessary.

3.2.2 Junctions between vertical and horizontal sections should be covered. If impractical in existing premises, these joints must be sealed.

3.2.3 Full length sneeze barriers must be provided where the gap between units is less than 625 mm (2ft).

Notes: Suitable materials for the construction of partition walls would be properly surfaced brick/block constructions, moulded plastic, glass reinforced plastic (GRP), pre-formed plastic-surfaced board etc. Sealing refers to the use of a proprietary water proofing agent for sealing the wall against damp-penetration. Under certain circumstances, sealing of brickwork can only be achieved by rendering prior to sealing.

Current best building practice should be followed when providing covering for junctions between vertical and horizontal sections.

A sneeze barrier is particularly effective in controlling droplet infection, which is the commonest disease problem in catteries.

For sneeze barriers it is preferable to use translucent GRP sheeting or high impact glass or similar, which allows some transmission of light. Where a full height sneeze barrier is provided it will be necessary to ensure ventilation works effectively. A gap between units is not mandatory. If incorporated in new buildings this gap must be a minimum of 625 mm (2ft).

If there is no gap a sneeze barrier must be provided to a minimum height of 1.2 m (4 ft). If a shelf is provided the barrier must be extended to a minimum of 0.5 m above the shelf and at least 150 mm beyond the shelf within the exercise area.

All wooden construction or framework should stand on non-absorbent (eg plastic) blocks to prevent damage to the wood.

3.3 FLOORS AND CONCRETE BASES

3.3.1 The concrete base and floors of all buildings and units, must be of smooth, impervious materials, capable of being easily cleansed. In new catteries, this must incorporate a damp proof membrane.

3.3.2 Floors of all units and individual exercise areas must be constructed and maintained in such a condition as to prevent ponding of liquids. (See Condition 3.1.2)

3.4 CEILINGS AND ROOFING

3.4.1 Ceilings must be capable of being easily cleansed and disinfected.

Notes: When roofing the exercise area consideration should be given to installing translucent ceiling material capable of filtering UV light and providing adequate shade.

3.4.2 All exercise areas and the safety passage should be covered with mesh and

Where indoor units are provided, particularly within converted outbuildings, consideration should be given to ease of cleaning,

impermeable material, a proportion of which must be translucent.

energy conservation, wildlife access, lighting and ventilation. It is therefore advisable to have a ceiling height of as close to 1.8 m (6 ft) as possible. Where this is not practicable a higher ceiling may be permitted provided it meets the requirements of the condition.

3.5 DOORS

3.5.1 Doors must be strong enough to resist impact and scratching and must be fitted to be capable of being effectively secured.

Notes: For ease of working consideration should be given to the gates to exercise areas and doors to sleeping areas opening outwards.

3.5.2 Where metal edging is used, this must not present a risk of injury to the cat.

A cat-flap should be provided in the door to the sleeping compartment to permit easy access to the exercise area. This flap should be closed at night. In catteries of penthouse construction where the litter tray is left outside at night, a swing flap should be used to prevent excessive heat loss in colder weather.

3.5.3 Adequate constructional precautions must be taken to prevent and control the spread of infectious disease particularly by droplet infection.

In an indoor cattery, there should also be a solid, full-height door between the sleeping compartment and the exercise area to permit staff access from the exercise area to the central corridor through the sleeping compartment. It is advisable to have a cat flap in this door in order to conserve energy.

In new units, the solid doors between units and the central corridor must have an adequate viewing panel to permit inspection of the whole area.

In an indoor cattery the danger of infection from shared air supply is heightened. Effective barriers to prevent cross-infection should be in place, ie solid doors, partitions and ceilings.

3.6 WINDOWS

3.6.1 All windows which pose a security risk must be escape proof at all times.

Notes: Windows when a security risk must be protected by welded mesh, or be made of reinforced glass, polycarbonate or other impact resistant material.

In designing a building conversion to be used as a cattery, consideration should be given to providing a window, with a shelf beneath it, within the sleeping quarters, as cats are great spectators.

Each sleeping compartment should have its own window, with a shelf beneath it, to allow natural daylight into the unit and to permit the cat to look out.

3.7 DRAINAGE

3.7.1 Kitchens must be connected to mains drainage or an approved, localised sewage disposal system.

3.8 LIGHTING

3.8.1 During daylight hours light must be provided to exercise and sleeping areas so that all parts are clearly visible. Where practicable this must be natural light.

3.8.2 Adequate supplementary lighting must be provided throughout the establishment.

Notes: Wherever practicable, each unit should have a source of natural light, both to the exercise and to the sleeping compartments.

Natural and artificial lighting must be of sufficient standard to enable efficient working after daylight hours.

3.9 VENTILATION

3.9.1 Ventilation must be provided to all interior areas without the creation of excessive, localised draughts in the sleeping area.

Notes: Draughts can be the outcome of ventilation provided for animal health. Heating can equally be removed by ventilation. A balance is necessary between adequate ventilation and the unnecessary removal of warm air.

Ventilation is important as an aid to disease control, a protection against smell accumulation, and prevents excessive humidity of the atmosphere. High humidity should be avoided.

Siting of the bed is an important consideration. Providing a bed with adequate protective sides to allow the cat "depth" to seek protection, together with efficient individually controlled heating, are considerations in protecting the cat.

Moulded polypropylene beds which can be easily cleaned and disinfected are useful here.

4 NUMBERS OF ANIMALS

4.1 NUMBER OF CATS PERMITTED

4.1.1 The maximum number of cats to be kept at any one time is[TO BE DETERMINED BY THE LOCAL AUTHORITY].

Notes: The number of cats permitted relates to the number and size of the units and must be stipulated clearly on the front sheet of the displayed licence. The decision regarding the number of cats, as well as considering unit size and numbers, will take into account the effectiveness of site management.

4.1.2 Each cat must be provided with a separate unit except that cats from the same household may share a unit of adequate size with the written consent of the cats' owner.

Cats from the same family who normally live together may prefer to share a unit. It is a requirement that operators obtain written authorisation from the cat owner before unit sharing is allowed. Where sharing occurs, the cats must be provided with separate beds.

4.1.3 Holding units may be provided for temporarily boarding a cat for not more than 24 hours. Existing holding units must have a minimum floor area of 9 sq ft. In new construction the floor area must be a minimum of 12 sq ft. Holding units must have a minimum height of (0.9 m) 3ft.

Holding Units - The number of holding units provided should be agreed between the cattery proprietor and the local authority and noted on the licence. In general, holding units should constitute not more than 25% of the total number of residential units.

The use of holding pens should be kept to a minimum.

4.1.4 No animals other than cats are to be boarded within the licensed facilities without the written approval of the local authority.

It is strongly recommended that any collars or flea collars be removed while cats are being boarded as fatal accidents regarding these have been known to occur.

4.1.5 Where stray cats are accepted by the cattery they must be kept in a separate area away from boarded cats.

4.2 UNIT SIZE, LAYOUT AND EXERCISE FACILITIES

4.2.1 In new construction each unit must have a sleeping area and an adjoining exercise area, which is exclusive to that unit.

Notes: In existing units, the size requirements for units should be phased in over a number of years after consultation between the cattery owner and the local authority taking into account local circumstances.

During cattery construction, it is necessary to use an appropriate design and correct materials to ensure energy conservation and to minimise discomfort to the cat.

4.2.2 In new construction each unit must be provided with a sleeping area of at least 0.85 sq m (9 sq ft) for one cat, 1.5 sq m (16 sq ft) for two cats, 1.85 sq m (20 sq ft) for up to four cats.

The sleeping area may be at ground level or in the form of Penthouses (raised sleeping areas). These latter must be a minimum of 3ft above floor level with a maximum depth of 3ft 6 inches.

All exercise areas must be covered with welded mesh and roofed with a translucent material capable of filtering UV light and providing adequate shade.

Units may be designated as suitable for a specific number of cats, greater than 4, at the discretion of the licensing authority.

It is strongly recommended that, in new units, the minimum floor area of the sleeping area be 1.5 sq m (16 sq ft) as this allows greater flexibility in usage ie, one or two cats may be boarded in all chalets.

4.2.3 Units must have a minimum internal height of 1.8 m (6 ft).

4.2.4 The height of the sleeping area must be at least 3 ft (91 cm) in existing and 4 ft (1.22 m) in new build.

4.2.5 Suitable bedding must be provided which allows the cat to be comfortable and which is capable of being easily and adequately cleaned and disinfected. Such equipment must be sited out of draughts. Bedding material must be checked daily and must be maintained in a clean, parasite-free and dry condition.

4.2.6 In new construction each unit must be provided with an exercise area of at least 1.7 sq m (18 sq ft) for a single cat; 2.23 sq m (24 sq ft) for two cats; 30 sq ft for up to 4 cats.

4.2.7 Units must open onto secure corridors or other secure areas so that cats are not able to escape from the premises.

4.2.8 Exercise areas must not be used as sleeping areas.

4.2.9 There must be direct and voluntary access to the exercise area.

Where galvanised welded mesh is used, the wire diameter must not be less than 1.60mm (16 gauge welded mesh) excluding any covering. The mesh size must not exceed 2.5 cm (1').

All main entrance gates must be lockable.

***Communal exercise areas:** New communal exercise areas must never be permitted because of the risk of disease spread and fighting. Where they do exist, they must be phased out as an immediate priority.*

The relevant sizes of units and number of cats in occupation in summary are as follows:

<u>No of Cats</u>	<u>Size of Sleeping Area</u>	<u>Size of Exercise Area</u>
1	9 sq ft	18 sq ft
2	16 sq ft	24 sq ft
4	20 sq ft	30 sq ft

Greater than 4: the size required will be subject to the agreement and discretion of the licensing authority.

It is strongly recommended that, in new units, the minimum floor area of the sleeping area be 1.5 sq m (16 sq ft) as this allows greater flexibility in usage ie, one or two cats may be boarded in all chalets.

***Adverse Weather:** In adverse weather conditions the responsible person must decide whether or not cats are given free access to their exercise area.*

5 MANAGEMENT

5.1 TRAINING

5.1.1 A written training policy must be provided. Systematic training of staff must be demonstrated to have been carried out.

Notes: The licensee must formulate a written training policy for permanent, part time and seasonal workers. The following are regarded as essential topics to be covered in the programme:

Animal Welfare

Cleanliness and Hygiene

Feeding and Food Preparation

Disease Control

Recognition and Treatment of Sick Animals

Health and Safety

Emergency Procedures

Transportation of Animals

All vehicles used by the establishment for the transportation of cats should be regularly serviced and kept clean. Suitable carrying baskets or containers for the safe transportation of cats must be used. All vehicles must be secure and should not be left unattended when transporting a cat.

5.2 TEMPERATURE IN UNITS

5.2.1 Heating facilities must be available in the unit and used according to the requirements of the individual cat.

Notes: Many units have been built without proper concern for the welfare of the cat. The materials used in construction or the lack of sufficient insulation may not offer adequate protection against seasonal temperature variations.

5.2.2 There must be some part of the sleeping area where the cat is able to enjoy a temperature of at least 10°C (50°F).

There will be periods in the year where ambient external temperatures will cause temperatures to fluctuate above or below the recommended levels. If the higher temperature is exceeded due to structural shortcomings rather than normal ambient temperature then artificial means of counteracting this high temperature should be introduced.

5.2.3 In isolation units, there should be a means of maintaining the temperature at a level suitable for the conditions of the cat and dependent on veterinary advice.

Where temperatures lower than indicated are reached, it may be more economical to provide localised sources of heat. The use of individually thermostatically controlled infra-red dull emitters is recommended. Ambient air in the bedding area should be kept at least 10°C (50°F). Heated beds may also be used, provided these are maintained in a safe condition. Convalescing or elderly cats may require higher ambient air temperatures.

The temperature of the isolation units should not be allowed to fall below 15.5°C (60°F) generally, unless specific advice is given to the contrary by the Veterinary Surgeon.

The difficulty of providing maximum temperature levels is acknowledged. 26°C (79°F) is a realistic temperature which should not be exceeded in normal circumstances.

It is important to remember that a minimum temperature of 10°C (50°F) is required in the bedding area and if inadequate attention has been given to construction and insulation it will be necessary to use additional heating and thereby increase running costs.

Failure to provide additional heating will cause cats to suffer. Particular attention should be paid to design and construction. Geographical orientation is also relevant. Aspect affects temperature and it is often difficult to maintain adequate temperature with north facing openings. Correct attention to orientation of the unit will allow maximum use of natural light.

Similarly in summer temperatures, poorly insulated exteriors will allow internal temperatures to build up (similar to car interiors) to excessive levels. Even with additional ventilation the cats will suffer.

Some summer temperatures will naturally exceed 26°C (79°F). Inadequate construction or ventilation of the units must not be an excuse to allow unnecessarily high temperatures being attained.

Where temperatures are likely to rise above the maximum levels specified in the notes there should be some means of mechanical or automatic cooling/ ventilation.

A safe system of heating must be provided so that risks of electrocution and burning are avoided. Open flame appliances must not be used.

Maintenance and repair of the whole establishment must be carried out regularly to achieve the requirements listed above.

5.3 CLEANLINESS

5.3.1 All units, corridors, common areas, kitchens etc must be kept clean and free from accumulations of dirt and dust and must be kept in such a manner as to be conducive to maintenance of disease control and cat comfort.

5.3.2 Each occupied unit must be cleansed daily. All excreta and soiled material must be removed from all areas used by cats at least daily and more often if necessary.

5.3.3 All bedding areas must be kept clean and dry.

5.3.4 Suitably sited litter trays, which are easy to clean and impermeable, must be provided at all times. These must be emptied and cleansed at least once a day and as necessary at any time during the day if found to be unduly soiled. A suitable material for litter must be provided.

5.3.5 Each unit must be thoroughly cleansed, disinfected and dried upon

Notes: Arrangements must be made with the Waste Collection Authority or other waste management contractor authorised for the purposes of the duty of care, under the Environmental Protection Act 1990, for the removal of other wastes from the establishment.

Sawdust or soil are not considered to be suitable litter material.

Cleaning and Disinfection

There are a range of alternative cleansing regimes.

Basically, the regime should include:

- 1 Removal of bed, litter tray and all removable fittings
- 2 Wash down, rinse and dry
- 3 Apply disinfectant to manufacturer's stated instructions
- 4 Allow to dry.
- 5 Cleanse and disinfect all fittings.

The use of detergent and water will "wash down".

There is little point in putting down disinfectant only to wash it away in a short period of time. Bacteria, viruses and fungi can be controlled by using a suitable disinfectant.

Care should be taken to ensure the compatibility of different bactericides, fungicides and virucides if used together.

Great care should be taken when using any chlorine based chemical, eg bleach. (See notes on COSHH)

vacation. All fittings and bedding must also be thoroughly cleansed and disinfected at that time.

5.3.6 Facilities must be provided for the proper reception, storage and disposal of all waste. Particular care should be taken to segregate clinical waste arising from the treatment and handling of cats with infectious diseases. The final disposal route for all such waste must be incineration.

5.3.7 Measures must be taken to minimise the risks from rodents, insects and other pests within the establishment.

5.4 FOOD AND WATER SUPPLIES

5.4.1 All cats must be adequately supplied with suitable food. At least two meals a day must be offered at approximately 8 hours apart. Wholesome water must be available at all times and changed daily.

5.4.2 Eating and drinking vessels must be capable of being easily cleansed and disinfected and must be maintained in a clean condition. Disposable eating dishes may be used.

5.4.3 Eating vessels must be cleansed or disposed of after each meal.

5.4.4 Drinking vessels must be cleansed at least once a day.

5.5 KITCHEN FACILITIES

5.5.1 Exclusive facilities, hygienically constructed and maintained, must be provided for the storage and preparation of food for the cats.

5.5.2 Where fresh and cooked meats are stored, refrigeration facilities must be

provided, and food contamination must be avoided.

There is a balance between the cat enjoying a known environment and introducing infection and infestation in wickerwork baskets and old clothing/bedding etc. Staff handling between units further increases the risk of disease spread. While owners' own baskets and bedding may help a cat to settle, particularly during its first stay in boarding conditions, their use should be discouraged as there is no immediate control over cleanliness and parasite transmission.

Where such bedding is provided, the operator must ensure that it is clean and parasite free.

The use of scratching posts, sit boxes, etc is quite acceptable although care should be taken to ensure that the post is properly fixed and frequently replaced.

Notes: Cats should be fed to a standard compatible with the maintenance of health. Inspectors will observe the general nutritional status of the cats and the type and quality of food in store and in the process of preparation. If necessary, a veterinary surgeon should be called in to advise. Bear in mind cats will usually be fed in accordance with the instructions of the owner.

Food should not be left for excessive periods within the unit in order to avoid smells and flies. More food and water may be required for old or young cats. No food should be left outside at night.

Disposable eating dishes, although expensive, are recommended as hygienic since they cannot transmit infection and are a saving of time and labour since they are immediately disposable. Expanded polystyrene is not a suitable material for this use.

Notes: Kitchen facilities must be provided in an area separate from the domestic facilities. No household or boarded animals should ever enter this area.

5.5.3 A sink with hot and cold water must be provided for the washing of food equipment and eating and drinking vessels. A separate wash-hand basin with hot and cold water must also be provided for staff use.

5.5.4 Containers must be provided for the storage of foods and shall be so constructed and kept in such good order, repair and condition as to be proof against insects and other pests.

5.6 DISEASE CONTROL AND VACCINATION

5.6.1 Adequate precautions must be taken to prevent and control the spread of infectious and contagious disease and parasites amongst cats, staff and visitors.

5.6.2 Proof must be provided that cats boarded or resident have current vaccinations against Infectious Feline Enteritis, feline respiratory disease and other relevant diseases. The course of vaccination must have been completed at least four weeks before the first date of boarding or in accordance with manufacturers instructions. A record that this proof has been supplied must be kept on site throughout the period that the cat is boarded.

5.6.3 Advice from a veterinary surgeon must be sought in case of signs of disease, injury or illness. Where any cat is sick or injured any instructions for its treatment which have been given by a veterinary surgeon must be strictly followed.

5.6.4 A well stocked first-aid kit suitable for use on cats must be available and accessible on site.

Notes: "Other relevant diseases" allow for the insertion of diseases which may be as yet unknown but which may be regarded as important in future or which may be added according to circumstance eg. chlamydia.

Four weeks is the maximum time for all current vaccines to become fully effective. A shorter time is acceptable if suitable veterinary evidence is provided, based on manufacturer's instructions. Feline respiratory disease includes herpes virus and calici virus.

It is important that there are facilities and procedures for cleansing and disease control and that staff are familiar with the procedures and understand what action to take in the event of an outbreak of disease.

Phenolic disinfectants should not be used around cats and cats should be kept dry during cleaning of enclosures.

If there is evidence of external parasites (fleas, ticks etc) the cat should be thoroughly combed with a flea comb. It may then also be treated with a proprietary insecticide except where a long-acting topical insecticide has already been administered.

If there is evidence of internal parasites the advice of a veterinary surgeon should be sought.

All insecticides, disinfectants etc should be used strictly in accordance with the manufacturers instructions, and hazard sheets kept for staff which explain the precautions to be taken by the user.

The first-aid kit for use on cats must be kept well stocked at all times. Advice on contents should be available from the establishment's veterinary surgeon.

It is important to consider procedures to be carried out in case of death or escape. All staff should be made fully aware of these procedures. They will also help to reassure owners that the establishment acted correctly in that situation. Any cat that has died on the premises must be referred to a veterinary surgeon and the licensing officer of the local authority must be informed. A

veterinary practice should be appointed for the establishment. The name, address and telephone number of the establishment's veterinary surgeon must be displayed in a prominent position in a public area. The 24 hour telephone contact number of the veterinary surgeon used by the establishment should be displayed in a suitable place, close to the telephone and accessible to all members of staff.

5.7 ISOLATION

5.7.1 Isolation facilities must be provided.

5.7.2 In existing catteries these isolation facilities must be in compliance with the other boarding requirements but must be separate and physically isolated from the main units. This must be a minimum 3 m (10 ft). (See also temperature control.)

5.7.3 Adequate facilities to prevent the spread of infectious disease between the isolation unit and other units, must be provided.

5.7.4 Hands must be washed after leaving the isolation facilities before visiting the other units.

Notes: Isolation facilities must be provided at the rate of at least 1 isolation unit for up to 30 units and pro rata above that. The number should be noted on the Licence.

Isolation facilities must be used where the presence of infectious disease is suspected. Where stray cats are accepted by the cattery, they must be kept in a separate area away from boarded cats. Isolation facilities must only be used for this purpose in exceptional circumstances ie where stray intake is minimal.

In isolation units there must be a means of maintaining the temperature at a level suitable for the condition of the cat and dependant upon veterinary advice. Extremes of temperature in the isolation unit must be avoided and the temperature not allowed to fall below 15°C (60°F).

Protective clothing and equipment, for use only in the isolation facility, must be used to reduce the spread of infection.

In new build isolation facilities separated 10 m from the main units must be provided.

5.8 REGISTER

5.8.1 A register must be kept of all cats boarded. The information kept must include the following:

- date of arrival
- name of cat, any identification system such as microchip number or tattoo
- description, breed, age and gender of cat
- name, address and telephone number of owner or keeper
- name, address and telephone number of contact person whilst boarded
- name, address and telephone number of cat's veterinary surgeon
- anticipated and actual date of departure
- health, welfare and nutrition requirements.

Notes: Computerised, loose-leaf, index card and book register systems are acceptable. If a book register is used, pages must be consecutively numbered. Records of the owner's agreement to share may be kept on a separate form if a computerised system is used.

It is strongly urged that the establishment introduce formal boarding agreements, stating clearly the responsibilities of both parties during the duration of the boarding. The Licensing Officer of the local authority will consider the details recorded in the register together with the actual facts observed.

Owners should be encouraged to sign an authorisation for veterinary treatment.

5.8.2 The register must be kept readily available for a minimum of 24 months and kept in such a manner as to allow an authorised officer easy access to such information.

5.8.3 Where records are computerised, a back-up copy must be kept. The register must also be available to key members of staff of the establishment at all times.

5.9 IDENTIFICATION OF UNITS

5.9.1 Each unit must be clearly marked (eg numbered), and a system in place which ensures that relevant information about the cat in that unit is readily available.

Notes: An alternative system of identification can be used with the approval of the Licensing Authority, providing the system in use meets the criteria for identification and information provision for each cat and is readily accessible and easy to use.

The system of identification of units must be capable of containing relevant information such as feeding habits and frequencies, medicinal treatments, etc. If identified on the unit, it must not obscure the primary information. If additional information is stored electronically or manually away from the unit, the information must be readily and easily accessible.

5.10 SUPERVISION

5.10.1 A fit and proper person must always be present to exercise supervision and deal with emergencies whenever cats are boarded at the premises.

Notes: Suitable intervals for visiting means intervals of not less than four hours, starting at 8.00 am, until 6.00 pm. A late evening visit, between 9 pm and midnight, is strongly recommended to check the welfare of the cats and that the heating is working.

5.10.2 Cats must be visited at regular intervals, as necessary for their health, safety and welfare.

5.11 FIRE PRECAUTIONS

5.11.1 Appropriate steps must be taken for the protection of the cats in case of fire or other emergencies.

5.11.2 A proper emergency evacuation plan and fire warning procedure must be drawn up and posted on the premises. This must include instructions to where cats are to be evacuated to in the event of a fire or other emergency.

Notes: It is recommended that plans and details of the establishment are logged with the police and fire authorities. Fire protection advice must be sought from the Fire Prevention Officer regarding appropriate fire extinguishers and their correct siting, fire drills, fire escapes, etc. and implemented. The general maxim of "people first" in the event of fire is good advice.

Where rebuilding or providing new buildings, the Fire Prevention Officer will give advice on fireproofing requirements.

5.11.3 Fire fighting equipment must be provided in accordance with advice given by the Fire Prevention Officer.

The advice given by the Fire Prevention Officer should be in writing and particular regard should be given to the safe storage

5.11.4 All electrical installations and appliances must be maintained in a safe condition. There must be a residual current circuit breaker system on each block of units.

of inflammable substances. Staff should know how to use the extinguishers. It is also advisable to install smoke detectors. Electric wiring within the units must be protected against damage by cats.

Cats should not have direct access to open flame heating devices.

5.11.5 Heating appliances must not be sited in a location or manner where they may present a risk of fire, or risk to cats.

5.11.6 Precautions must be taken to prevent any accumulation which may present a risk of fire.

5.11.7 There must be adequate means of raising an alarm in the event of fire or other emergency.

6 OTHER RELEVANT LEGISLATION

Health and Safety at Work etc Act 1974

- i) There is a duty on all employers and employees to ensure safety of themselves, workmates and visitors to the site and contractors. This also extends to the self-employed.
- ii) An "accident book" must be provided to record details of accidents and "near misses". An annual review will indicate how to keep staff safer by introducing safer practices based on experience.
- iii) Regard should be had to providing safe systems of work for staff, particularly those involved in handling problem cats.
- iv) An establishment employing more than four people requires a written safety policy.
- v) There is a requirement for a risk assessment to be carried out to identify hazards in the workplace and assess risks, eg number of people affected etc, in order to assess any health and safety risk in an objective manner as far as possible.

Legislation is evolving all the time and reference should be made to enforcement authorities for up to date advice.

More details will be available from your local authority or from Management of Health and Safety at Work-Approved Code of Practice ISBN 0-11-886330-4 available from HSE Books, tel no. 0797 881165 (mail order)

Environmental Protection Act 1990

- i) Under section 34 operators have a "duty of care" to ensure that all waste arising from their premises is disposed of without harm to human health or the environment. They may only pass their waste to registered carriers or appropriately licensed or authorised disposal facilities.

The definition of waste is currently under review. Reference to the local authority will help clarify the position with regard to waste material generated from boarding establishments.

- ii) Part III of this Act deals with nuisance. When setting up a boarding establishment, it is most important to consider the potential problems of noise and odour nuisance in order to prevent possible legal action which could lead to closure at a later date.

Environmental Health Officers are able to give further advice and guidance on nuisance problems and related statutory provisions.

- iii) The use of incinerators to dispose of animal carcasses may require licensing by your local authority who will advise you regarding the requirements of part 1 of the Environmental Protection Act.

If you use an incinerator you are advised to notify the local authority.

The Environmental Protection Act 1990 places a duty of care on businesses to ensure that waste is disposed of by a registered carrier to an appropriately licensed or authorised disposal facility. Those wishing to dispose of waste on their premises or operate an incinerator may need planning permission, and a waste management licence or authorisation under the Environmental Protection Act 1990. They should seek advice from their Waste Regulation Authority or Environmental Health Department.

Cat faeces and "sharps" such as needles, scalpels, etc, constitute "clinical" waste and are likely to be subject to specific disposal conditions.

Electricity at Work Regulations 1989

Apply to every employer or self employed person, and you therefore have a duty to comply with these Regulations ensuring your electrical fittings and equipment are maintained in a safe condition.

In the event of something going wrong, you will be asked to say why you thought the equipment was safe, which means regular testing of fittings is advisable.

Control of Substances Hazardous to Health Regulations 1988 (COSHH)

- i) These are known as the "COSHH" Regulations. They require you to keep chemical substances on your premises in a safe manner, and to review whether you are able to reduce the number of chemicals used and to see if you are able to use chemicals which are less hazardous in order to do the same job.
- ii) They also deal with zoonoses (diseases transmitted from animals to people, such as Salmonellosis, Toxocariasis and Toxoplasmosis) and you should bring suitable advice on risks and precautions to the attention of your staff, and ensure that they are suitably vaccinated.

For further advice, contact your medical practitioner and/or the environmental health department.

Controlled Waste Regulations 1992

The definition of clinical waste in these regulations includes animal tissue, blood or other body fluids, excretions, drugs or other pharmaceutical products, swabs, dressings or syringes, needles or other sharp instruments which unless rendered safe may prove hazardous to any person coming into contact with it.

The Health and Safety Commission's guidance document 'Safe Disposal of Clinical Waste' advises on best practice in the handling and disposal of such waste and you can also seek advice from the local Waste Regulation Authority' or the Environment Agency Regional Office (to be formed in 1995).

**LICENSING AND SAFETY COMMITTEE
24 March 2011**

**HACKNEY CARRIAGE TARIFF CHARGES
(Director of Environment, Culture and Communities)**

1 PURPOSE OF DECISION

- 1.1 The current tariff for Bracknell Forest Hackney Carriages came into effect on 28 July 2008. Officers have received a request from the Bracknell Licensed Taxi Forum (BLTF), who represents the majority of Hackney Carriage licence holders within the Borough, for an increase in the tariff to represent the increasing costs to their businesses.
- 1.2 Any proposed changes would have to be advertised in a local newspaper for a period of not less than 14 days and, if objections are received and not subsequently withdrawn, these would have to be considered by the Committee. The Committee must also set a date within 2 calendar months of the expiry of the consultation period when the tariff will be in force with or without any modifications subsequently decided upon by the Committee.
- 1.3 Officers have also taken the opportunity to start consultation with the Hackney Carriage trade upon the wider issues within the tariff relating to additional charges that can be made for days, times of day or even the number of occupied seats within a licensed vehicle.

2 RECOMMENDATIONS

2.1 That the Committee agrees:

- (a) to advertise from 1 April 2011 a change to the tariff namely
- i) for the first 700 yards : £3.00 and
 - ii) for each subsequent 200 yards: 20p
 - iii) waiting time of 45 seconds : 20p
 - iv) introduce tariffs 4, 5 and 6 which would mirror tariffs 1, 2 and 3 but be a 50% increase on those tariffs for those vehicles carrying 5 or more passengers.
- (b) to note that if no objections are received, the new tariff will come into effect in the week beginning 18 April 2011.
- (c) to consider any objections made at its next meeting on 25 May 2011, in which case a new tariff would come into effect in the week beginning 31 May 2011.
- (d) that officers continue to consult on the structure of the taxi tariff and bring a report to the Committee on the results of that consultation.

3 ADVICE RECEIVED FROM STATUORY AND OTHER OFFICERS

- Borough Solicitor
- 3.1 The Borough Solicitor is satisfied that no significant legal implications arise from this report.

Borough Treasurer

3.2 There are no financial implications arising from this report.

Impact Assessment

3.3 There are no direct consequences for any particular group and no direct community safety issues.

Strategic Risk Management Issues

3.4 There are no issues to consider.

4. SUPPORTING INFORMATION

4.1 The last tariff increase was implemented on 28 July 2008. The costs of running a taxi business over the last 2½ years have changed in line with general inflation but also due to wider world economic factors such as the price of crude oil and refined fuels.

4.2 As a comparison the following shows the average cost of fuel in the South East in July 2008 and February 2011:

	Unleaded	Diesel
2008	120.2	133.4
2011	129.5	134.5

This is an increase of 9.3p (7.7%) in unleaded and 1.1p (0.8%) in diesel fuel. The price of diesel fuel hit a peak in July 2009 before falling back to 99.9p in March 2010. There has been a steady increase in the price of diesel since this time with a price of 119.7 in August 2010 and 126.5 in December 2010. With the proposed tax increases set for April 2011 and the political unrest in Africa and the Middle East bringing a level of uncertainty and instability to supply, further increases particularly in the short term are likely.

4.3 To see the full picture there is a need to consider the other impacts upon the costs of running a taxi business and these include vehicle insurance, running and maintenance costs, costs of replacement vehicles, general inflation and increase in wages for other workers. These matters have been brought together in a form agreed with the trade many years ago and which has been used by the Committee as guidance for determining the need and extent of changes in tariff. The figures available from April 2008 when the process to arrive at the present tariff was started, and those for January 2011 the latest published figures show that average earnings rose by 1.8%, RPI general inflation by 7% and motoring expenditure by 16.8%. In April 2008 the price per litre of unleaded was £108.5 and diesel £117.5. Using this agreed formula the overall increase in the costs of running a taxi business appears to have risen by around 11% since April 2008.

4.4 The Bracknell Licensed Taxi Forum (BLTF) have submitted two proposals for changes to the tariff

Option 1 - first 700 yards- £3.00, subsequent 219 yards - 20p

Option 2 - first 700 yards- £3.00, subsequent 200 yards - 20p

The Bracknell Licensed Taxi Forum has also requested a change to the waiting time from 57 seconds to 45 seconds. This is an increase in cost from £12.80 to £16.00 per hour. An area of concern for drivers of vehicles able to carry 5 or more passengers is charging a 50% surcharge on the standard meter price applied by the driver pressing a button on the meter at the end of the journey. A charge of £10.00 as shown on the meter then becomes £15.00. It is said by the trade that this has caused heated disputes with customers in the past. The alternative is to create a further range of tariffs which

mirror tariff 1, 2 and 3, but have a 50% loading. These would become 4, 5 and 6. These would be included only on those meters fitted within Hackney Carriages licensed for 5 or more passengers. It would require a manual action by the driver to select these tariffs at the start of the journey which would then be shown on the meter as the journey progresses. Such a process is open to abuse and the implementation and use of such a tariff would be closely monitored by officers, and should abuse be identified this decision could be reviewed and if necessary reversed.

- 4.5 Attached to the report as **Annex A** is a table which shows a comparison between the pre July 2008, present and proposed tariffs, across a range of distances from 1 to 5 miles and a trip from Bracknell railway station to Reading town centre. The percentage increases for options 1 and 2 are based upon the difference from the present tariff, whilst the percentage associated with the present tariff relates to the difference from the pre July 2008 tariff. Attached as **Annex B** is a table which shows how the recommended tariff compares to those within a range of other authorities in the area.
- 4.6 The structure and format of the tariff for Hackney Carriages has remained the same for many years. On 7 February officers initiated a consultation with owners of Hackney Carriages on whether the present tariff structure is still appropriate for the delivery of a Hackney Carriage business in 2011 and going forward. A copy of the consultation letter is attached to this report as **Annex C**. Seventy seven letters were sent out with a closing date for comments being 8 March 2011. As of 8 March 3 responses were received regarding this consultation.
- 4.7 Attached to the report as **Annex D** are the responses from Mr J Yexley on behalf of the Bracknell Licensed Taxi Forum, Mr K Miah, a Hackney Carriage Owner, and Mr A Ball on behalf of JJM Taxis and Zulu Cars Ltd. It can be seen from the responses that there is resistance to changing the structure of the tariff. Officers are aware that the structure of tariffs vary widely across the country and even within this region. The TPI Unmet Demand Survey highlighted that a common reason given by the public for not using taxis is the cost, and officers are keen to explore with the trade options that might benefit the trade through increased business. The recommendation therefore seeks approval of the Committee for officers to continue with research into the structure of tariffs and through consultation with the trade and the general public to establish if the tariff structure is a barrier to increased usage of taxis, and whether changes to the tariff could result in benefits for both taxi owners and the travelling public.
- 4.8 The Bracknell Licensed Taxi Forum has asked that a letter in support of the change to the tariff be included alongside this report and it can be seen as **Annex E**. It is expected that a representative from the Bracknell Licensed Taxi Forum will be requesting to speak to the Committee regarding this paper.

Background Papers

Local Government (Miscellaneous Provisions) Act 1976
AA Fuel Price reports
Government Statistical data

Contact for further information

Robert Sexton, Head of Trading Standards and Services - 01344 352580
robert.sexton@bracknell-forest.gov.uk

Doc ref

G:\SECS1\LICENSING & SAFETY COMMITTEE\2011\March 11\Hackney Carriage Tariff Charges.doc

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ANNEX A

HACKNEY CARRIAGE FARES

	PRE JULY 2008	EXISTING	OPTION 1	OPTION 2
Mile	738 yds - £2.80 270 yds – 20p	738 yds - £3.00 240 yds – 20p	700 yds - £3.00 219 yds – 20p	700 yds - £3.00 200 yds – 20p
1	£3.60	£4.00 (+ 11.1%)	£4.00 (+ 0%)	£4.20 (+ 5%)
2	£5.00	£5.40 (+ 8%)	£5.60 (+ 3.7%)	£6.00 (+ 11.1%)
3	£6.20	£6.80 (+ 9.6%)	£7.20 (+ 5.9%)	£7.60 (+ 11.8%)
4	£7.60	£8.40 (+ 7.8%)	£8.80 (+ 4.8%)	£9.40 (+ 11.9%)
5	£8.80	£9.80 (+ 11.3%)	£10.40 (+ 6.1%)	£11.20 (+ 14.3%)
12 Reading	£18.00	£20.00 (+ 11%)	£21.80 (+ 9%)	£23.60 (+ 18%)

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APPENDIX B

**HACKNEY TARIFF REPORT
LICENSING AND SAFETY COMMITTEE
24 March 2011**

COMPARISONS WITH OTHER LOCAL AUTHORITIES

MILES	READING	WINDSOR & MAIDENHEAD	WOKINGHAM	SLOUGH	WYCOMBE	GUILDFORD	BRACKNELL FOREST
1	£4.00	£3.40	£4.00	£4.00	£3.40	£3.80	£4.20
2	£6.40	£5.00	£6.00	£5.20	£4.60	£5.40	£6.00
3	£8.40	£6.60	£8.00	£7.40	£6.20	£7.20	£7.60
4	£10.60	£8.20	£10.00	£8.60	£7.60	£9.00	£9.40
5	£12.80	£9.80	£12.00	£10.40	£9.30	£10.80	£11.20
Waiting Time	46 sec – 20p	48 sec – 20p	40 sec – 20p	80 sec – 20p	36 sec – 10p	35 sec – 20p	45 sec – 20p

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Sent 10/2/11.



Our ref: RJS/mae

7 February 2011

«NAME»
«Street»
«Town»
«County»
«Postcode»

Dear «Salutation»

Hackney Carriage Tariff

The format of the Hackney Carriage Tariff in Bracknell Forest has been the same for many years. Tariffs across the country also vary greatly in their structure. The present tariffs are:

1. Tariff 1 – applicable from 7.00am until 11.00pm.
2. Tariff 2:
 - i) applicable from 11.00pm until 7.00am and
 - ii) Bank or Public holidays
 - iii) Christmas Eve and New Year's Eve from 6.00pm until midnight.
3. Tariff 3 – Christmas Day through to 7.00am Boxing Day.
4. Extra Charges:
Fouling of vehicle – interior - £50
Fouling of vehicle – exterior - £10.
5. When carrying more than 4 passengers a surcharge of 50% applied to meter reading at the end of the journey.

The Council wishes to consult with all holders of Hackney Carriage Licences and members of the travelling public to determine if such a tariff structure is fit for purpose and appropriate for the delivery of Hackney Carriage services within Bracknell Forest for 2011 and going forward.

In particular your views are sought on:

1. Should there be different rates of charges for different days or times of the day, or should there be a single charge for any day or time?
2. If there are different rates:
 - i) what times should they be?
 - ii) what days should they be?
 - iii) are 50% and 100% rises in fare appropriate for such travelling arrangements?
3. When a vehicle is licensed for 5 to 8 passengers is it appropriate that when carrying more than 4 passengers an additional charge of 50% on the final meter price is made and is such a charge proportionate?

ENVIRONMENT, CULTURE AND COMMUNITIES

Bracknell Forest Borough Council, Time Square, Market Street, Bracknell, Berkshire RG12 1JD
T: 01344 352000 F: 01344 352555 Minicom 8501344 352045 www.bracknell-forest.gov.uk

-
4. If a person fouls the interior or exterior of a vehicle are the charges of £50 and £10 proportionate for costs to cover lost business and / or the repair / cleaning work required?
 5. Are there any other comments or observations you wish to make?

The Council is initially seeking the views of the Hackney Carriage licence holders on the above matters prior to an in depth consultation with the trade and users of your service. We would therefore request that your comments or observations be received at this office by 5.00pm on 8 March 2011, so they can help to form the basis of that consultation.

Yours sincerely



Robert Sexton
Head of Trading Standards and Services

Robert Sexton

From: Johnjyexley@aol.com
Sent: 09 March 2011 20:55
To: Robert Sexton
Subject: Re Hackney Carriage Tarrif Letter 7th Feb

Hi Rob,

I am sorry that you have not received any reply to the above. I have overlooked this and just found it again. March is always a busy month for me and probally most people with bills being the end of the finacial year. I was going through all that I had to do with bills I had to pay when I found your letter [REDACTED]

All that apart I was summond by all my GMB members to give the one answer. The non-members of which there are only a few have approached me with the same answer. The answer is that the tarrif should stay exactly the same..I would also point out that they say that they do not wish the public should be consulted on what are basically our work conditions which far fall behind other hourly rate workers premium rates.I don't know if it would be possible if you could give me a call tomorrow to either discuss or come in to see you about what we talked about Monday.

Regards
John Yexley
Chairman GMB PDB(TAXI)
Bracknell Div.Tel. 07802 170838

ENVIRONMENT, CULTURE
& COMMUNITIES
RECEIVED

24 FEB 2011

BRACKNELL FOREST COUNCIL

Bracknell forest council
Time square
Market Street
Bracknell
Berkshire
RG12 1JD

12TH February 2011
Your ref: RJS/MAE-
My ref: BFC/7FB

Dear Mr Sexton

I am happy with the tariff as it is, because, I think that in this tough economic situation it is going to make customers not want a taxi ride. It is not economically viable. I would like to say that if you change anything make sure that you pay for the cost. Please do not impose anymore cost to us, because we are finding it very hard. I hope I have answered your question. Thank you.

Yours sincerely

k. Miah



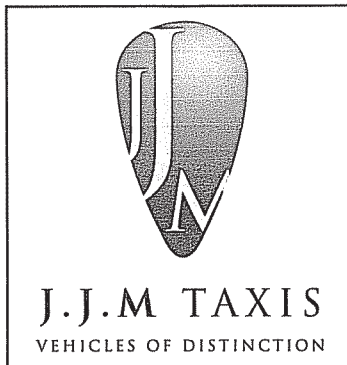
Khalil Miah
12 Richmond Avenue
Feltham
Middlesex
TW14 9SQ

ENVIRONMENT, CULTURE
& COMMUNITIES
RECEIVED

15 FEB 2011

BRACKNELL FOREST COUNCIL

Passed To:



JJM Taxis,
Popeswood Garage,
London Road
Binfield,
Berks,
RG42 4AA
(01344)455355
(01344)483887
Fax: (01344)306777
bookings@jjmtaxis.com

*

Your Ref: RJS/mae

Monday the 14th of February 2011

Dear Mr. Sexton,

With regards your questions over the Hackney Carriage charges we here at JJM favour them remaining as they are. In answer to your specific questions:

#1 – The tariff schedule should remain as they are

#2 – The rates should remain the same

#3 – Absolutely, the extra 50% helps to cover the higher cost of purchasing the vehicle and still represents good value for the customer as they would have to pay for 2 vehicles if the need to transport that many passengers without the use of an MPV.

#4 – This could be more money depending on the amount of damage caused however a flat rate makes it easier to get the money from the passenger.

#5 – It has been mentioned to us that due to increased petrol costs that the mileage rate should be raised, however it is the view of JJM that this must not happen. The market couldn't support the increased cost at this time and we believe the industry will simply have to endure this difficult period. It has also come to our attention that the pressure for this price increase is coming from the private hire fleets to force the hackney carriage prices higher so they can continue to undercut them. This is evidence that the prices need not rise, those who are struggling are doing so because they want to charge lower than the tariff price.

Yours truly,


Alex Ball
JJM Taxis & Zulu Cars Ltd

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2nd March 2011

Report to Licensing and Safety Committee

Proposal to increase Hackney Carriage fares within the Borough of Bracknell.

Background Information

Dear members of the committee

As you will be aware the last fare increase implemented within BFC was in July 2008. If you can cast your minds back to that period the country was in the grip of temporary spiraling fuel prices and by late spring diesel was retailing at around £1.30ltr. The council threw the trade a much needed lifeline and increased fares. This equated to about £0.40p on a £5 - £6.00 fare which would probably be an average fare from the ranks.

Current Situation

Fuel is currently retailing between £1.32.9 and £1.36.9 per litre, slightly higher than the peak in 2008. Analysts are predicting prices could be as high as £1.50 per litre by April and with the instability now being experienced in North Africa prices could go even higher. Insurance premiums have also dramatically increased. Apparently this is mainly due to fraudulent claims. Members have experienced a sharp increase this year and some have reported a rise of 20% plus, which on a standard taxi policy is a substantial increase. Our members are also struggling due to the current economic climate. We have seen a rise in VAT from 17.5% to 20%. This would obviously increase maintenance costs but more significantly will affect the cost of a new replacement vehicle.

The country is also experiencing high inflation currently running at 4% well above Government targets. This is mainly due to high oil and food prices which are apparently running at 4.6%, and the steep increase in utility bills is crippling workers on middle to low incomes. Taking all this into account our members are significantly worse off now than they were in 2008.

We are working in what we believe are now the most challenging conditions ever experienced by BFC Hackney Carriage trade.

The proposal we have put forward would add around £0.40p to a standard £5-6.00 fare and would have minimal impact on residents needing to access essential local services and facilities. The structure of our proposal would mean an accumulating effect on our longer distance journeys. This is important as drivers can ill afford the dead mileage and time taken to get back to the ranks due to the very congested road network. In our experience a large majority of demand for journeys outside of the Borough i.e. Heathrow / Reading lies within the business fraternity.

A customer travelling from Heathrow to Bracknell in a black London cab would be charged £90.00. The price for them to go back in a licensed Bracknell hackney carriage is around £30.00. We understand that the trade has to stay competitive but if we are to maintain the high standards expected from the council, consumers and residents alike we feel these low prices are unsustainable in the current climate. We have roughly calculated that the new fare increase would add about £5-6.00 on a job to Heathrow Airport and we feel that this would be more than reasonable.

We are proposing that *waiting time* be increased to £18.00 per hour. The waiting time has barely changed in the last decade – working out at just over £12.00 per hour. This may seem to someone with no knowledge of the trade a good hourly rate. But for a self-employed driver who has to take all his operating costs out would be left with barely the minimum wage. We would also like to remind the committee that unlike council employees we do not enjoy the luxury of paid sick pay, several weeks of paid holiday and lavish pension schemes.

We hope the committee will take all these factors into consideration when making your final decision. The trade does understand that in these times of austerity any fare increase should be kept to the minimum. We feel our proposal is reasonable and is essential to enable our members to carry on delivering the high quality service expected from them. We would also like to point out that our members work very long hours which can be up to 90 hours per week for a very modest income and can not afford a further decline in their standard of living. As GMB members we believe in a fair days pay for a fair day's work.

Mick Hildreth – Branch Secretary GMB PDB

John Yexley – Chairman GMB PDB Bracknell Section

Andrew Watson – Secretary GMB PDB Bracknell Section

Steve Lapworth – Vice Chairman GMB PDB Bracknell Section

RECOMMENDATION

LICENSING AND SAFETY COMMITTEE 24 MARCH 2011

SEX ESTABLISHMENT LICENSING POLICY (Chief Officer: Environment and Public Protection)

1 PURPOSE OF DECISION

- 1.1 The purpose of this report is to recommend adoption of the Sex Establishment Licensing Policy Statement which can be found at Annex A.

2 RECOMMENDATIONS

- 2.1 **That the Committee adopts the Sex Establishment Licensing Policy Statement attached at Annex A effective as of midnight on 24 March 2011.**

3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 3.1 The legal implications are identified within the report.

Borough Treasurer

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

Equalities Impact Assessment

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

Strategic Risk Management Issues

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

4 SUPPORTING INFORMATION

- 4.1 The Council has already adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. This Act empowers the Council to grant, refuse and apply licence conditions to premises that wish to operate as sexual entertainment venues, sex shops or sex cinemas, known collectively as sex establishments.

- 4.2 A local authority is not legally required to have a Licensing Policy relating to sex establishments and the Council does not currently have such a policy. However, it is suggested that it would be appropriate to have a policy in place to assist with any

decision making that may be required. Not having such a policy could result in decisions being made against subjective criteria and therefore more vulnerable to legal challenge. Once a policy is in place, a Council would be obliged to take all relevant factors into consideration and determine each application upon its merits.

- 4.3 Consultation on the draft Policy started on 13 December 2010 and ended on 11 March 2011. The consultation was advertised on the Council's website and was sent directly to the representatives of the one premises which was known to hold sexual entertainment activities on a regular basis since 2008. This premises is no longer hosting activities which would require it to obtain a licence to operate as a sexual entertainment venue. Other than Thames Valley Police confirming that they had no objection to the policy, no comments or responses were received in respect of the consultation.

Background Papers

Sexual Entertainment Venues – Guidance for England and Wales [Home Office March 2010]

Contacts for further information

Steve Loudoun
Chief Officer: Environment & Public Protection
01344 352501
Steve.loudoun@bracknell-forest.gov.uk

Laura Driscoll
Licensing Team Manager
01344 352517
laura.driscoll@bracknell-forest.gov.uk

Doc Ref

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Bracknell Forest Council

Sex Establishment Licensing Policy Statement

March 2011

1. Introduction

- 1.1 This Policy Statement sets out the Bracknell Forest Borough Council guidance, application procedure, terms and conditions and fees regarding the regulation of Sex Establishments.
- 1.2 This document relates to applications for Sex Establishment Licences covering
- Sex Cinemas
 - Sex Shops
 - Sexual Entertainment Venues
- 1.3 This document will guide applicants and the Council when considering applications for Sex Establishment Licences.

2. Definitions

2.1 The Act

This refers to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009).

2.2 Policy Statement

This refers to the Bracknell Forest Sex Establishment Policy Statement.

2.3 Relevant Locality

The Council has resolved that the Relevant Locality shall be the Ward in which the premises, vehicle, vessel or stall for which the application is being made is situated, or such other area as the Committee considers appropriate as the relevant locality for the application which they are hearing.

2.4 Character of the Relevant Locality

The character or characteristics of the locality where the premises are situated will be instrumental in determining whether or not the granting of a licence will be appropriate. This is a proper matter for the Council to consider based on local knowledge, factors and circumstances.

2.5 The Council

This means Bracknell Forest Borough Council.

2.6 Licensed Premises

This is the premises, vessel, vehicle or stall which is subject to a Sex Establishment Licence. The premises will be in possession of all appropriate consents and permissions required to operate.

Note: Licences are not required for the sale, supply or demonstration of articles which are manufactured for use primarily for the purposes of birth control or which primarily relate to birth control.

2.7 Permitted Hours

These are the hours of activity and operation that have been authorised under the Sex Establishment Licence.

2.8. Sex Cinema

- (1) "Sex Cinema" means any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which
 - (a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage
 - (i) sexual activity or
 - (ii) acts of force or restraint which are associated with sexual activity; or
 - (b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions, but does not include a dwelling-house to which the public is not admitted.
- (2) No premises shall be treated as a sex cinema by reason only:
 - (a) if they are licensed under [F1section 1 of the Cinemas Act 1985], of their use for a purpose for which a licence under [F1that section] is required; or
 - [F2(b) of their use for an exhibition to which section 6 of that Act (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of section 6(6) of that Act.]

2.9 Sex Shop

- (1) "Sex Shop" means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating
 - (a) sex articles; or
 - (b) other things intended for use in connection with, or for the purpose of stimulating or encouraging
 - (i) sexual activity; or
 - (ii) acts of force or restraint which are associated with sexual activity.
- (2) No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced.
- (3) In this Schedule "sex article" means
 - (a) anything made for use in connection with, or for the purpose of stimulating or encouraging
 - (i) sexual activity; or
 - (ii) acts of force or restraint which are associated with sexual activity; and
 - (b) anything to which sub-paragraph (4) below applies.
- (4) This sub-paragraph applies:
 - (a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and

- (b) to any recording of vision or sound, which:
 - (i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
 - (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

2.10 Sexual Entertainment Venue

(1) "Sexual Entertainment Venue" means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

(2) In this paragraph "relevant entertainment" means:

- (a) any live performance; or
- (b) any live display of nudity;

which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

(3) The following are not sexual entertainment venues for the purposes of this Schedule:

- (a) sex cinemas and sex shops;
- (b) premises at which the provision of relevant entertainment as mentioned in sub-paragraph (1) is such that, at the time in question and including any relevant entertainment which is being so provided at that time;

(1) there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months ending with that time;

- (i) no such occasion has lasted for more than 24 hours; and
- (ii) no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period mentioned in Sub paragraph (i));

(c) premises specified or described in an order made by the relevant national authority.

3. Applications

3.1 Mandatory Grounds for Refusal

Specific mandatory grounds for refusal of a licence are set out in the Act. A licence cannot be granted:

- (a) to any person under the age of 18 years;

- (b) to any person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- (c) to any person, other than a body corporate, who is not resident in an EEA state or was not so resident throughout the period of six months immediately preceding the date when the application made; or
- (d) to a body corporate which is not incorporated in an EEA State; or
- (e) to any person who has, within a period of 12 months immediately preceding that date when the application was made, been refused that grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

3.2 **Reasons for Refusal of a Licence**

A licence may be refused where:

- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (b) if the licence were to be granted, renewed or transferred, the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- (c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time which the authority considers is appropriate for the locality;
- (d) that the grant or renewal of the licence would be inappropriate, having regard
 - (i) to the character of the relevant locality; or
 - (ii) to the impact upon the locality
 - (iii) to the use to which any premises in the vicinity are put; or
 - (iv) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- (e) Nil may be an appropriate number for the purposes of (c) above.

3.3 **Impact and Location**

In considering applications for the grant of new licences or variation of conditions, the Council will assess the likelihood of a grant causing adverse impacts, particularly on the relevant locality and residents. The Council will take the following general matters into account:

- (i) type of activity;
- (ii) duration of proposed licence;
- (iii) proposed hours of operation;
- (iv) layout and condition of the premises;
- (v) the use to which premises in the vicinity are put;
- (vi) the character of the locality in which the premises are situated.

- 3.4 In considering all applications for the grant of new licences or applications for variation of conditions, the Council will take into account the potential impacts of the licensed activity on:

- (i) crime and disorder;
- (ii) cumulative impact of licensed premises in the area, including hours of operation;
- (iii) the character of the locality in which the premises is situated.

3.5 In considering all applications for renewal the Council will take into account:

- (i) levels of recorded crime and disorder in the area;
- (ii) past demonstrable adverse impact from the activity;
- (iii) whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts.

3.6 **Relevant Locality**

In deciding the appropriate number of premises to be licensed, the Committee must consider the character of the relevant locality and what is the appropriate number of sex establishments for the relevant locality. The number can be nil.

In considering if the grant, renewal or variation of the licence would be inappropriate, having regard to the character of the relevant locality or to the use of which any premises in the vicinity are put, the Committee shall consider, among other considerations, whether the grant of the application would be inappropriate, having to:

- (a) The fact that the premises are sited in a residential area.
- (b) The premises are sited near shops used by or directed to families or children, or on frontages frequently passed by the same.
- (c) The premises are sited near properties which are sensitive for religious purposes e.g. churches, mosques, temples.
- (d) The premises are sited near premises or areas which are sensitive because they are frequented by children, young persons or families, including but not limited to educational establishments, leisure facilities such as parks, libraries or swimming pools, markets and covered markets.

3.7 **Fitness of Applicant**

An applicant must be a fit and proper person to hold a licence. In determining suitability for a new licence or a transfer the Council will in most cases take into account:

- (i) previous knowledge and experience of the applicant;
- (ii) any evidence of the operation of any existing or previous licence held by the applicant, including any licence held in any other Borough;
- (iii) and any report about the applicant and management of the premises received from statutory objectors.

4. **Proposed Operation and Management Policies**

4.1 The Council requires all licensees to ensure that they and their employees comply with all relevant licence conditions and health and safety regulations and that the premises are not a source of nuisance to residents in the vicinity.

4.2 In terms of management of licensed premises, the Council strongly encourages where possible and appropriate that licensees:

- (i) work with statutory agencies such as the Police and the Council in order to create and maintain a safe environment, both within licensed premises and in the environments around them;
- (ii) particularly those whose premises are located in areas with the highest levels of recorded crime, develop crime prevention strategies in consultation with the Police and Council.

4.3 In terms of the management of licensed premises, the Council strongly encourages and where possible and appropriate will require all licensees to develop strategies and procedures to increase access for disabled people to the premises.

4.4 In terms of the employment of staff in licensed premises, the Council requires that all relevant staff be appropriately trained in areas such as health and safety, first aid and fire precautions.

5. Public Notice of Application

5.1 Applicants are required to give public notice of the application by publishing an advertisement in a local newspaper circulating in the area where the premises are situated and to display a similar notice on or near the premises for 21 days beginning with the date of the application.

5.2 A notice must be displayed at or on the premises to which the application relates for a period of not less than 21 consecutive days from the day following the day the application was given to the Council, where it can be conveniently read from the exterior of the premises.

5.3 Where the premises cover an area of more than 50 square metres, a further identical notice must be displayed every 50 metres along the external perimeter of the premises abutting any highway.

5.4 The notice must be on pale blue paper sized A4 or larger and printed legibly in black ink or typed in black in a font size equal to or larger than 16.

5.5 The notice must state:

- (a) details of the application and activities that it is proposed will be carried on or from the premises,
- (b) the full name of the applicant,
- (c) the postal address of the premises, or in the case where there is no postal address, a description of the premises sufficient to enable the location and extent of the premises to be identified,
- (d) the date, being 28 days after that on which the application is given to the Council, by which objections may be made to the Council and that the objections should be made in writing,
- (e) a similar notice must be published in a local newspaper or similar document within 7 days of giving the application to the Council.

6. Public Consultation

6.1 Local Residents

The Council will normally consult local residents in relation to applications for the grant or variation of a licence. The nature and extent of consultation will depend on the history of a particular premises and the perceived likelihood of problems occurring and objections being received.

6.2 Consultation with Statutory Agencies and other Organisations

In most cases the Council will consult with all relevant services within the Council and the Fire Authority to ensure that all relevant information is available when considering an application.

6.3 Consultation with Ward Councillors

Relevant Ward Councillors will be notified in writing of all applications for grant or variation of a licence within their Ward.

7. Making an Application

7.1 An application for the grant, variation, renewal or transfer of a licence must be made in writing to the Council in accordance with the requirements set out below. Individuals, limited companies and firms may apply for licences.

7.2 In keeping with the Council's policy on the introduction of e-Government, the Council consents to applications and other notices being given electronically. The address at which the Council will accept applications and notices is:-

- (a) By post / personal service to the Licensing Team, Time Square, Market Street, Bracknell, RG12 1JD
- (b) By e-mail to licence.all@bracknell-forest.gov.uk

7.3 Specimen application forms can be found at Appendices A and B.

8. Application for the Grant of a Licence

8.1 To apply for the grant of a sex establishment licence an applicant must submit:

- (i) A completed application form with the fee;
- (ii) A plan to the scale of 1:100 of the premises to which the application relates showing (inter alia) all means of ingress and egress to and from the premises, parts used in common with any other building, and details of how the premises lie in relation to the street.
- (iii) A site plan scale 1:1250.
- (iv) Drawings showing the front elevation as existing and as proposed to a scale of 1:50.

The applicant must also:

- (v) Display a notice on or near the premises (see Section 5);
- (vi) Advertise the application in a local newspaper;
- (vii) Send a copy of the application and plan to the Chief Officer of Police, (Licensing Officer) at Bracknell Police Station, within 7 days of making the application to the Council.

8.2 Applications in respect of premises must state the full address of the premises. Applications in respect of a vehicle, vessel or stall must state where it is to be used as a Sex Establishment.

8.3 The Council would recommend that applications for licences for permanent commercial premises should be from businesses with planning consent for the property concerned or that the applicant has sought advice through the pre-application process.

9. Variation of a Licence

- 9.1 The holder of a Sex Establishment Licence may apply at any time for any variation of the terms, conditions or restrictions on or subject to which the licence is held.
- 9.2 The process of applying for a variation is the same as that for applying for an initial grant except that a plan of the premises is not required unless the application involves structural alterations to the premises.

10. Renewal of a Licence

- 10.1 The holder of a Sex Establishment Licence may apply for renewal of the licence. In order for the licence to continue to have effect during the renewal process, a valid application form together with the appropriate fee must be submitted before the current licence expires.
- 10.2 The process of applying for the renewal of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.

11. Transfer of Licence

- 11.1 A person may apply for the transfer of a licence at any time.
- 11.2 The process of applying for the transfer of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.

12. Determination of Applications

- 12.1 When considering an application for the grant, renewal, variation or transfer of a Sex Establishment Licence the Council will have regard to any observations submitted to it by the Chief Officer of Police and any objections that have been received from anyone else within the statutory 28 day period from the date of the application being given to the Council.
- 12.2 All applications for the grant of a **new** Sex Establishment Licence and any other applications where a relevant objection is received will be referred to a Licensing Sub Committee for determination.
- 12.3 In determining the application the Sub Committee will have regard to this Policy Statement, the application itself and any objections that may have been made. In all cases, each application will be determined on its own merits.
- 12.4 Any person can object to an application but the objection should be relevant to the grounds set out in **Section 3** above. Objections should not be made on moral grounds or values and the Council should not consider objections that are not relevant to grounds other than those in **Section 3**.
- 12.5 Objectors must give notice of their objection in writing, stating the general terms of the objections.
- 12.6 Where the Council receives notices of any objections it will, before considering the application, give notice in writing of the general terms of the objection to the applicant. However, the Council shall not, without the consent of the person making the objection, reveal their name or address to the applicant.

13. Hearings

- 13.1 Where applications are referred to a Licensing Sub Committee, the hearing will take place within 20 working days of the end of the period in which objections may be made.
- 13.2 The hearing provides all parties to the application including those making objections, the opportunity to air their views openly and will be considered by the Sub Committee.

14. Appeals

- 14.1 There is no right of appeal:
- (i) against the grounds of refusal as detailed in **Section 3.1 (a), (b), (c), (d), and (e)** above, unless the applicant can prove that the ground of refusal does not apply to them, and
 - (ii) against the grounds as detailed in **Section 3.2 (c) and (d)**.
- 14.2 The grounds for refusal under Section 3.2 (c) and (d) above can only be challenged by the applicant by way of judicial review.
- 14.3 All relevant grounds for appeal, other than these detailed at point (i) and (ii) above can be made to the Magistrates' Court within 21 days from the date on which the person is notified in writing of the decision.

15. Fees

- 15.1 The fees for all Sex Establishments (Sex Cinema, Sex Shop and Sexual Entertainment Venue) will be determined annually by the Council
- 15.2 The fees set are deemed to be reasonable to cover the cost of administration, enforcement, the cost of any hearings and are not refundable.

16. Licence Conditions

- 16.1 The Standard Conditions for Sex Establishments are attached at Appendix C.
- 16.2 Under paragraph 8 of schedule 3 the Council may grant to an applicant, and from time to time renew, a licence for Sex Establishment on such terms and conditions and subject to any restrictions as may be specified. These specific terms and conditions will be tailored for each individual premises and each type of Sex Establishment licence.

17. Human Rights

- 17.1 As far as existing operators are concerned, the Government has decided that 'Grandfather Rights' will not apply. The Transitional Order allows local authorities to refuse applications whether they are from existing operators or new applicants.
- 17.2 When making such decisions, local authorities must take into account any rights the existing operators have under Article 1, Protocol 1 of the European Convention on Human Rights (which entitles every person to peaceful enjoyment of their possessions) and Article 10 (freedom of expression).

- 17.3 The Council will have regard to the fact that it will be prudent to assume that freedom of expression includes the right to use particular premises as Sexual Entertainment Venues and that a person who is denied the right to use his premises as a Sexual Entertainment Venue where he already has a licence to do so under the Licensing Act 2003 (or in future under the 1982 Act) has been deprived of possessions.

18. Waivers

The Council does not consider that it would appropriate to permit 'Waivers' from the requirement to hold a Sexual Entertainment Venue licence particularly as the legislation allows relevant entertainment on an infrequent basis of no more than 11 occasions within a 12 month period, providing there is at least 1 month between each period of entertainment which itself does not last for more than 24 hours.

19. Duration of Licence

The Council shall, unless there are exceptional circumstances, grant a licence for the maximum duration of one year at a time.

20. Offences

- 20.1 The offences under Schedule 3 are set out in paragraphs 20 to 23 of that schedule and include:

- Knowingly causing or permitting the use of any premises as Sex Establishment without a licence;
- Being the holder of a licence, knowingly employing a person in a Sex Establishment who is disqualified from holding a licence;
- Being the holder of a licence, knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in a licence;
- Being the servant or agent of the holder of a licence, without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in a licence;
- Being the holder of a licence, without reasonable excuse knowingly permits a person under the age of 18 years to enter the establishment;
- Being the holder of a licence, employs a person known to them to be under 18 years of age in the business of the establishment.

- 20.2 A person guilty of any of the above offences is liable on summary conviction to a fine not exceeding £20,000.

- 20.3 It is also an offence for the holder of a licence, without reasonable excuse to fail to exhibit a copy of the licence and any standard conditions applicable to the licence in a suitable place as specified in the licence. A person guilty of this offence shall be liable on summary conviction to a fine not exceeding level 3 on the Standard Scale.

Equality Impact Assessment Record

EIA Guidance

Please ensure that you have read the Council's EIA Guidance booklet, available on Boris, before starting work on your EIA, it should be read in conjunction with this form. If anything is unclear please contact your departmental equality representative listed below. This form is designed to summarise the findings of your EIA. **Please also keep a record of your other discussions in producing the impact assessment.**

Drafting your EIA

The boxes in this form are designed to expand please ensure that you add data, consultation results and other information to back up any assertions that you make. A draft of this record form must be sent to the Councils Equality Officer Abby Thomas and your departmental equality representative(s) (listed below) who will send you comments on it before it is finalised and signed off by your Chief Officer. This step is important to check the quality and consistency of EIAs across the Council.

Departmental Equality Representatives

ECC	Jane Eaton	SCL	Graham Symonds and Ilona Cowe
CS	Abby Thomas	CXO	Stephanie Boodhna

Publishing

The Council is legally required to publish this EIA record form on the Councils website. Please send a copy of the final version of the EIA record form to the Councils Equality Officer Abby Thomas to publish.

Date of EIA	14 March 2011	EIA Guidance Page Ref.
Directorate	Environment, Culture & Communities	
Part One - Initial Screening Record		
1. Activity to be assessed	Sex Establishment Licensing Policy	See Pages 9 - 10
2. What is the activity?	<input checked="" type="checkbox"/> Policy/strategy <input type="checkbox"/> Function/procedure <input type="checkbox"/> Project <input type="checkbox"/> Review <input type="checkbox"/> Service <input type="checkbox"/> Organisational change	
3. Is it a new or existing activity?	<input checked="" type="checkbox"/> New <input type="checkbox"/> Existing	
4. Who are the members of the EIA team?	Laura Driscoll, Licensing Team Leader	
5. Initial screening assessment.	<p>1. Does the activity have the potential to cause adverse impact or discriminate against different groups in the Councils workforce or the community?</p> <p style="background-color: #e0e0e0;">No. The Policy will be put in place to assist with decision making in respect of any applications for licences for sexual entertainment venues, sex shops or sex cinemas. The policy will ensure that any panel hearing an application will take all relevant factors into consideration and determine each application on its merits. No responses were received to a public consultation on the policy from 13 December 2010 to 11 March 2011.</p> <p>2. Does the activity make a positive contribution to equalities?</p> <p style="background-color: #e0e0e0;">No evident impact on contribution to equalities</p>	
6. Did Part 1: Initial Screening indicate that a full EIA was necessary?	<input type="checkbox"/> Yes – full EIA completed and recorded below. <input checked="" type="checkbox"/> No – full EIA not completed record ends here, please ensure this record is signed by the Chief Officer in box 19 overleaf and then email to abby.thomas@bracknell.gov.uk	

Part Two - Full EIA Record						
<p>7. Why is a full EIA being completed on the activity? Double click on boxes to check all that apply.</p>	<p>The activity has the potential to have an adverse impact/discriminate against different groups in the community. <input type="checkbox"/></p> <p>The activity makes a positive contribution to equalities <input type="checkbox"/></p>	<p>See Pages 9 - 10</p>				
<p>8. Who is the activity designed to benefit/target?</p>	<p>The purpose of the activity is to: Overwrite with details</p> <p>The activity is designed for: Overwrite with details</p>	<p>See Page 11</p>				
<p>9. Summarise the information gathered for this EIA including research and consultation to establish what impact the activity has on different equality groups.</p>	<p>Overwrite with the data, information, consultation results or research that was gathered as part of the EIA to establish what impact the activity has on different equality groups.</p> <p>Where relevant include data such as take up, profile of users and satisfaction levels with the service/function, size of consultation responses and any issues raised by equality groups/equality issues in consultations.</p>	<p>See Pages 12-13</p>				
<p>10. A) With regard to the equalities themes, which groups does the activity impact upon?</p> <p>B) Might any of these groups be adversely impacted?</p> <p>If you have not got sufficient information to make a judgement, go to box 17 and list the actions that you will take to collect further information.</p>	<table border="1"> <thead> <tr> <th data-bbox="472 1325 862 1367">A) Groups Impacted</th> <th data-bbox="862 1325 1256 1367">B) Groups impacted adversely</th> </tr> </thead> <tbody> <tr> <td data-bbox="472 1367 862 1860"> <input type="checkbox"/> Race and ethnicity <input type="checkbox"/> Disability <input type="checkbox"/> Gender <input type="checkbox"/> Age <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Religion or belief <input type="checkbox"/> Other - please specify <input type="checkbox"/> Other - please specify <input type="checkbox"/> Other - please specify <input type="checkbox"/> Other - please specify </td> <td data-bbox="862 1367 1256 1860"> <input type="checkbox"/> Race and ethnicity <input type="checkbox"/> Disability <input type="checkbox"/> Gender <input type="checkbox"/> Age <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Religion or belief <input type="checkbox"/> Other - please specify <input type="checkbox"/> Other - please specify <input type="checkbox"/> Other - please specify <input type="checkbox"/> Other - please specify </td> </tr> </tbody> </table>	A) Groups Impacted	B) Groups impacted adversely	<input type="checkbox"/> Race and ethnicity <input type="checkbox"/> Disability <input type="checkbox"/> Gender <input type="checkbox"/> Age <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Religion or belief <input type="checkbox"/> Other - please specify <input type="checkbox"/> Other - please specify <input type="checkbox"/> Other - please specify <input type="checkbox"/> Other - please specify	<input type="checkbox"/> Race and ethnicity <input type="checkbox"/> Disability <input type="checkbox"/> Gender <input type="checkbox"/> Age <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Religion or belief <input type="checkbox"/> Other - please specify <input type="checkbox"/> Other - please specify <input type="checkbox"/> Other - please specify <input type="checkbox"/> Other - please specify	<p>See Pages 14 -15</p> <p>Double click on the boxes to check all that apply.</p>
A) Groups Impacted	B) Groups impacted adversely					
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<p>11. What evidence is there to suggest an impact/adverse</p>	<p>A) Evidence of Impact. Overwrite with the data, information or research that was used in the EIA. Include any evidence if relevant of a positive impact on equalities.</p>					

impact?	B) Evidence of adverse impact. Overwrite with the data, information or research that was used in the EIA	
12. On what grounds can impact or adverse impact be justified?		See Pages 14 -15
13. Have any examples of good practice been identified as part of the EIA?		See Pages 14 -15
14. What actions are you currently undertaking to address issues for any of the groups impacted/adversely impacted?		
15. What actions will you take to reduce or remove any differential/adverse impact? Please also list any other actions you will take to maximise positive impacts.	List the actions that you have planned as a result of the EIA. The action plan should include references to any additional monitoring or research that was identified in the information-gathering part of the process. It should also include references to any information that is still required or was not retrievable at the point of assessment.	See page 16
16. Into which action plan/s will these actions be incorporated?		
17. Who is responsible for the action plan?		
18. Chief Officers signature.	Name Steve Loudoun Signature.....	
19. Which PMR will this EIA be reported in?	All completed EIA's must be reported in your departments PMR. Note here the service department and relevant quarter/date of PMR i.e. the quarter in which the EIA will be published.	

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