



NOTICE OF MEETING

Licensing and Safety Committee

Thursday 13 October 2011, 7.30 pm

Council Chamber, Fourth Floor, Easthampstead House, Bracknell

To: The Licensing and Safety Committee

Councillor Brunel-Walker (Chairman), Councillor Leake (Vice-Chairman), Councillors Allen, Baily, Mrs Barnard, Brossard, Davison, Finch, Gbadebo, Kensall, Porter, Sargeant, Thompson and Ms Wilson

ALISON SANDERS
Director of Corporate Services

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**Licensing and Safety Committee
Thursday 13 October 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 7 July 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
- Decision Items**
6. **Animal Boarding Establishment Licence Conditions**
To consider a report proposing the adoption of the Model Licence Conditions for animal boarding establishments as published by the Chartered Institute of Environmental Health. 5 - 76
 7. **Street Trading - Adoption of new consent streets**
To consider an amendment to the list of designated Consent Streets for the purposes of street trading in the Borough. 77 - 84
 8. **Chauffeur Badge**
To consider a report proposing the introduction of a Chauffeur Private Hire Driver Licence 85 - 102

9. **Fees and Charges**

To consider a report reviewing fees and charges levied on behalf of the Council. 103 - 114

Information Items

10. **Licensing Panel Minutes**

To receive and note the minutes of the following Licensing Panel Hearings conducted during the last quarter: 115 - 122

- 20 July 2011 – Mr F (Dual Driver Licence)
- 17 August 2011 – Mr H (Dual Driver Licence)
- 7 September 2011 - Mr K (Private Hire Licence)
- 14 September 2011 – Mr E (Dual Driver Licence)

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**LICENSING AND SAFETY COMMITTEE
7 JULY 2011
7.30 - 9.35 PM**

Present:

Councillors Brunel-Walker (Chairman), Leake (Vice-Chairman), Allen, Baily, Brossard, Davison, Finch, Gbadebo, Kensall, Porter, Sargeant and Thompson

Apologies for Absence were received from:

Councillors Mrs Barnard and Ms Wilson

10. Declarations of Interest

There were no declarations of interest.

11. Minutes

RESOLVED that the minutes of the meeting of the Licensing and Safety Committee held on 16 June be approved as a correct record and signed by the Chairman.

12. Urgent Items of Business

There were no urgent items of business.

13. Notice of Public Speaking

There were no applications for public speaking.

14. Health and Safety Law Enforcement Plan 2011-12

The Acting Commercial Team Manager gave a presentation in respect of the Council's Commercial Health and Safety Service.

The presentation included: the legislation governing the service, an outline of the work carried out by the Council's Commercial Health and Safety Team, an outline of the steps that businesses had to undertake to comply with health and safety regulations, details of the sanctions available for cases of non-compliance and examples of enforcement work undertaken in Bracknell Forest.

The Head of Environmental Health presented the Health and Safety Law Enforcement Plan 2011/12.

The Health and Safety Law Enforcement Plan set out an overview of the work carried out during the 2010/11 municipal year and detailed the work that would take place during the 2011/12 municipal year and how this work would be carried out.

In 2010/11 a total of 501 health and safety inspections and visits had been carried out. Of these:

- 85 had been programmed inspections and 213 were first visits to the business
- 33 had been advisory visits
- 29 had been revisits to follow up on issues of non-compliance
- 16 had been in relation to accidents
- The remaining 125 visits had been made either in response to complaints or enquiries from members of the public and other visits where previous visits had identified the business as being closed or not trading at that time.

Of the 207 enforcement actions taken during 2010/11: informal improvement notices had been issued in 191 cases, formal notices had been issued in 12 cases, there had been one prosecution, two immediate prohibition notices issued and one Simple Caution given.

Arsing from members questions and comments the following points were noted:

- Inspections carried out by the Health and Safety Team covered business premises only. Home workers were not considered to be high risk and the Health and Safety Team did not inspect these businesses
- Inspection visits were carried out during normal business hours i.e. 9am to 5pm however out-of-hours inspections did take place when necessary
- The number of inspections that took place in 2010/11 was more than double the number that had taken place the previous year (230 visits compared to 170 visits). This was due to the introduction of new guidance from the Health and Safety Executive which stated that local authorities should review low risk businesses every five years
- It was considered that the increased number of Enforcement Actions in 2010/11 compared to 2009/10 (207 compared to 62) was down to the increased number of inspections that took place
- A five year rolling programme of caravan site inspections was in place and three sites were scheduled for inspection during 2010/11
- By law animal establishments had to be relicensed annually and an inspection had to take place before a licence could be issued
- Where necessary the Health and Safety Team would liaise with other agencies for example in instances concerning the storage of flammable chemicals the Fire Service would be contacted for advice and assistance
- Inspection of Mobile Traders did not take into consideration the road worthiness of a vehicle. Health and Safety inspections covered health and safety matters whilst trading on site
- Details of the number of street trader inspections carried out and the number of enforcement notices issued would be circulated to the Committee

RESOLVED that the Health and Safety Law Enforcement Plan for 2011-2012, as set out in the appendix of the report, be adopted by the Council.

15. **Licensing Annual Report and Service Plan**

The Head of Trading Standards and Licensing presented the Licensing Section Annual Report and Service Plan for 2011/12.

The Report set out an overview of the work carried out during the period 1 April 2011 to 31 March 2012, associated performance data, areas for development during 2011/12 and details of the number and type of licences issued.

Areas of success during 2010/11 included: exceeding targets set to ensure that all licence applications were processed within agreed local performance indicators and as required by legislation, exceeding targets for the number of programmed inspections undertaken, production of annual newsletters for the Alcohol/ Entertainment and Taxi businesses to keep them abreast of legislative changes and procedures, working with the licensed taxi trade to produce a credit card sized information sheet to inform the public of the risk of using unlicensed taxis, the replacement of the last non-wheelchair accessible licensed vehicle giving the Borough a fleet of fully accessible licensed hackney carriages, the introduction of training for drivers to raise awareness of disability needs and good customer service and continued joint operations with Thames Valley Police, VOSA and other agencies.

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

- Members of the Committee would be included on the circulation list for newsletters sent to the Alcohol/ Entertainment and Taxi trade
- The findings of the customer satisfaction surveys following inspection visits by Trading standards were still outstanding
- Plans to establish surveys to look at customer experience of applications or complaints dealt with by the section had not been taken forward because turn around of work in this area was particularly good and the Section received very few complaints
- Three talks and presentations had been given to consumers and businesses on licensing matters during 2010/11
- There were currently no legislative powers in place to enforce the removal cigarette vending machines
- During the course of the reporting period, 12 out-of-hours enforcement operations had been carried out. Over the course of the year it had been found that businesses became more compliant and it had been decided to reduce the minimum number of out-of-hours operations to eight during 2011/12. These would be in addition to the 150 programmed inspections
- Out-of-hours operations ran from 7pm until 2 or 3am the following morning. During this time officers would normally inspect around 20 premises
- It was agreed that arrangements would be made to enable Committee Members to accompany officers on out-of-hours visits
- The 2009 Unmet Demand Survey would be circulated to Members

RESOLVED that the Licensing Section Annual Report and associated work plan for 2011/12 be approved.

16. **Licensing Panel Minutes**

The Committee received and noted the minutes of the Committee's Licensing Panels held during the previous quarter.

The possibility of providing feedback on any complaints received that related to matters that had initially been raised as a potential cause for concern prior to a licence application being granted would be investigated.

CHAIRMAN

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TO: LICENSING AND SAFETY COMMITTEE
13 OCTOBER 2011

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

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to consider adoption of the Model Licence Conditions for Boarding Establishments as published by the Chartered Institute of Environmental Health (CIEH) in 1995.

2 RECOMMENDATION(S)

- 2.1 **That the Committee determines that the CIEH Model Licence Conditions for Boarding Establishments shall be used for the purposes of applying appropriate conditions in respect of new animal boarding establishment licences with immediate effect; and**
- 2.2 **That a further report is brought to the Committee in respect of the existing licences with a proposed timeframe for compliance with the new conditions having regard to the extent of the works, the associated risks to animal welfare and the potential cost.**

3 REASONS FOR RECOMMENDATION(S)

- 3.1 The contents of the CIEH Model Licence Conditions are nationally accepted as representing the minimum standards to be applied in order to ensure appropriate standards of health, safety and welfare in such establishments. Officers are of the view that the Council's current licence conditions are outdated and no longer fit for purpose.
- 3.2 It is recommended that the introduction of the conditions for existing licensed businesses be delayed to enable officers to work with the businesses and allow adequate time to carry out any works required to comply with the new conditions.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None. The licence conditions currently in use need to be replaced and the proposal to allow for their phasing in seeks to ensure that this is done in a reasonable way.

5 SUPPORTING INFORMATION

- 5.1 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 specifying the number and type of animals that can be boarded. The current conditions issued by the Council can be found at Annex A.
- 5.2 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.
- 5.3 The Model Licence Conditions for Dog Boarding Establishments can be found at Annex B, and for Cat Boarding Establishments at Annex C.
- 5.4 This proposal does not affect 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.
- 5.5 There are three current licence holders and all were consulted as part of the review. One response was received and is provided in full at Annex D. The response raises a number of points about the document, with the key points as follows:
- (a) Important aspects in the model conditions are significantly out of date
 - (b) The CIEH document is too detailed
 - (c) Officers may not interpret or apply the standards sensibly and appropriately
- The response goes on to say that the document should be adopted when it has been fully updated and asks that all surrounding authorities should adopt the same standards.
- 5.6 The view of officers in respect of the response from Oakwood Park Kennels is that the current conditions in place are inadequate and should be replaced as soon as possible. It is not the intention that all of the conditions will be applied in their entirety to each licence but rather that it is used as a pool of conditions to be applied as required. Officers will also discuss the possibility of all Berkshire authorities adopting the same standards through the Berkshire Licensing Group.
- 5.7 The proposed phasing in of the new conditions for existing businesses will allow for officers to carry out the routine inspection in late 2011 and then work on the proposed conditions and report to a future meeting of the Committee with a recommended timeframe for implementation and compliance.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The legal implications are identified within the report.

Borough Treasurer

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

Equalities Impact Assessment

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

Strategic Risk Management Issues

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

Other Officers

- 6.5 Not applicable.

7 CONSULTATION

Principal Groups Consulted

- 7.1 Holders of existing animal boarding establishment licences were consulted. There are three such establishments in the Borough.

Method of Consultation

- 7.2 A letter was sent on 30 June 2011 seeking comments by 9 September 2011.

Representations Received

- 7.3 One response was received from Dr and Mrs Carpenter of Oakwood Park Kennels. A copy of the response is attached at Annex D.

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

Contact for further information

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Doc Ref

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SCHEDULE I - Relevant Legislation for the purpose of this Licence**Animal Boarding Establishments Act 1963****NOTES**

The following notes are intended for general guidance purposes only. For further details you are advised to consult the relevant legislation or seek legal opinion.

1. If in any respect of which this licence is in force is used for any purpose otherwise than in accordance with the terms, conditions or restrictions on or subject to which the licence is held then:
 - a) The licence holder and
 - b) any other person who knowingly or having reasonable cause to suspect that the place would be so used allow the place to be used or let the place, or otherwise made it available to any person by whom an offence in connection with that use of the place has been committed, shall be guilty of an offence and liable on summary conviction to a fine not exceeding that of the relevant standard scale in force at that time.

It shall be a defence for a person charged with such an offence to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

2. If the Licensee refuses to permit a veterinary surgeon, veterinary practitioner or a duly authorised officer of the of the Licensing Authority to enter or inspect the premises in accordance with the provision of this Licence he shall be guilty of an offence.

APPEALS PROCEDURE

Any person aggrieved by the refusal of the licensing authority to grant a licence under the above stated legislation or by the revocation by the licensing authority of a licence or by terms, conditions or restrictions attached to such licence may appeal to the appropriate court.

ANIMAL BOARDING ESTABLISHMENTS ACT 1963

SCHEDULE OF CONDITIONS

- 1 The number of animals accommodated at the establishment at any one time shall not exceed **xx** 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.

**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)

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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

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

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

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.

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

5.3.3 All bedding areas must be kept clean and dry.

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.

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

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.

- 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.

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 Bordetella bronchiseptica (part of the Kennel Cough complex) is regarded as giving solid protection after only 5 days.

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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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.

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.

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

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

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.

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

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.

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).

Summary

Oakwood Park Kennels has been formally asked to comment on the possibility of BFBC adopting the **CIEH Model Licence document** Letter Ref: LN/200100712

Oakwood Park Kennels recommends the **CIEH Model Licence document** NOT to be adopted by BFBC at this time.

Reasons: -

1. Important aspects in the document are significantly out of date.
2. The **CIEH** document is far too comprehensive and descends into far too much fine detail.
3. We have no confidence of Inspecting Officers ability to apply the standards sensibly and appropriately.
4. Too much scope for freedom of inappropriate interpretation.
5. Not enough safeguards in place.

CIEH Model Licence standards should be adopted: -

6. When the document is fully updated.
7. When all adjacent authorities adopt identical standards to establish commercial trading standards parity and uniformity.
8. When training of Inspecting Officers has occurred to raise abilities from laypersons to knowledgeable experts that one is able to consult about particular aspects.
9. When the practice of SMART objective setting is adopted to constructively manage evolutionary change.
10. Inspections should routinely be by appointment.

Too rigid an interpretation is widely acknowledged to have occurred in the recent past and so this is a realistic risk to the serious detriment of any business, see the **CIEH** document Introduction and also Appendix 1.

Introduction

There are two dog-kennelling businesses covered by Bracknell Forest Council. Ryslip Kennels housing 40 dogs (excluding quarantine which are licensed elsewhere) and Oakwood Park Kennels housing up to 130 dogs. Both are well established with more than 80 years trading between them. They both have come to understand their customers needs well. The ultimate judge of customer need is the customer. There is a commercial and practical balance of quality of service verses price. We all desire ultimate animal welfare standards but realistically must bear in mind common sense and financial restraints. "All too often, legislation has an effect diametrically opposed to that which was intended." (Mr.D.Cavill, Our Dogs 1997)

In the Dictionary the adj **Model** means 1. serving as a model or standard of excellence 2. representative or typical. We have genuine concerns that over zealous council officers will attempt to use this document as a means of establishing BFBC as a beacon of excellence, will force our prices up unsustainably fast in order to deliver this service, making us uncompetitive with the surrounding region.

A considerable burden could be imposed, either immediately or over time on the commercial enterprise. We would then go out of business and close down our facility. Local residents will then need to go out of the area to facilities where such strict conditions are not applied and a lower standard service may be provided. This is diametrically opposed to intentions.

For convenience, the numbering above is used in the sections below, where the statements are expanded or explained further.

1. This **CIEH** document was published in October 1995. Important aspects of the document are significantly out of date and need revision. However, some aspects of the document are indeed relevant. Laypersons and inexperienced Inspecting Officer would not be able to discern the difference. This document is currently under update & review by the Pet Trade Industry Association and who will soon be reporting to the Chartered Institute, see Appendix 1.

2. The **CIEH** document is too comprehensive, descends into far too much fine detail.

3. At this time, Local Authorities should contend themselves with animal welfare and cruelty concerns and the strict legal requirements perhaps following a complaint and not be involved at all with the minute detail of running a private kennel business. They need to help organisations manage risk, achieve compliance and encourage business improvement. For example within the document it specifies the wire of a dog run should be 10 to 14 gauge see 3.5.2 * It would be destructive to the Business for an enthusiastic officer to withhold a licence because the wire was 8 gauge or where a very light wire mesh was used for say roofing which is entirely appropriate. One might argue that Officers are required and expected to apply the standards sensibly and appropriately as clearly stated in the forward. It is acknowledged that conditions were being applied by some Licensing Officers too rigidly and inappropriately, (see **CIEH** document Introduction and Appendix 1). Unfortunately we have recent first hand experiences of this, acknowledged by BFBC. It turns out that the Licensing AUTHORITY are the authority in terms of the possessing the power or right to give commands and enforce obedience BUT not in the sense of being expert in this particular field. The Local Authority is not authoritative in terms of being reliable knowledgeable experts. Currently, the experts for the business are the Owners and Business Managers. If they get things wrong the customers go elsewhere. It is strongly in their interest to get things right to the satisfaction of the CUSTOMER.

We have genuine concerns that over zealous Licensing Officers will use this document as a means of establishing BFBC as a beacon of excellence force our prices up to deliver this service and make us uncompetitive with the surrounding region.

* GAUGE is an old fashioned measurement denoting the number of wire widths to the inch. [S.I. units required in the update]. A small number denotes thick wire. Conversely, a big number denotes a thin wire.

4. We are concerned that there exists significant scope for too much freedom of interpretation by Inspecting Officers. Many aspects can be due to highly subjective interpretation. We offer the following word definitions to help and avoid too rigid an interpretation as is acknowledged has occurred in the past and so is a realistic risk, see

the CIEH document Introduction and Appendix 1.

Definitions

Model – ideal (as in an ideal world)

Good – decent

Clean – dirt & debris-free, to what degree? Not necessarily sterile or completely spotless.

Presentable Condition – fit to be seen state

Easy-to-clean floors – simple to clean [compared to what? A restaurant food preparation area?] or what was originally intended MOWN GRASS

Excessive – disproportionate

5. We need safeguards from inexperienced over zealous inspecting officers perhaps being too full of their own importance.

Officer should be obliged to routinely inform “customers” about complaint procedures. For example something like the following should be included in all written communication, “My line manager is ? , in addition if complaints or disagreements cannot be resolved then the matter may be referred to the Local Authority Ombudsman Service” details.....

6. The CIAH document should be adopted but only when the document is fully updated and these other conditions are met.

7. Currently different local authorities are using completely different standards of inspection (Appendix 1). The Model Licence Conditions and Guidance for Dog Boarding Establishments should be adopted by Bracknell Licensing but ONLY when ALL adjacent authorities do the same. This needs to be agreed and co-ordinated with the adjacent authorities in Berks, Bucks Oxford and Surrey. If this is not done then local licence holders may well be placed in a significant commercial disadvantage from a Trading Standards point of view. Standards should be the same (identical) throughout.

8. The BFBC Dog Warden has been made redundant due to cut-backs. His local knowledge and considerable expertise is no longer available. Training of Inspecting Officers should now occur to raise abilities from laypersons to knowledgeable experts that one is able to consult about particular aspects.

Additionally, **comprehensive training** under the Police and Criminal Evidence Act 1984 code of practice should be given to Investigating Officers when the possibility of an offence is suspected. This is not the case at this time in our experience.

9. **SMART objective setting.** We emphasise from the document’s introduction, “In existing establishments it is accepted that some of the conditions will need to be phased in over a period of time (possibly years), by agreement between the establishment owner and the local authority, in which case a licence, subject to an agreed scheme of works (OBJECTIVE see below) and a suitable realistic timescale for implementation should be issued.”

We have first hand experience of a local authority criticising and pointing out our perceived faults without offering a possible solution. This practice must immediately cease. Good industry practice is to agree solutions to problems hence the management saying, “my door is always open, however don’t bring me problems without offering

various realistic solutions to consider.”

OBJECTIVE setting.

This is adopted from widely accepted engineering & scientific industry good practices. All changes to working practices are objectives and should be SMART. The use of the word Smart in this application does not mean clever. SMART is an easily remembered acronym for: -

S – specific

M – measurable

A – achievable

R – realistic

T – timed

Adopting SMART objective setting with the establishment owner is the ideal way to operate, manage and encourage change.

10. Inspections should normally be conducted by appointment.

We are not overstaffed and do not pay members of staff to sit in reserve waiting for a possible inspection. Consequently, it is just not acceptable to turn up unannounced and take a member of staff away from their duties for a 4 to 5 hour inspection. This is potentially prejudicial to dogs well being. Animal welfare must take priority. We have suffered criticism from the Inspecting Officer that something has not been done when it is the job of the accompanying member of staff to do it and are prevented from carrying out their duties by the inspection.

It may be considered like traffic speed cameras, do you want to catch out the motorist or encourage drivers to slow down, conversely; do you want to catch out the establishment for possible petty transgressions or encourage good practices.

In rare circumstances there may be very good animal welfare reasons for a spot check. Particularly if animal cruelty is genuinely suspected. Perhaps a caution under the Police and Criminal Evidence Act 1984 code of practice should be given. Not just “we have had a serious complaint”. On these occasions the Inspecting Officer should state from the outset what the cause for concern is. It may then be appropriate to wait while relief by a senior staff members can be obtained possibly from off site.

The CIEH document was published in October 1995. Important aspects of the document are significantly out of date and need revision. As an example, we offer the following interim amendments. However, it may be unrealistic for Inspecting Officers to understand or keep up-to-date in this specialist and continuously evolving areas. It may be best left to the professional kennels owner in partnership with informed veterinary advice.

For ease we use identical paragraph numbering below to the CIEH document.

5.6 Disease Control and Vaccination

5.6.2 Vaccination regimes have changed dramatically in the last few years, following research, primarily done in the USA, which shows that many vaccines give longer protection than was originally believed. There is also a major issue surrounding the

concerns regarding over-vaccination and animal welfare. (Guidelines for the Vaccination of the Dog and Cat from the World Small Animal Veterinary Association, Journal of Small Animal Practice, Vol.51 June 2010)

We highly recommend to customers that all dogs have a first full course of vaccinations, mostly standard between veterinary practices. However the difference tends to arise regarding boosters vaccinations and their timing. Many vets are now using a “core vaccine” system where certain elements are boosted annually but others may be two or three yearly or possibly not given again. There is ambiguity in recommendations.

“ The course of vaccination must have been completed at least four weeks before the first date of boarding or in accordance with the manufacturer’s instructions.” Does this refer to the initial course or the boosters? We assume the initial course but it is not clear. Are boosters given the day before or even on the day, the dog comes into kennels sufficient?

We have many incidences of people with emergency situations requiring boarding and they: -

1. May not possess a completed vaccination card (although ultimately the details may later be confirmed with their vet)
2. May not have completed a vaccination course
3. May have allowed vaccinations to lapse

In addition other clients may not have continued with vaccinations as they:

4. May have experienced side-effects from vaccines so no longer wish to risk their dog’s health by giving them.
5. May have a dog with a condition that could be aggravated by challenging the immune system further with vaccines.

We have experience of all of the above situations.

We believe that it is appropriate to help these people in an emergency by accepting their animals for boarding on the basis that: -

1. We explain to them that if they have not vaccinated their dog then it may be at risk of infection, which has been carried by a vaccinated animal but is not affecting it. If their animal were to pick up a disease which it could have been vaccinated against and requires medical treatment, this will be at their expense.
2. The risk to the vaccinated animals is minimal – they are vaccinated after all.
3. There is a level of protection given to the unvaccinated animals by the “herd immunity” – if eighty percent of the population is vaccinated, then the remaining twenty gets protection by default. Usually our population of vaccinated animals would be far higher than eighty percent.
4. It may be prudent to keep such dogs in isolation facilities. However, this should be left to the judgement of kennels management.

Appendix 1

http://www.petcare.org.uk/index.php?option=com_content&view=article&id=569:13-april-2008-new-national-standards-for-pet-retailers-&catid=72&Itemid=163

13 APRIL - NEW NATIONAL STANDARDS FOR PET RETAILERS

The Pet Care Trust, the pet care education charity that promotes responsible pet ownership, has today unveiled plans for a nationally recognised, independently audited standard for all pet shops.

“Pet shops already have to obtain a licence from local authorities and, in general, the system works well,” says Janet Nunn, Chief Executive of the Pet Care Trust. **“But there is a widespread feeling that some serious concerns need to be addressed. The current system is applied patchily, with different local authorities using completely different standards of inspection despite the LGA guidelines. Not only does this lead to feelings among pet shop managers that the system is frequently unfair, but it also tends to mean that consumers and wider society find it hard to understand exactly what standards are being applied.”**

“Independent third party inspection has become almost universal in every sector of business,” she says. “Interested consumers place great trust in standards like ISO 9001 and the British Retail Consortium’s Global Standard for Food. The organisations subject to those standards know that they have been developed to be fair and firm and that the inspecting bodies depend on their reputation for impartiality.”

“That’s why we’ve worked with SAI Global, one of the biggest inspection and certification bodies in the world, to develop the Pet Care Trust Standard for Pet Retailers,” she says.

“They have huge experience in every sector, but particularly in food and farming, where independently audited standards are highly developed.

They are already familiar with the needs of animal welfare in the agricultural industry and they are perfect for the job of applying a standard to every pet shop in Britain willing to open themselves up to this scrutiny.”

“The Pet Care Trust Standard for Pet Retailers has been developed to be as robust and effective as the many other standards to which we inspect,” says Chris Reading, General Manager, Agriculture at SAI Global. Independent third party audit is the best way to demonstrate that everybody is working to the same principles of best practice. We believe the standard will be a huge success with the pet care industry and with interested consumers.

The Pet Care Trust is going down the right route with this Standard and we’re very pleased to have been chosen as their partners.”

“With access to a range of experts from across the pet sector, the Pet Care Trust has led the way in building a UK pet retail and care industry with the highest possible standards,” she says. “With the new Pet Care Trust Standard for Pet Retailers, we will have a system which will give everybody confidence in those standards.”

The new standard was unveiled by Janet Nunn at the UK's Pet Care Forum held on Sunday 13 April at The Belfry Hotel in the West Midlands in front of an audience of influential manufacturers, retailers and other professionals from the pet specialists sector.

The new standard will be the first of a series of sector standards to cover breeders, hydrotherapists, kennel and catteries and groomers and other professional pet care services. In due course, the aim is for the standard to be accredited by the UK Accreditation Service.

Notes for Editors

The Pet Care Trust is the pet care education charity that promotes responsible pet ownership. It has some 1550 pet care companies in membership, mostly micro businesses such as pet shops, grooming salons, kennels and catteries, colleges, wholesalers, and manufacturers.

For more information visit our website: www.petcare.org.uk

Many local authorities nominally apply the LGA's Model Standards for Pet Shop Licence Conditions to all pet shop licence applications, which was last revised in 1998. These conditions set out what retailers selling pets are expected to achieve, however they are model standards rather than legal requirements.

SAI Global Assurance Services is a division of SAI Global Limited a public company listed on the Australian Securities Exchange ("SAI Global"). SAI Global, through its EFSIS and FABBL brands is the global food industry's leading inspection and certification company, which helps organisations manage risk, achieve compliance and drive business improvement.

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TO: LICENSING AND SAFETY COMMITTEE
13 OCTOBER 2011

**STREET TRADING: DESIGNATED CONSENT STREETS
(Chief Officer: Environment and Public Protection)**

1 PURPOSE OF REPORT

- 1.1 The Committee is asked to consider an amendment to the list of designated Consent Streets for the purposes of street trading in the Borough.

2 RECOMMENDATION(S)

- 2.1 **That the Committee approves the publication of a notice proposing to rescind the current list of Consent Streets and to designate all streets within the Borough as Consent Streets, to include any land within 50 metres of the highway; and**
- 2.2 **That the Committee consider any representations made at the next available meeting and determine whether or not to recommend the Council pass a resolution in the above terms.**

3 REASONS FOR RECOMMENDATION(S)

- 3.1 This proposed amendment seeks to ensure that all persons operating as traders on streets within the Borough are appropriately authorised so that street trading is only carried out in appropriate locations.
- 3.2 At present, there are a large number of residential streets within the Borough which are not designated as Consent Streets. This can make enforcement difficult, especially in respect of mobile traders. If all streets were Consent Streets this would address this issue and all street traders would be required to apply for street trading consents.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Committee may instead choose to prohibit street trading in the Borough by designating some or all streets as prohibited streets upon which no street trading may take place. Officers do not feel this approach is necessary as the use of Consent Streets would ensure that no street trading consent would be granted if the location was not suitable, whilst allowing flexibility for mobile street traders.
- 4.2 The Committee may also choose to retain the current position and keep the list of Consent Streets as it is.

5 SUPPORTING INFORMATION

- 5.1 Under 2(1)(c) of Schedule 4 of the Local Government (Miscellaneous) Provisions 1982, a district council may by resolution designate any street as a consent street, where a street trading consent is required to authorise street trading. Under this legislation the Council is required to publish notice in a local newspaper of the intention to pass such a resolution and allow at least 28 days for receipt of any comments. The notice must also be served on the chief officer of police and the highway authority.

- 5.2 If a resolution is passed at the next meeting of the Committee, the designation of the streets shall take effect on a stated date which must not be before the expiration of a period of one month beginning with the day on which the resolution is passed. A notice must also be published that a resolution has been passed for two consecutive weeks in a local newspaper. The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the designation.
- 5.3 The current list of Consent Streets within the Borough is attached at Annex A. This list was last revised by the Committee in July 2002.
- 5.4 Annex B details the current traders authorised within the Borough.
- 5.5 On receipt of an application for a new street trading consent, officers have regard to matters such as the suitability of the location and responses from responsible authorities including Highways, Environmental Health and Ward Members. In respect of street trading within the town centre, the expectation is that any traders give added value to the trading environment. Any consent granted for a new site has a maximum duration of one month to allow opportunity for review. There is no statutory right of appeal in respect of refusal to grant or revocation of a street trading consent. Any aggrieved persons are required to appeal by way of judicial review.
- 5.6 It is important to note that this approach has successfully enabled the regulation of this trade over many years. Just because a street is designated a Consent Street it does not mean that a Consent would be given.
- 5.7 Street traders are subject to routine and non-routine inspections by Licensing and Environmental Health officers. Between 1 April 2010 and 31 March 2011, officers carried out 18 routine inspections. Of these inspections, 10 had no further action, and the remaining 8 had further actions as follows:

Letters and informal notices	9
Formal notices	0
Revisits	4
Simple cautions	0
Prosecutions	0

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The legal implications are identified within the report.

Borough Treasurer

- 6.2 There are no significant financial implications arising from the recommendation in this report. Any new street trading sites may generate additional income which will offset expenditure required in the administration of the street trading consents.

Equalities Impact Assessment

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

Strategic Risk Management Issues

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

Other Officers

- 6.5 Not applicable

7 CONSULTATION

Principal Groups Consulted

7.1 Not applicable at this stage.

Method of Consultation

7.2 Not applicable at this stage.

Representations Received

7.3 Not applicable at this stage.

Background Papers

Local Government (Miscellaneous Provisions) Act 1982

Contact for further information

Laura Driscoll

Licensing Team Manager

01344 352517

laura.driscoll@bracknell-forest.gov.uk

Doc Ref

G:\TSTANDRD\Laura\Committee\2011\201110\Street Trading.doc

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Bracknell

Bagshot Road
 Bay Drive
 Bay Road
 Berkshire Way
 Binfield Road
 Birch Hill Road
 Bog Lane
 Brants Bridge
 Broad Lane
 Bucklebury
 Bull Lane
 Bullbrook Row
 Bullbrook Drive
 Bywood
 Church Road
 Crown Row
 Crowthorne Road
 Deepfield Road
 Doncastle Road
 Downmill Road
 Downshire Way
 Eastern Road
 Easthampstead Road
 Ellesfield Avenue
 Folders Lane
 Great Hollands Road
 Great Hollands Square
 Gypsy Lane
 Hanover Gardens
 Hanworth Road
 Harmans Water Road
 High Street (outside The Ring)
 Holly Spring Lane
 Horndean Road
 Larges Lane
 Leppington
 Lily Hill Drive
 Lily Hill Road
 Liscombe
 London Road
 Longshot Lane
 Lovelace Road
 Lovel Road
 Market Street
 Mill Lane
 Moordale Avenue
 Mount Lane
 Mount Pleasant
 Netherton
 Nine Mile Ride
 Oldbury

Winkfield

Old Wokingham Road
 Opladen Way
 Pembroke
 Pondmoor Road
 Priestwood Court Road
 Ralphs Ride
 Ranelagh Drive
 Rhododendron Walk
 Sandy Lane
 St Anthony's Close
 Staplehurst
 Wellington Drive
 Wentworth Way
 Whitton Road
 Winkfield Road
 Winkfield Row
 Wordsworth
 Park Road
 Priory Lane
 Ralphs Ride
 Rectory Lane
 Rectory Row
 Reeds Hill
 Ringmead
 Rounds Hill
 Shepherds Lane
 Skimped Hill
 Skimped Hill Lane
 South Hill Road
 South Road
 Station Road
 The Ring
 Town Centre Bypass
 Warfield Road
 West Road
 Western Road
 Wildridings Road
 Wokingham Road

Bagshot Road
 Bracken Way
 Bracknell Road
 Bracknell Road
 Braziers Lane
 Chavey Down Road
 Church Road
 Cocks Lane
 Coronation Road
 Drift Road
 Fernbank Crescent
 Fernbank Place
 Fernbank Road
 Forest Road
 Hatchet Lane
 Kings Ride
 Locks Ride
 London Road
 Longhill Road
 Lovel Road
 Lovell Lane
 Maidens Green
 Mendip Road
 Mill Ride
 New Forest Ride
 New Road
 North Street
 Pigeonhouse Lane
 Priory Road
 Sandy Lane
 Savernake Lake
 Sunninghill Road
 Swinley Road
 Warfield Lane
 Warren Row
 Windsor Road
 Winkfield Road
 Winkfield Road
 Wychwood Avenue

Warfield

Ascot Road
All Saints Drive
Bracknell Road
Cocks Lane
County Lane
Forest Road
Goughs Lane
Harvest Ride
Jigs Lane North
Jigs Lane South
Kingscroft Lane
Maidenhead Road
Maize Lane
Malt Hill
Osborne Lane
Quelm Lane
Temple Way
Warfield Road
Warfield Street
Wellers Lane

Binfield

Beehive Road
Benetfeld Road
Berkshire Way
Binfield Road
Bottle Lane
Cain Road
Church Hill
Church Lane
Forest Road
Foxy Lane
Howe Lane
Jocks Lane
John Nike Way
Western Hill
Wicks Green
London Road
Marsh Road
Murrell Hill Lane
Oakmead Place
Peacock Lane
Popeswood Road
Ryehurst Lane
St Marks Road
Temple Way
Terrace Road North
Terrace Road South
Turnpike Road
Twyford Road

Crowthorne

Bracknell Road
Cambridge Road
Church Street
Dukes Ride
Eastern Lane
Foresters Way
High Street
Kentigern Drive
Lower Broadmoor Road
Old Wokingham Road
Sandhurst Road
Upper Broadmoor Road
Waterloo Road

Sandhurst

Albion Road
Branksome Hill Road
College Road
Crowthorne Road
Evenlode Way
Foresters Way
High Street
Grampian Road
Goughs Meadow
Laundry Lane
Lower Church Road
Lower Wokingham
Owlsmoor Road
Marshall Road
Pinefields Close
Prince Drive
Rookwood Avenue
Rackstraw Road
Silver Hill
Tank Road
Wellington Road
Wokingham Road
Yeovil Road
Yorktown Road

Current Street Traders

Trader
Kings Kebabs, Bagshot Road, Bracknell.
Murat's Kebabs, Eastern Road, Bracknell.
Muzzy's Kebabs, Foresters Way, Crowthorne.
Kebab Kitchen, Crown Row, Bracknell.
The Best Kebab, Marshall Road, Sandhurst.
Sammys Kebabs, Easthampstead Road, Bracknell.
Super Spud, High Street, Bracknell.
Star Kebab, Market Street, Bracknell.
The Lord of the Grills, Lily Hill Park, Lily Hill Road, Bracknell.
Kose Kebabs, Ringmead, Birch Hill, Bracknell.
Paradise Island, Charles Square, Bracknell.
Mr Kebab, The Ring, Bracknell.
Graham Mountford Town Centre Manager, Bracknell Town Centre
Food To Go, Longshot Lane, Bracknell.
Mr Giles, The Point, Skimped Hill Lane, Bracknell.
Tony Fresko, Ice Cream Vendor - Whole Borough
The Happy Plaice, Victoria Road, Owlsmoor, Sandhurst.
Ali Koc, Lovelace Road, Bracknell.

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**TO: LICENSING AND SAFETY COMMITTEE
13 OCTOBER 2011**

**CHAUFFEUR BADGES
(Chief Officer: Environment and Public Protection)**

1 PURPOSE OF REPORT

- 1.1 On 13 January 2011 the Committee received an information report on the creation of a category of Private Hire Driver Licence referred to as a Chauffeur Licence. The Committee at that time agreed that officers would consult with the taxi trade and bring back a report with recommendations.

2 RECOMMENDATIONS

That the Committee:

- (a) agrees to the introduction of a Chauffeur Private Hire Driver Licence subject to the following:**
 - (i) the Chauffeur Licence permits the driver to drive only a vehicle that has been granted a Private Hire Dispensation by the Council;**
 - (ii) the applicant must take and pass the Council Private Hire Driver Knowledge Test without the geographical element;**
 - (iii) the applicant must also satisfy the other elements including the criminal record checks, DSA Private Hire Saloon Test, medical fitness and attend the Council's First Aid Course within 12 months of the grant of the licence; and**
 - (iv) a report back to the Committee in October 2012 on the implementation of the Chauffeur Licence.**

3 REASONS FOR RECOMMENDATION

- 3.1 The present private hire driver badge is generally a 'one size fits all' provision and does not fully recognise changes in service delivery which have occurred over the years with distinct niches being developed for private hire provision. The Council has already recognised this to a degree and has created a Home to School private hire driver badge. The introduction of a Chauffeur badge would be an extension of this process. The Borough has a strong chauffeur trade due to the number of multinational companies based in the area. The introduction of a Chauffeur badge would assist those Chauffeur businesses to recruit more easily but if appropriate conditions are applied to the licence would not result in a drop in standards for the work carried out.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Committee could decide to leave the present conditions in place and require all

private hire applicants to undertake the same geographical test.

5 SUPPORTING INFORMATION

- 5.1 The Committee received an information report on 13 January 2011. A copy of that report is attached as Annex A to this report. As a result of that report officers consulted with the trade.
- 5.2 At present it is estimated that there are 20+ companies and 50+ drivers who specialise in corporate chauffeur work and to which any change as recommended would provide a business advantage, enabling them to recruit more easily and over a wider area to match their business needs.
- 5.3 On 28 February 2011 a letter was sent to all drivers and private hire operators seeking their views on changes to the present licensing provisions. A copy of that letter is attached as Annex B. Only one response was received prior to the closing date of 31 March 2011 from a Mr T Carroll and that is attached to the report as Annex C. It can be seen that Mr Carroll would not support a change in the licence conditions. Despite phone calls to interested parties no further responses were received prior to the consultation closing date.
- 5.4 On 4 August it was decided to give businesses that would be perceived as those most likely to benefit from such a change a final chance to comment on the proposal. A copy of the letter was sent to chauffeur businesses and a request was made for a response within 5 days. The responses from Mr O'Shea, Bray Cars Ltd and Mr Mehr, Raven Business Services are attached to the report as Annex D and E. In addition further chase up emails were sent during August to those who had not responded. A response from a Tariq Hanif of Taylor Hanson was received on 11 August and is attached as Annex F, and from UK Chauffeur Network on 17 August attached as Annex G.
- 5.5 Members of the Committee have to consider firstly why a condition requiring a geographical test for private hire drivers is in place and secondly what would the impact be upon the removal of such a test within the parameters set out within this report. It is suggested by officers that within the local area the cost of a journey within a private hire vehicle is dependant upon the distance travelled, this is often via a meter similar to those within a Hackney Carriage or by reference to the trip meter or the odometer against a rate per mile determined by the operator. A geographical knowledge of the area is therefore important to protect the financial position of the customer. Additionally a customer would normally wish to travel by the most direct route to save time. Officers would therefore not support the removal of a geographical test for all private hire drivers.
- 5.6 As mentioned within the report of 13 January 2011 there are said to be reasons why a restricted / niche area of the private hire trade should not be subjected to this condition. Such a condition is said to be superfluous to the area within which they work and a barrier to effective trade. Charges are fixed for a journey and not variable depending upon the mileage travelled or time taken. The journeys are also planned in advance and frequently carried out with satellite navigation equipment fitted to the vehicle. It is common for drivers to drive from their home, frequently many miles from Bracknell Forest, to destinations also outside of Bracknell Forest. The requirement to undertake a geographical test associated with Bracknell Forest in many cases discourages applicants from other areas applying or delays the processing and issuing of licences due to the time necessary to gain sufficient knowledge of

Bracknell Forest to be able to pass the test. This is seen by businesses within the Borough as an unnecessary barrier to their ability to trade and expand their business.

- 5.7 Those who use private hire vehicles must have a level of protection which is judged as appropriate given all circumstances. Those circumstances can include the impact upon the business supplying those services and a balance needs to be struck between those often conflicting positions. Whilst officers are of the view that the geographical knowledge test provided for private hire drivers is appropriate and necessary to protect users, there are grounds within very narrow parameters to remove this without risk of detriment for users and which would also remove a burden from some specialist local businesses. The officers' recommendation is therefore that for drivers of only vehicles having a corporate exemption certificate, for which there is no pro-rata charge relating to mileage travelled, a Private Hire Chauffeur Driver Badge can be issued without having to take and pass the Private Hire Geographical Test.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The legal provisions are contained within the report.

Borough Treasurer

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

Equalities Impact Assessment

- 6.3 There are no equality impacts identified with this recommendation.

Strategic Risk Management Issues

- 6.4 No strategic risks have been identified at this time.

Other Officers

- 6.5 None.

7 CONSULTATION

Principal Groups Consulted

- 7.1 Taxi and Private Hire trade.

Method of Consultation

- 7.2 Letter to licensed individuals and companies within Bracknell Forest.

Representations Received

Included with the report.

Background Papers

Licensing and Safety Committee 13 January 2011

Contact for further information

Robert Sexton - 01344 352580

robert.sexton@bracknell-forest.gov.uk

Doc Ref

G/Secs/Licensing&SafetyCommittee/2011/ChauffeurBadges13-10-11 (c)

INFORMATION
(ITEM)LICENSING AND SAFETY COMMITTEE
13 JANUARY 2011

CHAUFFEUR BADGE
(Chief Officer: Environment and Public Protection)**1 INTRODUCTION**

- 1.1 The Council at present issues 3 types of driver licence: Dual Driver, Private Hire Driver and Home to School Driver. Each licence requires the driver to have a certain skill set and there are requirements set so that an applicant can demonstrate these skills.
- 1.2 The Council has been approached to provide a further variation for use by drivers who by the nature of work and conduct regard themselves as Chauffeurs.

2 SUPPORTING INFORMATION

- 2.1 At the present time, if a person wishes to be a private hire driver, that is the driver of a licensed private hire vehicle, they must hold either a private hire driver licence or a dual driver licence. A dual driver licence permits a licensed person to, in addition, drive a Hackney Carriage.
- 2.2 A private hire vehicle is a vehicle that is licensed to transport a person for hire or reward and the booking must be made in advance of the journey. A private hire vehicle cannot ply for hire that is picking up people who have hailed them in the street. To be granted a private hire driver licence there are a number of conditions that must be satisfied and included in this is a test of the knowledge of the local area. This requires the driver to know the location of important venues, such as pubs, churches, businesses, etc, together with knowledge of the location of important roads within an area of a Borough. This knowledge is deemed necessary as often charges for a journey will be calculated by reference to a meter in the vehicle or the trip meter within the odometer.
- 2.3 There are a group of drivers who work exclusively for corporate account customers and drive customers throughout the UK. The charging rate is not determined by reference to mileage but by the nature of a contract. Additionally the work carried out within Bracknell Forest is negligible in comparison to other work contracted.
- 2.4 The companies who specialise in this corporate work tend to apply for and be granted a "dispensation certificate" for their private hire vehicles. This dispensation exempts them from having to fix a private hire licence plate to the vehicle. Additionally the vehicle has to be an executive class model with increased internal measurements to provide improved levels of comfort for passengers.
- 2.5 It is common for these specialist firms to recruit drivers from areas outside of Bracknell to service corporate clients across London and the South of England. The vast majority of these drivers will only visit Bracknell Forest

when they are visiting their employer's office. The companies have informed us that the requirement to have a geographical knowledge of Bracknell Forest is unnecessary for the following reasons:

- The vehicles rarely, if ever, work within the Borough.
- The charge made is not calculated by reference to mileage.
- All vehicle journeys at the time of the booking are programmed by the use of Satellite Navigation equipment.

2.6 The Council are also informed by the same companies that this requirement to pass a geographical test often results in the loss of very good calibre drivers in ideal locations because they are often either unwilling or unable to take and pass the test. The drivers often live a long way from Bracknell and are unwilling to learn the geography of the area as they see it as irrelevant and unnecessary for the job they intend to do. Additionally the process can take a considerable period for those willing to try and pass the test, delaying employment for the company and the individual.

2.7 The Council have therefore been approached and requested to consider the removal of the requirement to take and pass the test which is based upon the locations of streets or important sites within the borough where a drivers are only going to drive a vehicle that operates under a corporate exemption certificate.

2.8 Officers will consult widely with the trade on a proposal to introduce a Chauffeur licence and bring back to members a report on the results of the consultation with recommendations for member's consideration.

Background Papers

Local Government (Miscellaneous Provisions) Act 1976.

Contact for further information

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

Doc Ref

Our ref: RJS/mae

28 February 2011

Dear

**Consultation on Chauffeur's Badge
Local Government (Miscellaneous Provisions) Act 1976**

The Council has been approached to introduce a new type of private hire driver's licence which would relate solely to those vehicles granted a Dispensation Certificate. I would draw your attention to item 20 in the 2010 Guidance Notes which sets out the criteria for a "Private Hire Vehicle Dispensation". These vehicles must meet certain specifications and they must be engaged solely in chauffeur / corporate / executive work.

It has been suggested that the drivers of these vehicles should not need to take the geographical aspect of the private hire knowledge test as:

- the vehicles rarely, if ever, work within the Borough,
- the charge made is not calculated solely by reference to mileage,
- all vehicle journeys are programmed via Satellite Navigation equipment.

The Council is consulting you to ask:

1. Is it appropriate to exempt drivers who drive solely dispensation vehicles from having to pass a geographical knowledge test of Bracknell Forest?
2. Are there any other scenarios where you feel that a geographical knowledge of Bracknell Forest is not appropriate to the granting of a Private Hire driver licence?
3. Do you have any other comments or views upon the proposal?

I would ask that any comments are received in writing, addressed to myself, no later than 31 March 2011.

Yours sincerely

**R J Sexton
Head of Trading Standards and Licensing**

10/03/11

Mr R Sexton

Head of Trading Standards and Licensing

Bracknell Forest Council

Rg 12 1jd

Consultation on Chauffeurs Badge

Dear Mr Sexton

Further to your letter dated 2/3/2011, reference the above, I find it quite incredible, that this subject has even come up as a topic for consultation. As a badge holder of some 14 years it is my opinion that everyone that applies to the council should take a geographical test, in fact I would go further given the choice and seek to introduce a physical driving knowledge exam to test a full understanding of the Borough. You state in your letter, that that the vehicles concerned, rarely work in the Borough. I do not believe this to be strictly true, though if it is, why are Bracknell Forest Council, getting involved with the licensing of these drivers. Satellite navigation, should be an as well as, not an instead of facility, standards need to be enhanced, not diminished, if the people applying for badges to drive in the Borough, cannot meet the required standard, then they should not be granted a badge in the first place. I feel that any concession on the knowledge test, would be the thin end of the wedge, surely it is a professional image; we want to portray to the public. How could the system of badge usage be possibly monitored effectively, you will end up with people, who have never been near the council sharing the same badge.

Yours Sincerely

Tom Carroll

Badge 142

Robert Sexton

From: Niamh Kelly
Sent: 04 August 2011 13:02
To: Robert Sexton
Subject: FW: Chauffeur Badge Consultation

Rob

Please find below first response from Mike O'Shea, I will save it in the G Drive as will with all replies received.

regards

Niamh

-----Original Message-----

From: Mike O'Shea [mailto:mike.oshea222@btinternet.com]
Sent: 04 August 2011 12:57
To: Niamh Kelly
Subject: Re: Chauffeur Badge Consultation

Hi Niamh

Thanks for your email, sorry I did not respond to your letter dated 28th February but I cannot remember receiving it, however clearly got your email.

With regard to the Council reviewing the need for private hire driver's to take local geographical knowledge test I would agreed that drivers should be exempt on this on the proviso that all private hire cars have fitted Satellite Navigation systems.

Could I raise another issue with regard to the First Aid Course, now that I have attend the course.

I found the course to be tailored to general day to day first aid requirements, for example the instructor informed us what we should looking fore on entering a room and seeing a person laying on the floor, or if somebody was witling wood with a Stanley knife and it slipped slashing their wrists what should we do. Could I suggest that in addition to these examples and as we drive for most of the day in our cars, the course should include information where we could come across road traffic accidents and type of first aid that may be needed in these situations.

Lastly, at the end of my course we were shown a video that summarised the information we had received, then to be told, see you in three years for a refresher course. We left with nothing in the way of documentation or a CD that covered the course material, where those who would be interested, could refer to it at a later date or to remind themselves.

Kind regards

Mike O'Shea - Bray Cars Ltd

--- Original Message -----

From: "Niamh Kelly" <Niamh.Kelly@bracknell-forest.gov.uk>
To: "'Bookings @ UK Chauffeur Network'" <bookings@ukcnltd.com>;
<ravencars@btconnect.co.uk>; <mike.oshea222@btinternet.com>
Sent: Wednesday, August 03, 2011 3:22 PM
Subject: Chauffeur Badge Consultation

Hi

Attached please find a letter that was sent out on 28 February 2011, but as yet we have not received any response from you. The Chauffeur Badge would only apply to new applicants and would only mean that they would not have to sit the geographical test all other pre requisites still stand i.e. medical, DSA, knowledge test, CRB and yes the First Aid Course.

In order for us to compile a report for Committee can you firstly advise if this would be of benefit to your company and would you support the change. Also can you advise how many drivers and vehicles you have so that committee can be aware of the cross section it would affect.

Could I please have your responses by Monday 8 August 2011, and if there are any other Operators you wish me to send the consultation please advise. Please be aware that this will only affect new applicants and drivers of dispensation vehicles.

kindest regards

Niamh Kelly
Licensing Officer
Bracknell Forest Council

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Robert Sexton

From: Niamh Kelly
Sent: 08 August 2011 08:30
To: Robert Sexton
Subject: FW: Chauffeur Badge Consultation

Importance: High

FYI - I have saved it on G Drive also.

regards

Niamh

-----Original Message-----

From: Raven Cars [mailto:ravencars@btconnect.com]
Sent: 05 August 2011 10:54
To: Niamh Kelly
Subject: Re: Chauffeur Badge Consultation
Importance: High

Hi Niamh

Apologise For Not Responding Before.

Further To Your E-Mail I Would Like To make The Following Points

1. Yes I Agree That The Drivers Who Are Engaged In Corporate / Chauffeur / Executive Work Should Not Need To Take Bracknell Forest Council Geographical Knowledge Test. This Should Apply To Drivers With Dispensation Licence Vehicles.
2. The Drivers Rarely Work The " Local Circuit" And Are Engaged Mainly In Pick-Ups & Drop-Off To & From Airports & Hotel To Office & Visa Versa.
- 3.The Charges Are Fixed & Not Per Millage As An Adhog Basis (Metered)
- 4.All Vehicles Are Equipped With Satellite Navigation Equipment.
5. Most Days The Average Numbers Of Journeys Might Be Between 1 & 6 And Pe-Planed Thus Eliminate The Need Of Bracknell Council Geographical Knowledge

Suggestion

Any New Applicants (Chauffeur / Corporate / Executive) Be Given A Dispensation From Driving Standards Agency Test (DSA). This Is Time & Cost Consuming Exercise. Most Drivers In The Chauffeuring Work Are Over 25Yrs Old & Been Driving For A Long Time.

In Most Cases It Takes Between Four To Eight Weeks For The Appointment , Unless There Is Cancellation , To Come Through. This Is Putting Most Of The New Applicants I Have Come Across. Most Of The Potential Drivers I Have Come Across Are In Their Forties And Have Been Driving For A Long Time.

My Suggestion Would Be That Any New Applicants Applying For A Chauffeur Licence Should Have Held A Full Uk Driving Licence For Minimum 10 Years . This Would Ensure That The Applicant Has Sufficient Driving Experience For The Trade.

Raven Business Services

6 Vehicles (All Mercedes)
All Dispensation Licences
All Fully Licenced Drivers
Operating In Chauffeuring Business For The Last Approx 15 Years

arshi mehr

Kind regards

Arshi Mehr

Raven Business Services

Tel: 01344 860840

Fax: 01344 481400

----- Original Message -----

From: "Niamh Kelly" <Niamh.Kelly@bracknell-forest.gov.uk>

To: <ravencars@btconnect.com>

Sent: Thursday, August 04, 2011 9:19 AM

Subject: Chauffeur Badge Consultation

Hi Arshi

Attached please find a letter that was sent out on 28 February 2011, but as yet we have not received any response from you. The Chauffeur Badge would only apply to new applicants and would only mean that they would not have to sit the geographical test all other pre requisites still stand i.e. medical, DSA, knowledge test, CRB and yes the First Aid Course.

In order for us to compile a report for Committee can you firstly advise if this would be of benefit to your company and would you support the change. Also can you advise how many drivers and vehicles you have so that committee can be aware of the cross section it would affect.

Could I please have your responses by Monday 8 August 2011, and if there are any other Operators you wish me to send the consultation please advise. Please be aware that this will only affect new applicants and drivers of dispensation vehicles.

See you for inspection on Monday 8 August 2011 at 11.30 hours.

From: Tariq Hanif <tariq1704@gmail.com>
Sent: 11 August 2011 10:35
To: Niamh Kelly
Subject: Re: Chauffeur badge Consultation

Thank you for consulting Taylor Hanosn on this issue, here is my contribution.

- 1 Yes. I agree with the question that it appropriate to exepmt the drivers of private who is enagaged solely in corpportae work.
- 2 No, I dont know any other scenario.
- 3 Disp[enation certificate applies to drivers engaged 100% or otherwise, as it may be open to abuse.

Tariq Hanif

Taylor Hanosn

d, Aug 10, 2011 at 5:11 PM, Niamh Kelly <Niamh.Kelly@bracknell-forest.gov.uk> wrote:
Hi Tariq

Now that you a licensed operator you may wish to respond to the consultation it was sent in February but obviously you were not licensed.

Attached please find a letter that was sent out on 28 February 2011. This will only apply to new applicants and would only mean that they would not have to sit the geographical test all other pre requisites still stand i.e. medical, DSA, knowledge test, CRB and yes the First Aid Course.

In order for us to compile a report for Committee can you firstly advise if this would be of benefit to your company and would you support the change.
Also can you advise how many drivers and vehicles you have so that committee can be aware of the cross section it would affect.

Could I please have your response as soon as possible. Please be aware that this will only affect new applicants and drivers of dispensation vehicles.

kindest regards

Niamh

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From: Bookings @ UK Chauffeur Network
Sent: 17 August 2011
To: 'Niamh Kelly'
Subject: Consultation on Chauffeur's Badge

Good Afternoon

In response to your letter regarding the above issue I would like to advise that after discussions with my fleet of drivers, we are all in agreement with the proposal to have an exemption for drivers meeting the requirements stated. We agree that the geographical aspect of the knowledge test is superfluous to our role as chauffeurs.

All bookings are made in advance and dispatched ahead of schedule and are predominantly outside of the local borough.

It would therefore make perfect sense to exclude drivers that fall under this category.

I look forward to further updates regarding this issue,

Kind Regards
Lance Dooley
UK Chauffeur Network

TO: LICENSING AND SAFETY COMMITTEE
13 OCTOBER 2011

FEES AND CHARGES (Chief Officer: Environment and Public Protection)

1 PURPOSE OF REPORT

- 1.1 Each service area is required to review the fees and charges it levies on behalf of the Council as part of the budget process. Attached to this report are appendices which set out the current and proposed fees. Members are asked to note the proposals and agree that these fees go forward for further discussion and consultation as part of the Council fee setting process.

2 RECOMMENDATIONS

- 2.1 **That save for the Operator, Hackney Carriage and Private Hire Vehicle licence fees, the Committee recommends to the Executive the new fees and charges detailed in Annex A for public consultation.**
- 2.2 **That the Committee agrees that the proposed charges for Operator and vehicle licence fees are:**
- (a) advertised;
 - (b) if no objections are received, implemented as from 1 April 2012; or
 - (c) if objections are received, that they be considered by the Committee at the meeting on 12 January 2012.

3 REASONS FOR RECOMMENDATION

- 3.1 The recommendations recognise the restrictions placed by statute upon the setting of a range of licensing fees, the Council guidance on assumed increases in income generation and the possible impact upon local businesses of increases in licensing fees upon their business model. The recommendations reflect, in the officers' view, the best compromise given the parameters in place.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 There were a number of alternative options considered ranging from no increase to increases across the board. There are legislative restrictions upon the maximum charges that can be made and other legislation that restrict the elements of the service provided which can be chargeable. Officers in making their recommendations had to dismiss alternatives that may have been challenged successfully through available legal processes.

5 SUPPORTING INFORMATION

- 5.1 The Council has given guidance that fees and charges should be increased on average by 4%. With respect to Licensing, a number of fees are set by regulation and cannot be changed by the Council.

- 5.2 The Appendices attached to the report include the charges for the services relevant to the Licensing and Safety Committee for the current year and the proposed charges for 2012/13 based upon Council guidance on fee setting alongside comparison with equivalent fees and charges within neighbouring local Authorities. To allow for easy collection, many charges have been rounded to the nearest £1. Overall the effect is an increase on those charges that can be adjusted by the Council.
- 5.3 Charges for casinos and other gambling establishments were set at 75% of the statutory maximum fee from September 2007. Given the nature of the premises within the Borough and the workload associated with them, officers are of the view that the fees at their present levels are appropriate for cost recovery. To set fees at a higher level at this time could invite a challenge under the legislation that they are excessive.
- 5.4 Fees charged for the licensing of Hackney Carriage, Private Hire Vehicles and Operators are required by Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 to be advertised in a local paper with any objections received to be considered by the Committee. The next Committee meeting is 12 January 2012 and should any objections be received, they would be brought to that meeting, with any recommendations going forward to the Executive for final adoption as part of the overall Council fees and charges process.
- 5.5 Fees under the Licensing Act 2003 have remained significantly the same since the legislation was introduced in 2005 despite many indications from central Government of proposals for change. New proposals were announced by the present Government in 2010 for greater freedom for local authorities to set the fees based upon local needs. Present indications are that it is highly unlikely that any change in the setting of fees under the Licensing Act 2003 will be introduced and implemented prior to 1 April 2012. As such the fees must remain at those set by statute.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The relevant legal provisions are contained within the main body of the report.

Borough Treasurer

- 6.2 For planning purposes it has been assumed that income from fees and charges will increase in line with the Council's general inflation forecasts i.e. averaging 2.5% over the three year planning period. Although averaging 2.5% over the three years general inflation is expected to be 4% for 2012/13.

Equalities Impact Assessment

- 6.3 There are no direct consequences of this report for any group and no direct community safety implications.

Strategic Risk Management Issues

- 6.4 There are no issues to consider.

7 CONSULTATION

Principal Groups Consulted

- 7.1 Certain groups must be consulted due to statutory requirements. The remaining fees and charges will be subject to a Council consultation process.

Method of Consultation

- 7.2 See above.

Representations Received

- 7.3.1 None.

Background Papers

None

Contact for further information

Robert Sexton – 01344 352580

robert.sexton@bracknell-forest.gov.uk

Doc Ref

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**ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT
2012/13 PROPOSED FEES & CHARGES**

Annex A

Service : Licensing
Purpose of the Charge: To recover the cost of processing applications and monitoring compliance with conditions

	2011/12 Budget	Proposed 2012/13 Budget
	£'000	£'000
Income the proposed fees will generate:	218	227

Are concessions available? No
Link to the Council's Medium Term Objectives: To create a Borough where people are safe and feel safe.

LICENSING ACT 2003

The fees for all Licensing Act 2003 permissions are statutory fees set by central government.

Fees for new and variation applications for premises licences and club premises certificates are based on the rateable value of the premises and are as set out below:

Description	Current Fee (Exc VAT)	Proposed Fee (Exc VAT)
Rateable value band		
A	100.00	Set by Statute
B	190.00	Set by Statute
C	315.00	Set by Statute
D	450.00	Set by Statute
E	635.00	Set by Statute

The fees for new or variation applications for premises licences and club premises certificates where (a) the premises are in Band D or Band E; and (b) the premises are used exclusively or primarily for the supply of alcohol on the premises are as set out below:

Rateable value band		
D	900.00	Set by Statute
E	1,905.00	Set by Statute

Also, new or variation applications for premises licences and club premises where capacity will exceed 5000, are subject to an additional fee as set out below:

Number of people in attendance at any one time		
5,000 - 9,999	1,000.00	Set by Statute
10,000 - 14,999	2,000.00	Set by Statute
15,000 - 19,999	4,000.00	Set by Statute
20,000 - 29,999	8,000.00	Set by Statute
30,000 - 39,999	16,000.00	Set by Statute
40,000 - 49,999	24,000.00	Set by Statute
50,000 - 59,999	32,000.00	Set by Statute
60,000 - 69,999	40,000.00	Set by Statute
70,000 - 79,999	48,000.00	Set by Statute
80,000 - 89,999	56,000.00	Set by Statute
90,000 and over	64,000.00	Set by Statute

Premises licences sought for community centres and some schools that permit regulated entertainment but which do not permit the supply of alcohol and/or the provision of late night

**ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT
2012/13 PROPOSED FEES & CHARGES**

Annex A

OTHER FEES

There are other occasions that fees and charges must be paid to the Licensing Authority, as set out below:		
Description	Current Fee (Exc VAT)	Proposed Fee (Exc VAT)
Personal Licence Application	37.00	Set by Statute
Supply of copies of information contained in register	10.50	Set by Statute
Application for copy of licence or summary on theft, loss etc. of premises licence or summary	10.50	Set by Statute
Notification of change of name or address (holder of premises licence)	10.50	Set by Statute
Application to vary licence to specify an individual as designated premises supervisor	23.00	Set by Statute
Interim Authority Notice	23.00	Set by Statute
Application to transfer premises licence	23.00	Set by Statute
Application for making a provisional statement	315.00	Set by Statute
Application for copy of certificate or summary on theft, loss etc. of certificate summary	10.50	Set by Statute
Notification of change of name or alteration of club rules	10.50	Set by Statute
Change of relevant registered address of club	10.50	Set by Statute
Temporary Event Notices	21.00	Set by Statute
Application for copy of notice on theft, loss etc. of temporary event notice	10.50	Set by Statute
Application for copy of licence on theft, loss etc. of personal licence	10.50	Set by Statute
Notification of change of name or address (personal licence)	10.50	Set by Statute
Notice of interest in any premises	21.00	Set by Statute
(Licensing Act 2003) Minor Variation	89.00	Set by Statute
(Licensing Act 2003) Removal of DPS Condition	23.00	Set by Statute

**ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT
2012/13 PROPOSED FEES & CHARGES**

Annex A

ANNUAL FEES

Where premises licences and club premises certificates are issued, the holder shall pay an annual fee as set out below:

Description	Current Fee (Exc VAT)	Proposed Fee (Exc VAT)
Rateable value band		
A	70.00	Set by Statute
B	180.00	Set by Statute
C	295.00	Set by Statute
D	320.00	Set by Statute
E	350.00	Set by Statute

Where (a) the premises are in Band D or in Band E; and (b) the premises are used exclusively or primarily for the supply of alcohol on those premises, the holder of the licence/certificate shall pay an annual fee as set out below:

Description	Current Fee (Exc VAT)	Proposed Fee (Exc VAT)
Rateable value band		
D	640.00	Set by Statute
E	1,050.00	Set by Statute

Also where the capacity of the premises exceeds 5,000, the holder of the licence/certificate shall pay an additional fee as set out below:

Number of people in attendance at any one time		
5,000 - 9,999	500.00	Set by Statute
10,000 - 14,999	1,000.00	Set by Statute
15,000 - 19,999	2,000.00	Set by Statute
20,000 - 29,999	4,000.00	Set by Statute
30,000 - 39,999	8,000.00	Set by Statute
40,000 - 49,999	12,000.00	Set by Statute
50,000 - 59,999	16,000.00	Set by Statute
60,000 - 69,999	20,000.00	Set by Statute
70,000 - 79,999	24,000.00	Set by Statute
80,000 - 89,999	28,000.00	Set by Statute
90,000 and over	32,000.00	Set by Statute

**ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT
2012/13 PROPOSED FEES & CHARGES**

Annex A

GAMBLING ACT 2005

Description		Current Fee (Exc VAT)	Proposed Fee (Exc VAT)
Bingo Club	New Application	2,625.00	Set by Statute
	Variation	1,312.50	Set by Statute
	Transfer/Reinstatement	900.00	Set by Statute
	Application with Prov Statement	900.00	Set by Statute
	Prov Statement	2,625.00	Set by Statute
	Notification of Change	37.50	Set by Statute
	Annual Fee	750.00	Set by Statute
	Copy Licence	18.75	Set by Statute
Adult Gaming Centre	New Application	1,500.00	Set by Statute
	Variation	750.00	Set by Statute
	Transfer/Reinstatement	900.00	Set by Statute
	Application with Prov Statement	900.00	Set by Statute
	Prov Statement	1,500.00	Set by Statute
	Notification of Change	37.50	Set by Statute
	Annual Fee	750.00	Set by Statute
	Copy Licence	18.75	Set by Statute
Betting (Other)	New Application	2,250.00	Set by Statute
	Variation	1,125.00	Set by Statute
	Transfer/Reinstatement	900.00	Set by Statute
	Application with Prov Statement	900.00	Set by Statute
	Prov Statement	2,250.00	Set by Statute
	Notification of Change	37.50	Set by Statute
	Annual Fee	450.00	Set by Statute
	Copy Licence	18.75	Set by Statute
* Licensed Premises Gaming Machine Permit			
	New	150.00	Set by Statute
	Annual Fee	50.00	Set by Statute
	Variation	100.00	Set by Statute
	Transfer	25.00	Set by Statute
	Copy Permit	15.00	Set by Statute
	Change Name	25.00	Set by Statute
**Club Gaming/Permit/Club Machine Permit			
	New	200.00	Set by Statute
	Annual Fee	50.00	Set by Statute
	Renewal	200.00	Set by Statute
	Variation	100.00	Set by Statute
	Copy Permit	15.00	Set by Statute
	Notification of 2 or less gaming machines	50.00	Set by Statute
Registration of non-commercial lottery			
	Initial Fee	40.00	Set by Statute
	Annual Fee	20.00	Set by Statute

* Where the applicant for a LPGMP is the holder of a s.34 permit issued under the Gaming Act 1968, the fee for a new permit shall be £100.

** Where the applicant for a club gaming or club machine permit is the holder of a Club Premises Certificate under s.72 of the Licensing Act 2003, or an existing Part II or Part III registration of the Gaming Act 1968, the fee for new permits and renewals is £100.

**ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT
2012/13 PROPOSED FEES & CHARGES**

Annex A

Description	Current Fee (Exc VAT)	Proposed Fee (Exc VAT)	% Increase
Home Boarding of Dogs: Annual Licence			
Initial	124.00	129.00	4.0
Renewal	104.00	108.00	3.8
Dog Breeders: Annual Licence			
Initial	414.00	430.50	4.0
Renewal	186.00	193.50	4.0
Pet Shops: Annual Licence			
Initial	414.00	430.50	4.0
Renewal	186.00	193.50	4.0
Performing Animals: Single Payment			
Registration	83.00	86.50	4.2
Zoo: Annual Licence			
Initial/Renewal	414.00	430.50	4.0
Special Treatments: Single Payment			
Premises	202.00	210.00	4.0
Person	37.00	38.50	4.1
Hairdresser: Single Payment			
Premises	36.00	37.50	4.2
Street Trading Consents			
Week (minimum charge) (including 1 assistant)	107.00	120.00	12.1
1 month (including 1 assistant)	297.00	320.00	7.7
3 months (including 1 assistant)	679.00	750.00	10.5
6 months (including 1 assistant)	1,115.00	1,230.00	10.3
Additional Trading Assistant	37.00	38.50	4.1
6 months max trading 2 events per week including Fri,Sat,or	668.00	695.00	4.0
6 months max trading 2 events per week Monday to Thursday	445.00	463.00	4.0
Ice cream vans 1 month	148.50	160.00	7.7
Ice cream vans 6 months	557.50	615.00	10.3
Motor Salvage Operator and Scrap Metal Dealer: Three-year Licence			
Motor salvage operator and scrap metal dealer licence	114.00	119.00	4.4

**ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT
2012/13 PROPOSED FEES & CHARGES**

Annex A

OTHER PREMISES LICENSING				
Description	Current Fee (Exc VAT)	Proposed Fee (Exc VAT)	% Increase	
Sex Establishment: Annual Licence				
Premises - Initial	2,270.00	2,360.00	4.0	
Premises - Renewal	1,205.00	1,253.00	4.0	
Dangerous Wild Animal: Annual Licence				
Premises - Initial	404.00	420.00	4.0	
Premises - Renewal	234.00	243.00	3.8	
Riding Establishment: Annual Licence				
Premises - Initial	437.00	454.00	3.9	
Premises - Renewal	228.00	237.00	3.9	
Provisional - Initial	255.00	265.00	3.9	
Provisional - Renewal	128.00	133.00	3.9	
Animal Boarding Establishment: Annual Licence				
1 - 30 animals	Initial	344.00	358.00	4.1
	Renewal	201.00	209.00	4.0
31 - 60 animals	Initial	406.00	422.00	3.9
	Renewal	218.00	227.00	4.1
61 (or more) animals	Initial	494.00	514.00	4.0
	Renewal	267.00	278.00	4.1

**ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT
2012/13 PROPOSED FEES & CHARGES**

Annex A

HACKNEY CARRIAGES			
Description	Current Fee (Exc VAT)	Proposed Fee (Exc VAT)	% Increase
Hackney Carriages Vehicle: Annual Fee			
Licensing (annual fee)	270.00	250.00	-7.4
Private Hire Vehicle: Annual Fee			
Licensing (annual fee)	234.00	250.00	6.8
Home to School (annual fee)	117.00	125.00	6.8
Operator Licence: Annual Fee			
1 vehicle	155.00	161.00	3.9
2 - 5 vehicles	270.00	280.00	3.7
6 - 10 vehicles	445.00	470.00	5.6
11 - 15 vehicles	620.00	650.00	4.8
16 - 20 vehicles	840.00	880.00	4.8
more than 20 vehicles	1,015.00	1,060.00	4.4
Operator Licence: 3 year Licences- (20% discount on annual fee)			
1 vehicle	375.00	400.00	6.7
2 - 5 vehicles	650.00	680.00	4.6
6 - 10 vehicles	1,070.00	1,130.00	5.6
11 - 15 vehicles	1,500.00	1,560.00	4.0
16 - 20 vehicles	2,020.00	2,110.00	4.5
more than 20 vehicles	2,440.00	2,540.00	4.1
Driver Licences			
Initial	122.00	130.00	6.6
Renewal	91.00	100.00	9.9
Renewal (3 years- 33% discount on annual fee)	172.00	200.00	16.3
Home to school	75.00	80.00	6.7
Other Charges			
Transfer of vehicle to new owner	41.00	43.00	4.9
Change of vehicle	62.00	65.00	4.8
Meter Test - Retest after failure	26.00	27.00	3.8
Knowledge Test Retest after failure	26.00	27.00	3.8
First Aid Training for drivers	23.00	24.00	4.3
CRB Check	At cost	At cost	
Administrative charge for CRB check	11.00	12.00	9.1
Replacement documents	21.00	22.00	4.8
Advertising on Hackney Carriages (Initial)	32.00	33.00	3.1
Advertising on Hackney Carriages (Renewal)	22.00	23.00	4.5
Replacement Badge	19.00	20.00	5.3
Replacement plate	23.00	24.00	4.3
Replacement backing plate	19.00	20.00	5.3
Medical exemption from carrying assistance dog	18.00	18.50	2.8

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**LICENSING PANEL
20 JULY 2011
2.00 - 3.30 PM**

Present:

Councillors Brunel-Walker (Chairman), Baily and Brossard

In Attendance:

Ms Kelly, Licensing Officer
PC Hannan, Thames Valley Roads Policing
Mr Russell, VOSA Officer
Mr F, Licensed Driver
Mr F's Representatives
Mr Bull, Legal Representative to the Panel
Mrs Patel, Clerk to the Panel

4. Declarations of Interest

There were no declarations of interest.

5. The Procedure for Hearings at Licensing Panels

The Chairman confirmed that all parties had noted and understood the procedures to be followed for the hearing.

6. Exclusion of the Public and Press

RESOLVED that pursuant to section 100A of the Local Government Act 1972, as amended, members of the public and press be excluded from the meeting for consideration of item 7 which involved the likely disclosure of exempt information under category 1 of Schedule 12A of that Act:

(1) Information relating to any individual

7. Dual Driver Licence - Mr F

A referral was made to the Licensing Panel to determine whether any enforcement action was deemed necessary in respect of Mr F's Dual Driver Licence following the issue of a further 3 penalty points, leading to a total of 15 points being issued to Mr F within the last 12 months. The Licensing Panel hearing on 13 April 2011, issued Mr F with a formal written warning stating that should he be issued with any further penalty points, irrespective of the severity of the offence, within the following 12 months, the matter would be referred to a Licensing Panel who would then decide whether his licence should be suspended or revoked. Mr F had been issued with a further 3 penalty points by the Council's Licensing team, within 2 months of the hearing held on 13 April 2011.

In addition, Bracknell Forest Council policy states that where a licensed driver is issued with 12 or more points within a 12 month period, a referral is made to the

Licensing Panel to determine if the driver's licence should be revoked, suspended, or allowed to continue with conditions.

The Panel gave careful consideration to the papers placed before them and heard and considered oral representations from Mr F, his representative, Ms Kelly, Licensing Officer, PC Hannan and Mr Russell from the Vehicle and Operator Services Agency (VOSA).

Having considered all the evidence, the Panel decided that Mr F's Dual Driver's Licence should be suspended for a period of 3 months.

The Panel took into account Mr F's recent history as a licensed driver and in particular took into consideration some of the issues that were raised at the previous hearing of the Licensing Panel on 13 April 2011. The Panel noted that upon being inspected by a VOSA officer on 8 June 2011, the offside front tyre on Mr F's licensed vehicle had worn heavily on the inside edge with the metal cords exposed. The tread area on the inside edge was worn through to the cords and the metal structure of the tyre had also worn thus seriously weakening the tyre. The Panel noted that the VOSA Officer had advised that this type of defect could lead to a 'blow-out' and loss of control by the driver. Due to the nature of the defect the VOSA officer had issued an Immediate Prohibition Notice to the vehicle to prevent any further use on the road.

The Panel took this very seriously as this gravely compromised public safety and brought into question whether Mr F was a fit and proper person to be a licensed driver. The Panel were also disappointed that Mr F had contravened the conditions of his licence within such a short period of time after being issued with a formal written warning about his conduct.

The Panel also noted that the VOSA officer had advised that this type of defect showed that there was a significant failing in the maintenance system and that the method of checking tyres used by Mr F and was not adequate as it involved only checking the outer edge of the tyres.

The Panel therefore decided that given Mr F's recent history and the issues raised at the previous hearing on 13 April 2011, together with the serious risk presented to public safety by his defective tyre, Mr F's failure to properly check and maintain his vehicle to ensure public safety was not compromised and his disregard for the formal written warning issued to him on 15 April 2011, that Mr F's Dual Driver's Licence be suspended for a period of 3 months.

The Panel disregarded the information that was given by Mr Russell at the hearing about the issue of a prohibition notice for a defective tyre on 23 January 2009, following legal advice.

The Panel formally warned Mr F that he currently had 15 penalty points of which 12 would expire on 31 January 2012. Should he be issued with any further penalty points irrespective of the severity of the offence before 31 January 2012, the matter would be referred to a Licensing Panel, who would then decide whether his licence should be suspended or revoked.

CHAIRMAN

- ... -

MeetingDate
(MeetingActualStartTime - MeetingActualFinishTime)

Present:- MembersPresentRolesList

Also Present:- NonMembersPresentList

1.

2. FIELD_TITLE

(i) FIELD_TITLE

(ii) FIELD_TITLE

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**LICENSING PANEL
7 SEPTEMBER 2011
2.00 - 3.05 PM**



Present:

Councillors Brossard (Chairman) Baily and Finch

Apologies for Absence were received from:

Councillors Brunel-Walker

1. Declarations of Interest

There were no declarations of interest.

2. The Procedure for Hearings at Licensing Panels

The Chairman confirmed that all parties had noted and understood the procedures to be followed for the hearing.

3. Exclusion of Public and Press (S 100 A)

RESOLVED that pursuant to section 100A of the Local Government Act 1972, as amended, members of the public and press be excluded from the meeting for consideration of item 4 which involved the likely disclosure of exempt information under category 1 of Schedule 12A of that Act:

- (1) Information relating to any individual

4. Report on Mr K

A referral was made to the Licensing Panel, following a total of 12 penalty points being issued to Mr K within the last 12 months. Bracknell Forest Council policy states that where a licensed driver is issued with 12 or more points within a 12 month period, a referral will be made to the Licensing Panel to determine if the driver's licence should be revoked, suspended, or allowed to continue with conditions.

The Panel gave careful consideration to the papers placed before them and heard and considered oral representations from Mr K's representative Mrs Robson and Ms Driscoll, Licensing Team Leader.

Having considered all the evidence, the Panel decided that Mr K should be issued with a strong formal written warning.

The Panel noted that Mr K had accrued 12 penalty points as a result of driving a private hire vehicle whilst not licensed. The Panel found this to be wholly

unacceptable, particularly as this compromised public safety and the extent to which Mr K could be considered to be a fit and proper person to be a licensed driver.

The Panel were minded to suspend Mr K's licence for a fixed period, however, after careful consideration, they did not wish to deprive Mr K of his livelihood, particularly in the current difficult economic climate and having taken into consideration Mr K's personal circumstances did not feel this appropriate as it would cause him exceptional financial hardship. The Panel also took into account the strong representations made by Mr K's representative Mrs Robson and took into account Mr K's personal family circumstances during the period in which he had allowed the renewal of his licence to lapse.

Mr K was strongly advised to adhere to the conditions of his licence, any subsequent offences within the next 12 months, resulting in him being issued with **any** penalty points, irrespective of the severity of the offence, would require him to come before another hearing of the Licensing Panel. The Panel also asked Mr K to be mindful that the 12 penalty points currently on his licence would remain on his licence until 9 June 2012.

The Panel impressed upon Mr K that on this occasion his lack of functional literacy had been taken into account and that he had been allowed some credit for this, if he were to commit any further offences within the next 12 months, his functional literacy was unlikely to be considered as graciously.

The Panel impressed upon Mr K that he **must** present himself at the Council Offices (Time Square Building) on 28 February with all the relevant supporting documentation to renew his licence if he wish to continue as a licensed driver.

CHAIRMAN

**LICENSING PANEL
14 SEPTEMBER 2011
2.10 - 4.00 PM**



Present:

Councillors Thompson (Chairman), Brossard and Leake.

Also Present:

Niam Kelly, Licensing Officer
Laura Driscoll, Licensing Team Leader
Mr E, Suspended Licensed Driver
Mr Sidique, Mr E's Legal Representative
Simon Bull, Legal Advisor to the Panel
Priya Patel, Democratic Services

1. Declarations of Interest

There were no declarations of interest.

2. The Procedure for Hearings at Licensing Panels

The Chairman confirmed that all parties had noted and understood the procedures to be followed at the hearing.

3. Exclusion of Public and Press (S 100 A)

RESOLVED that pursuant to section 100A of the Local Government Act 1972, as amended, members of the public and press be excluded from the meeting for consideration of item 4 which involved the likely disclosure of exempt information under category 1 of Schedule 12A of that Act:

- (1) Information relating to any individual

4. Report on Mr E

A referral was made to the Licensing Panel, following the suspension of Mr E's dual driver licence with immediate effect on 19 May 2011 under Section 61(1)(b) and Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976, pending the outcome of an investigation into the incident detailed in the agenda papers and reported by a 13 year old female on 12 May 2011. A referral was made to the Licensing Panel to determine whether the suspension of Mr E's licence should be upheld; withdrawn or whether his licence should be revoked.

At the hearing, the Panel gave careful consideration to the papers placed before them and heard and considered oral representations from Mr E, his representative Mr Sidique, Ms Driscoll and Ms Kelly, Licensing Officers.

Having considered all the evidence, the Panel decided that the suspension of Mr E's licence should be upheld. The reasons for the Panel's decision were as follows:

1. The Panel noted that prior to this hearing Mr E had failed to give any explanation of the inappropriate content of the text messages that he had sent to a 13 year old vulnerable child, whilst being responsible for transporting that child to and from school. The explanation given by Mr E and his representative at the hearing was unsatisfactory.
2. The Panel agreed that a reasonable, fit and proper person would not text a vulnerable child, for whom he was responsible, either directly or as an intermediary.
3. The Panel felt strongly that an innocent person would have protested their innocence at the first available opportunity. Mr E failed to do this.
4. The Panel found Mr E to be in breach of his fiduciary responsibility and considered this to be wholly unacceptable. The Panel felt that Mr E presented a risk to children and public safety more widely.
5. The Panel were mindful of their regulatory responsibility and the need to safeguard public safety. To this end, the Panel felt that Mr E was not a fit and proper person to be a licensed driver and that child protection and public safety would be compromised if he were to continue to be a licensed driver and able to have unsupervised access to children. For this reason and the reasons given above, the Panel agreed that the immediate suspension of Mr E's licence was appropriate on 19 May 2011 and decided to uphold this suspension.

CHAIRMAN