

Licensing and Regulatory Committee



St Edmundsbury
BOROUGH COUNCIL

Title:	Agenda									
Date:	Tuesday 24 January 2017									
Time:	5.00 pm									
Venue:	Conference Chamber West (F1R09) West Suffolk House Western Way Bury St Edmunds IP33 3YU									
Full Members:	<p style="text-align: center;">Chairman Frank Warby Vice-Chairman Clive Springett</p> <table> <tr> <td><i>Conservative Members (11)</i></td> <td>Sarah Broughton Jeremy Farthing Wayne Hailstone Beccy Hopfensperger</td> <td>Margaret Marks Sara Mildmay-White Richard Rout Peter Thompson</td> </tr> <tr> <td><i>Charter Group Member (1)</i></td> <td>Bob Cockle</td> <td></td> </tr> <tr> <td><i>UKIP Group Member (2)</i></td> <td>Tony Brown</td> <td>Anthony Williams</td> </tr> </table>	<i>Conservative Members (11)</i>	Sarah Broughton Jeremy Farthing Wayne Hailstone Beccy Hopfensperger	Margaret Marks Sara Mildmay-White Richard Rout Peter Thompson	<i>Charter Group Member (1)</i>	Bob Cockle		<i>UKIP Group Member (2)</i>	Tony Brown	Anthony Williams
<i>Conservative Members (11)</i>	Sarah Broughton Jeremy Farthing Wayne Hailstone Beccy Hopfensperger	Margaret Marks Sara Mildmay-White Richard Rout Peter Thompson								
<i>Charter Group Member (1)</i>	Bob Cockle									
<i>UKIP Group Member (2)</i>	Tony Brown	Anthony Williams								
Substitutes:	<table> <tr> <td><i>Conservative Members (4)</i></td> <td>Susan Glossop Ian Houlder</td> <td>Jane Midwood Patricia Warby</td> </tr> <tr> <td><i>Charter Group Member (1)</i></td> <td>David Nettleton</td> <td></td> </tr> <tr> <td><i>UKIP Group Member (1)</i></td> <td>John Burns</td> <td></td> </tr> </table>	<i>Conservative Members (4)</i>	Susan Glossop Ian Houlder	Jane Midwood Patricia Warby	<i>Charter Group Member (1)</i>	David Nettleton		<i>UKIP Group Member (1)</i>	John Burns	
<i>Conservative Members (4)</i>	Susan Glossop Ian Houlder	Jane Midwood Patricia Warby								
<i>Charter Group Member (1)</i>	David Nettleton									
<i>UKIP Group Member (1)</i>	John Burns									
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.									
Quorum:	Five Members									
Committee administrator:	David Long Tel: 01284 757120 Email: david.long@westsuffolk.gov.uk									

Public Information



St Edmundsbury
BOROUGH COUNCIL

Venue:	West Suffolk House Western Way Bury St Edmunds Suffolk IP33 3YU	Tel: 01284 757120 Email: democratic.services@westsuffolk.gov.uk Web: www.stedmundsbury.gov.uk
Access to agenda and reports before the meeting:	Copies of the agenda and reports are open for public inspection at the above address at least five clear days before the meeting. They are also available to view on our website.	
Attendance at meetings:	The Borough Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public.	
Public participation:	Members of the public who live or work in the Borough are invited to put one question or statement of not more than three minutes duration relating to items to be discussed in Part 1 of the agenda only. If a question is asked and answered within three minutes, the person who asked the question may ask a supplementary question that arises from the reply. A person who wishes to speak must register at least 15 minutes before the time the meeting is scheduled to start. There is an overall time limit of 15 minutes for public speaking, which may be extended at the Chairman's discretion.	
Disabled access:	West Suffolk House has facilities for people with mobility impairments including a lift and wheelchair accessible WCs. However in the event of an emergency use of the lift is restricted for health and safety reasons. Visitor parking is at the car park at the front of the building and there are a number of accessible spaces.	
Induction loop:	An Induction loop is available for meetings held in the Conference Chamber.	
Recording of meetings:	The Council may record this meeting and permits members of the public and media to record or broadcast it as well (when the media and public are not lawfully excluded). Any member of the public who attends a meeting and objects to being filmed should advise the Committee Administrator who will instruct that they are not included in the filming.	

Agenda

Procedural Matters

Page No

Part 1 - Public

- 1. Apologies for Absence**
- 2. Substitutes**
- 3. Minutes** **1 - 8**

To confirm the minutes of the meeting held on 11 October 2016 (copy attached).
- 4. Public participation**

Members of the public who live or work in the Borough are invited to put one question or statement of not more than 3 minutes duration relating to items on Part 1 of the agenda only. If a question is asked and answered within 3 minutes the person who asked the question may ask a supplementary question that arises from the reply. A person wishing to speak must register to speak at least 15 minutes before the meeting is scheduled to start. There is an overall time limit of 15 minutes for public speaking which may be extended at the Chairman's discretion.
- 5. Hackney Carriage Proposed Fare Increase 2017** **9 - 20**

Report **LIC/SE/17/001**
- 6. Joint West Suffolk Animal Welfare and Boarding Licensing Conditions** **21 - 84**

Report **LIC/SE/17/002**
- 7. Proposed Joint West Suffolk Sex Establishments Licensing Policy** **85 - 146**

Report **LIC/SE/17/003**
- 8. Proposed Taxi Drivers Handbook**

Officers to give an oral report

9. Minutes of meetings of the Licensing & Regulatory Sub-Committee 147 - 158

Meetings held 28 September 2016 (attached) and 19 December 2016 (attached)

EXEMPT INFORMATION – EXCLUSION OF PUBLIC TERMS OF FORMAL RESOLUTION

That under Section 100(A) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12(A) of the Act.

Part 2 - Exempt

10. Exempt minutes of meetings of the Licensing & Regulatory Sub-Committee 159 - 166

Meetings held 28 September 2016 (attached) and 19 December 2016 (attached)

Licensing and Regulatory Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Licensing and Regulatory Committee** held on **Tuesday 11 October 2016** at **5.00 pm** in the **Conference Chamber West F1R 09, West Suffolk House**, Western Way, Bury St Edmunds

Present: **Councillors**

Chairman Frank Warby

Sarah Broughton	Sara Mildmay-White
Tony Brown	Richard Rout
Bob Cockle	Clive Springett
Jeremy Farthing	Peter Thompson
Margaret Marks	Anthony Williams

By Invitation:

John Burns,
Susan Glossop and
Patricia Warby

36. **Substitutes**

No substitutions were declared.

37. **Membership of the Committee**

It was announced that Councillor Margaret Marks had replaced Councillor Sarah Stamp as a Member of the Committee. Errata on the membership list on the agenda paper were also corrected as Councillor Sara Mildmay-White's name had been omitted as a Member of the Committee and Councillor Anthony Williams should have been listed as a UKIP Group Member.

38. **Election of Chairman**

It was proposed, seconded and

RESOLVED : That Councillor Frank Warby be
elected Chairman of the Committee.

39. **Apologies for Absence**

No apologies for absence were received.

40. **Appointment of Vice-Chairman**

It was proposed, seconded and

RESOLVED : That Councillor Clive Springett be
appointed Vice-Chairman of the
Committee.

41. **Minutes**

The minutes of the meeting held 17 May 2016 were confirmed as a correct record and signed by the Chairman.

42. **Public Participation**

The following persons addressed the Committee during this session in relation to the agenda item on Training for Hackney Carriage and Private Hire Vehicle Drivers :

Paul Freemantle and Lee Howard of Star Cabs Ltd.

Both speakers expressed objections to the proposal which would make it necessary for first time applicants and existing licence holders to obtain a Business & Technology Council (BTEC) Level 2 qualification as a prerequisite for the grant of a new licence or the renewal of an existing one. Reference was made to the cost involved in obtaining the qualification which would have to be borne by applicants and which would be additional to other fees payable by them, e.g. for medical certificates. It was suggested that some drivers who were part-time and new applicants might be deterred by the increased cost which would be involved which could lead to staff shortages and difficulties in covering services e.g. school transport and hospital visitor trips. The value of the qualification and the need for training was questioned it being pointed out that many drivers were long serving employees and experienced drivers who had carried out their jobs professionally without complaints from customers and that to convey passengers in a courteous, correct and safe way was all that was required of the job. Since these requirements were matters of common sense and good practice a doubt was expressed that they could be achieved by the introduction of the formal training proposed. A situation was also referred to that no other local authority in the region had adopted the requirement that the qualification be obtained and only a small minority had done so nationally. No evidence had been produced for this meeting that the qualification improved standards. A question was raised as to what arrangements would be in place if a driver was unable to obtain the qualification. The Chairman advised that the points being raised during this

session would be responded to when the item was being discussed by the Committee.

18 licensed drivers were present in the public gallery for this session and the next item.

(The Chairman with the agreement of the Committee varied the order of business on the agenda so that item 8, Training of Hackney Carriage and Private Hire Vehicle Drivers, was considered before Item 7.)

43. Training for Hackney Carriage and Private Hire Vehicle Drivers

(Councillor Peter Thompson declared a pecuniary interest in the following item as he was employed by a company which supplied the motor trade which could include taxi firms. He remained in the meeting but took no part in the discussion or voting thereon.)

The Committee considered Report LIC/SE/16/005 (previously circulated) which presented the results of public consultation on whether a requirement for Hackney Carriage and Private Hire Vehicle drivers to obtain a Business and Technology Education Council (BTEC) Level 2 qualification should be implemented. As the proposal would be a change policy final approval of it would be by Full Council via Cabinet.

The report drew attention to the provisions of the Local Government (Miscellaneous Provisions) Act 1976 which placed a duty upon the Council as the Licensing Authority to ensure that an applicant for a driver's licence was a 'fit and proper' person to hold such a licence and that existing drivers acted in a way as to satisfy the Council that they continued to be 'fit and proper' to hold a licence. Listed in paragraph 1.4 of the report were the existing requirements of the Council's 'fit and proper person' test. Whilst there were many extremely competent and professional drivers in West Suffolk there was statistical and anecdotal evidence to support the need for improved standards and knowledge. Officers were having to investigate a greater number of complaints about the conduct of some drivers. The Department of Transport in a publication 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' March 2010 had endorsed the introduction of qualifications in licensing authority regimes. Appendix 1 of the report listed other local authorities nationally that had introduced a requirement for formally recognised qualifications or in house tests as a prerequisite to the grant of a licence. When considering this matter at its meeting on 17 May 2016 the Committee had accepted that the appropriate form for the qualification would be based on BTEC Level 2. The proposed syllabus for this qualification was contained as Appendix 2.

External consultation with the taxi trade and the general public, as users, had been carried out on the proposal over July and August 2016. 26 out of a potential 600 registered drivers across West Suffolk and 78 members of the public completed respective surveys. A summary of the responses was included as Appendix 3. Generally, from the responses received it was apparent that drivers disagreed with the proposal that the BTEC qualification should apply to existing drivers because of concerns about their livelihoods

whereas the indications from customers were overwhelmingly supportive of such a requirement.

Officers responded to points and questions raised earlier during the public participation session. They advised that West Suffolk College held statistics about the percentage pass rate for the BTEC course and that a further report about the nature and extent of complaints about taxi drivers could be provided if the Committee so wished. Officers further advised that the fee for the BTEC course, which would be provided by West Suffolk College if the proposal was approved, was £250 after discount and payable to the college. The time involved in attending the course would be 18 hours and this could be tailored so as to be at different times and locations to accommodate the needs of attendees. As an alternative a condensed version of the course could be offered over a half-day (3 hours) at a discounted price of £35. This would deal with the salient points of each of the modules and those attending who met the required standard of knowledge would receive a certificate. To offset the situation that the Driver/Vehicle Standards Agency had decided to withdraw its practical driving test an alternative had been negotiated with the West Suffolk College providers whereby a driving test would be available alongside the BTEC course at a separate fee of £40. This compared favourably to the fee charged of around £90 by other commercial providers. Officers also advised that Forest Heath District Council's Licensing & Regulatory Committee had considered the proposal the previous evening and had accepted the recommendation that both new applicants and existing licensed drivers be required to obtain the qualification with the latter-mentioned being given two years in which to comply.

Members in discussing the proposal were of the view that whilst it was acceptable to require new applicants for licences to obtain the qualification it would be onerous to place the expectation on existing drivers, particularly if they had held their licence for a long period of years without incident or complaint. However, it was acknowledged that in situations where an existing licence holder had breached the Disciplinary Code an appropriate sanction, depending on the circumstances, might be for him/her to be required to obtain the qualification.

RECOMMENDED : That, subject to the approval of Full Council,

- (1) The results of the recent consultation with Hackney Carriage/Private Hire Vehicle Driver and taxi customers on the proposal to adopt a BTEC Level 2 Certificate 'Introduction to the role of Professional Taxi and Private Hire Driver' be noted;**
- (2) The change in requirements for all new drivers to complete the BTEC Level 2 Certificate be adopted and; additionally,**
- (3) (a) unless specific circumstances apply, as outlined in (b) below, if an existing licensed driver is found to have contravened the Disciplinary Code for**

**Hackney Carriage/Private Hire Vehicle Drivers then he/she be required to obtain the BTEC Level 2 qualification;
(b) (a) be not applied in cases of serious breaches of the Disciplinary Code which result in a decision of the Council revoking the licence of a driver.**

44. St Edmundsbury 2016 Air Quality Status Annual Report and proposal to declare an Air Quality Management Area in Great Barton

(At a point during the debate on the following item when it became apparent that the Committee was about to discuss the relevance of planning issues relating to the future development of Gt. Barton and North-East Bury St. Edmunds to the matter under consideration, Councillor Sarah Broughton declared a pecuniary interest because of ownership of an area of land which was subject to such potential development. She withdrew from the meeting at this juncture and returned when this aspect of the debate had ended.)

The Committee considered Report LIC/SE/16/004 (previous circulated) which informed Members about work undertaken during 2014/2015 to meet Local Air Quality Regulations across the Borough and had attached as Appendix 1 the St Edmundsbury 2016 Air Quality Annual Status Report. Report LIC/SE/16/004, consequent upon a review undertaken by Officers, outlined changes in approach which would be adopted and specifically as far this Committee was concerned sought approval to external consultation being carried out in relation to the proposal to declare an Air Quality Management Area in Great Barton. Under the terms of the Council's Constitution responsibility for the discharge of functions relating to the control of pollution or the management of air quality was placed with this Committee. The report along with the proposal relating to re-introduce an Air Quality Management Area for Great Barton had been also considered by the Council's Sustainable Development Working Party at its meeting on 6 October 2016. It had recommended to this Committee that consultation be commenced with a view to the proposal being implemented with a suggestion that the automated pedestrian crossing in The Street (A143) be re-located as this was often the cause of traffic tail backs the emissions from which were a factor affecting air quality.

The Committee in discussing the proposal acknowledged that the air quality problem and promised action to ameliorate it were both longstanding and the latter had a history over the last 20 years or so. In addition to traffic tail back problems caused by the pedestrian crossing, the location of the village's Post Office, also on the A143, and the on-street parking associated with it was a factor restricting traffic flows. There were other matters which aggravated the situation e.g. the lack of an alternative route for traffic, the tall trees alongside the A143 which created a tunnel effect and the proximity of dwellings to the roadside. Members recalled that the previous declaration of an Air Quality Management Area in 2009 had not subsequently resulted in any positive action to improve the situation.

In responding Officers acknowledged that little progress had been made following the previous designation of an Air Quality Management Area. There was a requirement with such designations to produce an Action Plan which would contain remedial measures to secure improvements. There could be difficulties, however, in situations of two tier local government where responsibilities for implementation of an Action Plan were subject to separate allocation. This situation was now changed as new guidance had been issued in April 2016 by the Department for the Environment, Food and Rural Affairs to clarify respective roles in relation to air quality. There had been meetings at officer level with the County Council to agree an integrated approach in future. In relation to prospects for re-locating the pedestrian crossing and village Post Office these could be objectives in the longer term but there would be early discussions with Planning Officers, and subsequently developers, with a view to exploring the scope for achieving these objectives and other planning gains. Officers advised that the designation of an Area Quality Management Area would provide greater assistance in securing air quality improvements for the village when negotiations with developers were taking place. In reply to a Member's question Officers advised that the procedure for carrying out the proposed consultation was governed by Regulations but it was envisaged that the consultation period would be of one to two months duration following which a decision could be taken in the third month. Various bodies were required to be consulted statutorily.

RESOLVED :

That external consultation be carried out in relation to the proposal to declare an Air Quality Management Area in Great Barton.

45. Minutes of the meetings of the Licensing and Regulatory Sub-Committee

The minutes of the meetings of the Licensing and Regulatory Sub-Committee held 9 May 2016, 1 June 2016, 11 July 2016 and 23 August 2016 (all previously circulated) were confirmed as a correct record and signed by the Chairman.

46. Exclusion of Public

RESOLVED :

That under Section 100 (A) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12 (A) of the Act.

47. Exempt Minutes of the Licensing and Regulatory Sub-Committee

The exempt minutes of the Licensing and Regulatory Sub-Committee held 9 May 2016 (previously circulated) were confirmed as a correct record and signed by the Chairman.

The meeting concluded at 6.15pm.

Signed by:

Chairman

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Licensing and Regulatory Committee



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Hackney Carriage Fare Increase 2017	
Report No:	LIC/SE/17/001	
Report to and date/s:	Licensing & Regulatory Committee	24 January 2017
Portfolio holder:	Cllr Alaric Pugh Portfolio Holder for Planning and Growth Tel: 07930 460899 Email: alaric.pugh@stedsbc.gov.uk	
Lead officer:	Amanda Garnham Licensing Team Leader Tel: 01284 758050 Email: Amanda.garnham@westsuffolk.gov.uk	
Purpose of report:	This report requests the Committee to consider the proposed Hackney Carriage fare increase	
Recommendation:	<p>It is recommended that one of the following options is taken:</p> <p>(1) Approve the advertisement of the proposed new fare increase and to bring back the matter to the Committee for further consideration; or</p> <p>(2) Reject the proposed table of fares and request the trade to produce a new set of proposals for Member consideration at a future Committee meeting ; or</p> <p>(3) Reject the table of fares, making no changes at the present time;</p>	

Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>		<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
<i>The decisions made as a result of this report will usually be published within 48 hours and cannot be actioned until five clear working days of the publication of the decision have elapsed. This item is included on the Decisions Plan.</i>			
Consultation:		<ul style="list-style-type: none"> Letter to all holders of a Hackney Carriage Vehicle Licence 	
Alternative option(s):		<ul style="list-style-type: none"> Options as per recommendation contained within this report 	
Implications:			
<i>Are there any financial implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<i>Are there any staffing implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<i>Are there any ICT implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<i>Are there any legal and/or policy implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<i>Are there any equality implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
	Low/Medium/ High*		Low/Medium/ High*
Not taking into consideration the objections received could lead to challenge	Medium	Further dialogue with the public and the taxi trade	Low
Ward(s) affected:		All Wards	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		Local Government (Miscellaneous Provisions) Act 1976 http://www.legislation.gov.uk/ukpga/1976/57 Link to National Taxi Fares Table for 2 mile Journey http://www.phtm.co.uk/taxi-fares-league-tables/2017-01	
Documents attached:		Appendix 1 - Current fares Appendix 2 - Consultation letter to Hackney Carriage Proprietors Appendix 3 - Proposed fares	

1 **Key issues and reasons for recommendation**

- 1.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 enables St Edmundsbury Council (the Council), at its discretion, to fix and vary the tariff for Hackney Carriages that are licensed by the Council.
- 1.2 The Council's power extends to fixing, or varying, the rates of fares within the Borough for time and distance, and all other charges in connection with the hire of a Hackney Carriage vehicle, or with the arrangements for the hire of a vehicle, by means of a table of fares.
- 1.3 The Local Government (Miscellaneous Provisions) Act 1976 (the Act) lays down a statutory procedure for varying fares charged by Hackney Carriage drivers. When setting Hackney Carriage fares there is no requirement under the Act to take into account external factors, and there is no limit on the amount of increase or variation.
- 1.4 The current fares for Hackney Carriages were varied in November 2015, a copy can be found at Appendix 1. This was a fare increase of around 9%.
- 1.5 A new fare proposal was submitted in September 2016 by a St Edmundsbury Hackney Carriage driver. In order for the Council to informally gauge an idea of support from the trade, the driver was asked to speak to other Hackney Carriage drivers/proprietors about the proposal. In response 16 drivers/proprietors signed the proposer's fare increase. It should be noted that this was not formal consultation completed by the Council and should not be taken into consideration by the Committee.
- 1.6 The fare proposal is attached as Appendix 3. This sees another two tariffs added for 8 seater vehicles making an increase of six tariffs to eight. There are also confusing changes to the yardage and an increase to running mile payments.

2 **Consultation**

- 2.1 The Council is required to consult on the proposed fares and therefore all licenced Hackney Carriage proprietors within the Borough received notification of the proposals in December asking them to vote for or against the proposed fare, or to request a new proposal. A copy of the letter can be found at Appendix 2.
 - 2.1.1 63 Hackney Vehicle licensees were written to:
 - 9 votes against the proposed new fares
 - 1 vote in favour of the proposed new fares
 - 0 requesting more proposals
 - 2.1.2 Out of the nine votes against the proposed new fares, two are large companies who own and run a number of Hackney Carriage licensed

vehicles. One who licences 13 Hackney Carriage vehicles and the other licences 9 vehicles.

- 2.1.3 Out of the 16 drivers/proprietors who informally endorsed the fare increase proposal, only one responded the Council consultation by still voting for the increase. No other responses officially voting for the increase were received during the consultation period.

3 Options

3.1 The Committee is requested to consider the options listed below:

3.1.1 Option 1: Approve the advertising of the proposed new Hackney Carriage fare (Appendix 3) and return to Committee for consideration of any public objections (see paragraph 4 below); or

3.1.2 Option 2: Reject the proposed table of fares and request the trade and Officers to produce a new set for Member consideration later in 2017; or

3.1.3 Option 3: Reject the proposed table of fares and make no changes.

3.2 Because of the low response to the consultation, the Licensing Team Leader recommends that the Committee proceeds with Option 2 so that further consultation can be completed with the St Edmundsbury Hackney Carriage proprietors/ drivers. As part of this, all Hackney Carriage drivers and proprietors will be written to and invited to create a trade forum. Part of the trade forum agenda will be to agree a procedure for requesting future fee increases and to discuss a full enquiry into simplifying the current tariffs and to bring the current fares in line with the Consumer Price Index (CPI).

4 Public consultation

4.1 If the Committee proceeds with Option 1 then an advertisement setting out the increased fares must be placed in at least one local newspaper. Members of the public will have 14 days from the date of the advertisement in which to submit any representations for or against the fare increase / decrease. If objections are received then they must be considered by the Licensing and Regulatory Committee before the proposed fare changes can be implemented.

4.2 If no objections are received the revised table of fares will come into effect on the date specified (not less than 14 days after publication in the newspaper of the notice). If there are objections the Council must set a further date within two months of the above-mentioned date on which the new fares will come into force following further consideration by the Committee.



St Edmundsbury
BOROUGH COUNCIL

Contact: Amanda Garnham
Email: licensing@westsuffolk.gov.uk
Telephone: 01284 757400

All Hackney Carriage Licence Holders

8 December 2016

Dear Sir or Madam

Proposals for Hackney Fare Increase Local Government (Miscellaneous Provisions) Act 1976

As some of you may be aware, a new hackney carriage fare proposal has been submitted by a member of the trade, we now need to identify the support for the proposed new fare. This fare is an increase of 11% which will make St Edmundsbury more expensive than Cambridge and London.

The proposed fare is enclosed in the format as received, together with a copy of the current fares. The council is now consulting all hackney carriage vehicle licence holders on whether they favour the proposed new set of fares, would like to see more proposals or whether they wish to remain with the current fares which were increased in November 2015. These forms will then go to our Licensing Committee in January.

The local authority has the power to set the fares for hackney carriages. The normal process for doing this is to publish the proposed 'table of fares' in a locally circulating newspaper providing a minimum of 14 days during which objections can be made publically.

If no objection is received the 'table of fares' as advertised will come into force on the date specified in the notice. If objections are received the matter would be referred to members for a decision where modifications to the proposed fares may or may not be made and a further date for the fares to come into force would be set which is no later than two months after the date originally stated in the public notice.

A form is attached for your response and all sections must be completed and **returned by 10 January 2017**. Any incomplete, damaged, soiled or illegible forms will be rejected. The responses can be emailed to the above address if preferred.

If you have any queries, please do not hesitate to contact me.

Yours faithfully

Amanda Garnham
Licensing Team Leader

Hackney Carriage Fare Proposal 2016/7

Your Name (PRINT):	
Hackney Carriage Plate Number:	HV
Vehicle Registration Number:	
Address:	

Indicated Preferred Hackney Fare (please choose one option below)

Current Fare (2015)	
Please send out more proposals, I want a rise but not the one proposed	
New Fare Increase Proposal (attached)	

Please return, no later than 10 January 2017, either by post, reception or email to:

Licensing Team
St Edmundsbury Borough Council
West Suffolk House
Western Way
Bury St Edmunds
Suffolk
IP33 3YU

Phone: 01284 757400
email: licensing@westsuffolk.gov.uk

Note: We will check your details against those held on our database

BURY ST EDMUNDS

CURRENT TARIFF

Name : TARIFF 1 Date: 25/11/2016 Soiling charge: NONE Wait: 24 (secs) Flag fall: £3.80 A Initial yardage: 1760 B Unit thereafter: 110 C Price unit : 0.1 D Initial Waiting Time (secs): 384	Name : TARIFF 2 Date: 25/11/2016 Soiling charge: NONE Wait: (secs) Flag fall: A Initial yardage: B Unit thereafter: C Price unit : D Initial Waiting Time (secs): #DIV/0!	Name : TARIFF 3 Date: 25/11/2016 Soiling charge: NONE Wait: 48 (secs) Flag fall: £5.70 A Initial yardage: 1760 B Unit thereafter: 110 C Price unit : 0.15 D Initial Waiting Time (secs): 768
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PROPOSAL - SEPT 2016

Name : TARIFF 1 Soiling charge: ? Wait: 30 (secs) Flag fall: £3.80 A Initial yardage: 1408 B Unit thereafter: 195.554 C Price unit : 0.2 D Initial Waiting Time (secs): 216	Name : TARIFF 2 Soiling charge: ? Wait: 37.5 (secs) Flag fall: £4.75 A Initial yardage: 1408 B Unit thereafter: 195.554 C Price unit : 0.25 D Initial Waiting Time (secs): 270	Name : TARIFF 3 Soiling charge: ? Wait: 45 (secs) Flag fall: £5.70 A Initial yardage: 1408 B Unit thereafter: 195.554 C Price unit : 0.3 D Initial Waiting Time (secs): 324
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Distance (miles)	TARIFF 1			TARIFF 2			TARIFF 3		
	Current	Proposed	% Change	Current	Proposed	% Change	Current	Proposed	% Change
Flag	£3.80	£3.80	0.00%	£0.00	£4.75	#DIV/0!	£5.70	£5.70	0.00%
1	£3.80	£4.20	10.53%	#DIV/0!	£5.25	#DIV/0!	£5.70	£6.30	10.53%
2	£5.40	£6.00	11.11%	#DIV/0!	£7.50	#DIV/0!	£8.10	£9.00	11.11%
3	£7.00	£7.80	11.43%	#DIV/0!	£9.75	#DIV/0!	£10.50	£11.70	11.43%
4	£8.60	£9.60	11.63%	#DIV/0!	£12.00	#DIV/0!	£12.90	£14.40	11.63%
5	£10.20	£11.40	11.76%	#DIV/0!	£14.25	#DIV/0!	£15.30	£17.10	11.76%
6	£11.80	£13.20	11.86%	#DIV/0!	£16.50	#DIV/0!	£17.70	£19.80	11.86%
7	£13.40	£15.00	11.94%	#DIV/0!	£18.75	#DIV/0!	£20.10	£22.50	11.94%
8	£15.00	£16.80	12.00%	#DIV/0!	£21.00	#DIV/0!	£22.50	£25.20	12.00%
9	£16.60	£18.60	12.05%	#DIV/0!	£23.25	#DIV/0!	£24.90	£27.90	12.05%
10	£18.20	£20.40	12.09%	#DIV/0!	£25.50	#DIV/0!	£27.30	£30.60	12.09%
			11.640%						11.640%

Running mile			
	T1	T2	T3
PRESENT	£1.60	£2.40	£3.20
PROPOSED	£1.80	£2.25	£2.70
Waiting Time per hour			
	T1	T2	T3
Present	£15.00	£15.00	£15.00
Proposed	£24.00	£24.00	£24.00

BURY ST EDMUNDS

CURRENT TARIFF

Name : TARIFF 4 Date: 25/11/2016 Soiling charge: NONE Wait: 24 (secs) Flag fall: £7.60 A Initial yardage: 1760 B Unit thereafter: 110 C Price unit : 0.2 D Initial Waiting Time (secs): 384	Name : TARIFF 5 Date: 25/11/20016 Soiling charge: NONE Wait: 36 (secs) Flag fall: £5.70 A Initial yardage: 1760 B Unit thereafter: 110 C Price unit : 0.15 D Initial Waiting Time (secs): 576	Name : TARIFF 6 Date: 25/11/2016 Soiling charge: NONE Wait: (secs) Flag fall: A Initial yardage: B Unit thereafter: C Price unit : D Initial Waiting Time (secs): #DIV/0!
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PROPOSAL - SEPT 2016

Name : TARIFF 4 Soiling charge: ? Wait: 60 (secs) Flag fall: £7.60 A Initial yardage: 1408 B Unit thereafter: 195.554 C Price unit : 0.4 D Initial Waiting Time (secs): 432	Name : TARIFF 5 Soiling charge: ? Wait: 45 (secs) Flag fall: £5.70 A Initial yardage: 1408 B Unit thereafter: 195.554 C Price unit : 0.3 D Initial Waiting Time (secs): 324	Name : TARIFF 6 Soiling charge: ? Wait: 56.25 (secs) Flag fall: £7.13 A Initial yardage: 1408 B Unit thereafter: 195.554 C Price unit : 0.375 D Initial Waiting Time (secs): 405
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Distance (miles)	TARIFF 4			TARIFF 5			TARIFF 6		
	Current	Proposed	% Change	Current	Proposed	% Change	Current	Proposed	% Change
Flag	£7.60	£7.60	0.00%	£5.70	£5.70	0.00%	£0.00	£7.13	#DIV/0!
1	£7.60	£8.40	10.53%	£5.70	£6.30	10.53%	#DIV/0!	£7.88	#DIV/0!
2	£10.80	£12.00	11.11%	£8.10	£9.00	11.11%	#DIV/0!	£11.25	#DIV/0!
3	£14.00	£15.60	11.43%	£10.50	£11.70	11.43%	#DIV/0!	£14.63	#DIV/0!
4	£17.20	£19.20	11.63%	£12.90	£14.40	11.63%	#DIV/0!	£18.00	#DIV/0!
5	£20.40	£22.80	11.76%	£15.30	£17.10	11.76%	#DIV/0!	£21.38	#DIV/0!
6	£23.60	£26.40	11.86%	£17.70	£19.80	11.86%	#DIV/0!	£24.75	#DIV/0!
7	£26.80	£30.00	11.94%	£20.10	£22.50	11.94%	#DIV/0!	£28.13	#DIV/0!
8	£30.00	£33.60	12.00%	£22.50	£25.20	12.00%	#DIV/0!	£31.50	#DIV/0!
9	£33.20	£37.20	12.05%	£24.90	£27.90	12.05%	#DIV/0!	£34.88	#DIV/0!
10	£36.40	£40.80	12.09%	£27.30	£30.60	12.09%	#DIV/0!	£38.25	#DIV/0!
			11.64%			11.64%			

Running mile			
	T4	T5	T6
PRESENT			
PROPOSED	£3.60	£2.70	£2.81
Waiting Time per hour			
	T1	T2	T3
Present	£15.00	£15.00	£15.00
Proposed	£24.00	£24.00	£24.00

BURY ST EDMUNDS

CURRENT TARIFF

Name : TARIFF 7 Date: 25/11/2016 Soiling charge: NONE Wait: 24 (secs) Flag fall: £8.55 A Initial yardage: 1760 B Unit thereafter: 110 C Price unit : 0.225 D Initial Waiting Time (secs): 384	Name : TARIFF 8 Date: 25/11/2016 Soiling charge: NONE Wait: 36 (secs) Flag fall: £11.40 A Initial yardage: 1760 B Unit thereafter: 110 C Price unit : 0.3 D Initial Waiting Time (secs): 576	Name : TARIFF Date: 25/11/2016 Soiling charge: NONE Wait: (secs) Flag fall: A Initial yardage: B Unit thereafter: C Price unit : D Initial Waiting Time (secs): #DIV/0!
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PROPOSAL - SEPT 2016

Name : TARIFF 7 Soiling charge: ? Wait: 67.5 (secs) Flag fall: £8.55 A Initial yardage: 1408 B Unit thereafter: 195.554 C Price unit : 0.45 D Initial Waiting Time (secs): 486	Name : TARIFF 8 Soiling charge: ? Wait: 90 (secs) Flag fall: £11.40 A Initial yardage: 1408 B Unit thereafter: 195.554 C Price unit : 0.6 D Initial Waiting Time (secs): 648	Name : TARIFF Soiling charge: ? Wait: (secs) Flag fall: A Initial yardage: B Unit thereafter: C Price unit : D Initial Waiting Time (secs): #DIV/0!
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Distance (miles)	TARIFF 7			TARIFF 8			TARIFF		
	Current	Proposed	% Change	Current	Proposed	% Change	Current	Proposed	% Change
Flag	£8.55	£8.55	0.00%	£11.40	£11.40	0.00%	£0.00	£0.00	#DIV/0!
1	£8.55	£9.45	10.53%	£11.40	£12.60	10.53%	#DIV/0!	#DIV/0!	#DIV/0!
2	£12.15	£13.50	11.11%	£16.20	£18.00	11.11%	#DIV/0!	#DIV/0!	#DIV/0!
3	£15.75	£17.55	11.43%	£21.00	£23.40	11.43%	#DIV/0!	#DIV/0!	#DIV/0!
4	£19.35	£21.60	11.63%	£25.80	£28.80	11.63%	#DIV/0!	#DIV/0!	#DIV/0!
5	£22.95	£25.65	11.76%	£30.60	£34.20	11.76%	#DIV/0!	#DIV/0!	#DIV/0!
6	£26.55	£29.70	11.86%	£35.40	£39.60	11.86%	#DIV/0!	#DIV/0!	#DIV/0!
7	£30.15	£33.75	11.94%	£40.20	£45.00	11.94%	#DIV/0!	#DIV/0!	#DIV/0!
8	£33.75	£37.80	12.00%	£45.00	£50.40	12.00%	#DIV/0!	#DIV/0!	#DIV/0!
9	£37.35	£41.85	12.05%	£49.80	£55.80	12.05%	#DIV/0!	#DIV/0!	#DIV/0!
10	£40.95	£45.90	12.09%	£54.60	£61.20	12.09%	#DIV/0!	#DIV/0!	#DIV/0!

11.640%

11.640%

Running mile			
	T7	T8	T
PRESENT			
PROPOSED	£4.05	£5.40	
Waiting Time per hour			
	T7	T8	T
Present	£15.00	£15.00	
Proposed	£24.00	£24.00	

ST. EDMUNDSBURY BOROUGH COUNCIL
 FARE TARIFF
 MAXIMUM FARES FOR HACKNEY CARRIAGES
 OPERATIONAL FROM 00:00 HOURS -

TARIFF 1

For the hours of 07:00 and 23:00

If distance does not exceed	1408 yards	£3.80
For each subsequent	195.554 yards	0.20
Waiting time (per minute)		0.40

TARIFF 2

Sunday working for the hours of 07:00 and 23:00

If distance does not exceed	1408 yards	£4.75
For each subsequent	195.554 yards	0.25
Waiting time (per minute)		0.40

TARIFF 3

For the hours of 23:00 and 07:00

Or on a public or bank holiday

And for 24th December and 31st December from 16:00 to 23:00

If distance does not exceed	1408 yards	£5.70
For each subsequent	195.554 yards	0.30
Waiting time (per minute)		0.40

TARIFF 4

For hires 23:00 on 24th December to 07:00 on 27th December

And 23:00 on 31st December to 07:00 on 2nd January

If distance does not exceed	1408 yards	£7.60
For each subsequent	195.554 yards	0.40
Waiting time (per minute)		0.40

Following tariffs apply to vehicles licensed for more than 4 passengers, where more than 4 passenger are carried.

TARRIFF 5

For the hours of 07:00 and 23:00

If distance does not exceed	1408 yards	£5.70
For each subsequent	195.554 yards	0.30
Waiting time (per minute)		0.40

TARIFF 6

SUNDAY working for the hours of 07:00 and 23:00

If distance does not exceed	1408 yards	£7.125
For each subsequent	195.554 yards	0.375
Waiting time (per minute)		0.40

TARIFF 7

For the hours of 23:00 and 07:00

Or on public or bank holiday

And for 24th December and 31st December from 16:00 to 23:00

If distance does not exceed	1408 yards	£8.55
For each subsequent	195.554 yards	0.45
Waiting time (per minute)		0.40

TARIFF 8

For hires 23:00 on 24th December to 07:00 on 27th December

And 23:00 on 31st December to 07:00 on 2nd January

If distance does not exceed	1408 yards	£11.40
For each subsequent	195.554 yards	0.60
Waiting time (per minute)		0.40

Additional Charge

- 1) Soiling Charge
 - a. For vehicles licensed up to 4 passengers £100.00
 - b. For vehicles licensed for more than 4 passengers £150.00
- 2) For carriage of animals
Not in purpose built cages (with the option to refuse) £1.00
(Excluding assistance/sensory animals which are free of charge and must be carried)
- 3) The equivalent amount of any congestion or toll charges and parking charges incurred during a particular hiring.
- 4) Yearly Review

£0.00

THE ABOVE TABLE OF FARES IS INCLUSIVE OF VAT
All meters are to be Calendar Controlled

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Licensing and Regulatory Committee



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Joint West Suffolk Animal Welfare and Boarding Licensing Conditions	
Report No:	LIC/SE/17/002	
Report to and date/s:	Licensing and Regulatory Committee	24 January 2017
Portfolio holder:	Councillor Alaric Pugh Portfolio Holder for Planning and Growth Tel: 07930 460899 Email: alaric.pugh@stedsbc.gov.uk	
Lead officer:	Amanda Garnham Licensing Team Leader Tel: 01284 758050 Email: Amanda.garnham@westsuffolk.gov.uk	
Purpose of report:	This reports seeks the Licensing and Regulatory Committee's approval to adopt proposed Joint West Suffolk Animal Welfare and Boarding Licensing Conditions	
Recommendation:	It is recommended that the Committee approve the adoption of the Joint West Suffolk Animal Welfare and Boarding Licensing Conditions, as set out in Appendix 1 of Report LIC/SE/17/002.	
Key Decision: (Check the appropriate box and delete all those that do not apply.)	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	

<p><i>The decisions made as a result of this report will usually be published within 48 hours and cannot be actioned until five clear working days of the publication of the decision have elapsed. This item is included on the Decisions Plan.</i></p>			
Consultation:		<ul style="list-style-type: none"> Completed on 5 December 2016 - see section 2 of the report 	
Alternative option(s):		<ul style="list-style-type: none"> To wait for legislation to make new conditions compulsory and to adopt later in 2017. There is to be a revised version of licensing conditions for the sale and boarding of animals later in 2017. However, the existing conditions have not been updated since 2011 and the new conditions are based on 2016 guidance. 	
Implications:			
<p>Are there any financial implications? If yes, please give details</p>		<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> Within budget 	
<p>Are there any staffing implications? If yes, please give details</p>		<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Are there any ICT implications? If yes, please give details</p>		<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> Within current budget 	
<p>Are there any legal and/or policy implications? If yes, please give details</p>		<p>Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Are there any equality implications? If yes, please give details</p>		<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
	Low/Medium/ High*		Low/Medium/ High*
Not updating animal boarding and welfare conditions to the newest recommended standards could cause unnecessary suffering to insufficiently housed animals for sale or boarding	High	Ensuring relevant licence holders are informed of the changes and adopting a Joint West Suffolk Policy	Low
Ward(s) affected:		All	

<p>Background papers: (all background papers are to be published on the website and a link included)</p>	<p>Report from 2014</p> <p>https://democracy.westsuffolk.gov.uk/Data/St%20Edmundsbury%20Licensing%20and%20Regulatory%20Committee/20140909/Agenda/LRC%20SE%2014%2009%2009%20repF111%20-%20Animal%20Boarding%20&%20Dog%20Breeding%20Establishments%20&%20Pet%20Shops%20-%20Conditions.pdf</p> <p>Link to consultation https://www.westsuffolk.gov.uk/Council/Consultations/consultationanimalwelfareconditions.cfm</p>
<p>Documents attached:</p>	<p>(Please list any appendices.)</p> <p>Appendix 1 – Proposed Joint West Suffolk Animal Licensing Conditions Appendix 2 – Proposed Joint Fees Appendix 3 – Changes to current conditions</p>

1. Key issues and reasons for recommendation(s)

1.0 Background

- 1.1 The new Joint West Suffolk Animal Welfare and Boarding Licensing Conditions, included at **Appendix 1**, will provide St Edmundsbury Borough Council with an up to date licensing regime that reflects changes in the law, the industry and progress in animal care and pet shops, animal boarding and dog breeding establishments.
- 1.2 Under the Animal Boarding Establishments Act 1963, Dog Breeding Act 1973 (as amended), and Pet Animals Act 1951 St the Council inspects and regulates animal accommodation to ensure welfare arrangements are satisfactory and meet the statutory and local conditions for animal welfare.
- 1.3 Animal Welfare Licences are administered and regulated by Council Officers in the Licensing Team.
- 1.4 In reviewing each establishment against the current licensing conditions it is clear that they no longer reflect national standards. Furthermore, the conditions are not consistent and up to date with currently recognised animal welfare issues.
- 1.5 In addition, the service has received increasing enquiries from persons hoping to enter this sector by utilizing domestic premises, for example to provide home boarding for dogs. These types of situations are not sufficiently covered

by the Council's current local conditions

- 1.6 The proposal to adopt and implement updated standard conditions for licensed animal boarding, dog breeding establishments, and pet shops is based on model conditions developed and published by the relevant professional bodies, for example the Chartered Institute of Environmental Health.
- 1.7 The use of a comprehensive set of standard conditions, based on the updated model conditions specific to each type of licence, will help maintain appropriate and consistent standards at animal boarding, dog breeding establishments, and pet shops throughout West Suffolk as one standard joint document.
- 1.8 New applicants will be provided with information and advice on how to meet the requirements of the licence conditions and their premises will be subject to a final inspection (along with a vet) prior to commencing activities.
- 1.9 Existing licence holders will also be provided with the relevant information and advice based on the updated conditions. Routine inspections will promote any necessary improvements to comply with the new conditions. The joint conditions should not introduce any unnecessary burden on licensed establishments.

2 Consultation

- 2.1 The original recommendation for an update of conditions went to the Licensing and Regulatory Committee on 9 September 2014. It was resolved that consultation on the proposed new conditions take place.
- 2.2 A consultation on the joint revised conditions which took place between 24 October 2016 and 5 December 2016. A page was set up on the Council's Website and key stakeholders were consulted along with animal welfare organisations.
- 2.3 There were no objections to the adoption of these conditions, however some comments were made by stakeholders for consideration. The comments were based around enforcing against unlicensed boarders and not directly linked to the conditions.

3 Other options

- 3.1 During a training session in November 2016 Officers were made aware of Government plans to produce new mandatory conditions for animal boarding and licensing/welfare. The new conditions are proposed to come into force sometime during 2017 but further information on this has not yet been received. Officers felt it wise to continue to proceed with the recommendation of a joint set of conditions in the interim period as the previous sets have been superseded by standard conditions set out by the Chartered Institute of Environmental Health.
- 3.2 Members could consider waiting for the new mandatory guidance and conditions instead of proceeding with the current recommendation.

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Forest Heath & St Edmundsbury councils



**Standard Conditions for Licensed
Animal Boarding, Dog Breeding
and Pet Shop Establishments**

DRAFT

October 2016

Standard Conditions For Licensed Animal Boarding, Dog Breeding, and Pet Shop Establishments

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APPENDICES

APPENDIX A	Other relevant legislation / orders
APPENDIX B	The Breeding of Dogs (Licensing Records) Regulations 1999
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APPENDIX E	Guidance Note – Habituation
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APPENDIX K	Guidance Note - Behaviour / Environmental Enrichment

QUICK REFERENCE GUIDE

What sections to look at for each application type:

Doggie Day Care	Part VI sec 2 (pg 16) Part III (pg 11, but only if kennelling provided)
Home Boarding	Part VI sec 2 (pg 16) Part III (pg 11, but only if kennelling provided)
Dog Breeding	Part VI (pg17) Part III (pg 11) Part IV (pg 13)
Kennels (Boarding)	Part III (pg11) Part VI sec 1 (pg 16)
Cattery	Part V (pg15) Part VI sec 1 (pg 16)
Pet Shop	Part VII (pg 18) Part IV (pg 13, however, new applications not eligible)
Applicable to ALL the above applications	Part I (pg 3), and Part II (pg 4)

**ANIMAL BOARDING ESTABLISHMENTS ACT 1963
BREEDING OF DOGS ACTS 1973 as Amended
PET ANIMALS ACT 1951 as Amended**

**STANDARD CONDITIONS FOR ALL LICENSED
ANIMAL BOARDING, BREEDING AND PET SHOP ESTABLISHMENTS**

These conditions have been drafted following the national model licence conditions for cats and dogs, and pet shops. Further guidance on the interpretation of the conditions is available from the Council, and the guidance published by the Chartered Institute of Environmental Health.

**PART I
CONDITIONS FOR LICENCE DISPLAY & SUPERVISION**

- 1.** A copy of the licence and its conditions must be suitably displayed to the public in a prominent conspicuous position in, or about the establishment. For security reasons, the licence should not display the licence holder's home address, if this is different to the establishment address.
- 2.** A full copy of these licence conditions must be available for inspection at all times. Any staff engaged in the establishment must be aware of the conditions.
- 3.** The licence holder should hold a current insurance policy which insures them against liability for any injury sustained by a member of the public or their animals whilst on the trading property or for activities resulting from business activity e.g. walking dog in public place.
- 4.** An emergency contact number for a person responsible for the premises must be on-display to the public in a prominent conspicuous position in, or about the establishment.
- 5.** In the interests of animal welfare, the following notice must be displayed with the licence: "In case of an emergency dial 999". The information "Dial 101 and ask for the local police station" should also be displayed.
- 6.** The licence holder must ensure that a responsible person is at all times in, or within reasonable distance from, the premises for the purpose of giving warning or taking other necessary steps in the event of fire or other emergency.
- 7.** Boarding and Breeding Establishments must have someone in residence on the premises whenever animals are boarded or kept on the premises.
- 8.** In the case of premises which are locked-up outside of normal working hours (pet shops) the Licence Holder shall appoint a responsible person residing within a reasonable distance of the premises to have custody of a key and the name and telephone number of such person to be conspicuously displayed in legible characters at the premises.
- 9.** Any reference to a "veterinary surgeon" or "veterinary practitioner" means a person who is for the time being registered in the "register of veterinary surgeons" or "supplementary veterinary register".
- 10.** Any reference to "veterinary advice" means information or advice given by a veterinary surgeon or veterinary practitioner for a particular animal or situation.
- 11.** Any reference to "puppy or puppies" means a young dog less than 12 months old.

Any reference to "the Council" will refer to either Forest Heath District Council or St Edmundbury Borough Council depending on the sites geographical location.

PART II GENERAL CONDITIONS APPLICABLE TO ALL PREMISES

Premises should be designed specifically for use as an animal boarding establishment, dog breeding or pet shop.

1. Cleanliness

Licensed establishments are to be kept clean and maintained in good repair and condition namely:

- a. Animal living areas must be kept clean, dry and free from all excreta, and soiled materials as appropriate for the species or at least once a day.
- b. The premises must be disinfected regularly or at least between new intake of animals.
- c. The premises must be kept free from vermin and flies, with adequate procedures to control pests.
- d. All facilities and equipment used in connection with the establishment must be kept in good working order and in good condition at all times.

2. Visits and Exercise

Animals must be visited at intervals as necessary for their health, safety and welfare. Animals must be given adequate exercise.

3. Use of Wood

Where wood has been used in the existing construction it must be smooth and treated to render it impervious to water. Wood or any porous materials must not be used in exposed construction of new walls, floors, partitions, door frames or doors in areas where animals have direct contact. There must be no projections or sharp edges likely to cause injury to an animal. All exterior wood must be properly treated against wood rot. Only products (e.g. paints / varnish / wood preservatives etc) which are not toxic for animals can be used.

4. Escape Prevention

For premises operating outside suitable perimeter fencing must be installed to prevent animals escaping. Fencing materials must be secure and safe.

5. Sleeping Areas

All sleeping areas for animals must be insulated to prevent fluctuations of temperature. An area of shade must be provided for animals during hot weather conditions.

6. Construction

The construction must be such that the security of each animal is ensured. Pens should be constructed in a manner that does not allow animals contact with neighbouring animals. Sneeze guards should be installed between individual accommodation to prevent the spread of disease.

7. Exercise Areas

A suitable outside exercise/garden area must be provided, free from any hazard which may cause injury or drowning. Dogs from different households are not allowed to mix during free exercise activities unless written consent is provided by the dog owner.

8. Food and Drink

- a. Animals must be supplied with adequate and wholesome water appropriate to their needs and at suitable intervals. Wholesome water must be available at all times and changed daily.
- b. All food must be suitable for the species concerned, and provided at regular intervals as appropriate for the species.
- c. Food and drink receptacles must be designed, constructed and positioned to minimise faecal contamination and spillage.
- d. 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.
- e. Eating vessels must be cleansed after each meal.
- f. Drinking vessels must be cleansed at least once a day.

9. Food Storage & Preparation

- a. Exclusive facilities, hygienically constructed and maintained, must be provided for the storage and preparation of food for animals. (This requirement would not be applicable to home boarding premises if a suitable kitchen in good order is provided)
- b. Fresh and cooked meats must be stored in refrigeration facilities. At all stages of food storage and production food must be protected against any contamination likely to render the food unfit.
- c. 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.
- d. Containers must be provided for the storage of foods to ensure that insects or vermin cannot gain access.

10. Transportation

The following shall apply when transporting animals to or from licensed establishments

- a. Any receptacle used to transport animals must be soundly constructed and maintained in a manner which is not likely to cause injury or unnecessary suffering.
- b. Whenever an animal is transported they must be fit and healthy for the intended journey. Injured and / or diseased animals must not be transported unless they are being taken to a veterinary surgery.

- c. Whilst being transported, an animal must be able to stand in its natural position with sufficient space. No animals must be transported in the same receptacle as another unless they are companion animals that are unlikely to fight each other.
- d. The receptacle must have, securely attached thereto, a label or similar form of notice clearly indicating that the receptacle contains live animals, and another label clearly indicating the person to whom the animals are consigned to together with that person's address.
- e. The receptacle must bear a sign indicating the upright position thereof.
- f. It is the duty of the person consigning the animal(s) to inform the destination premises an estimated arrival time.
- g. It is the duty of the person receiving animals to make every effort to ensure that it is transported in a suitable manor, and a person/s is available to receive the animals.

NB: *The transportation of some animals requires an animal transport certificate; Suffolk Trading Standards can provide more information on this requirement.*

For air transportation, the IATA live animals regulations must be followed as a minimum legal standard.

11. Bedding Arrangements & Cleanliness

- a. All sleeping areas, exercise areas, corridors, common areas, kitchen etc must be kept clean and free from accumulations of dirt, dust and waste matter and must be kept in such a manner as to be conducive to maintenance of disease control and animal comfort.
- b. All animals accommodated at the premises must be provided with bedding materials suitable to the breed or species kept. All bedding materials must be maintained in a clean, parasite free, dry condition sited out of draughts.
- c. Where sleeping benches are provided these shall be of such dimensions as to allow an adult dog / cat of the breed to lie out flat on its side.
- d. Every occupied kennel / cattery compartment / cage / hutch etc must be cleansed appropriate to the species removing all excreta and soiled materials.
- e. Each occupied kennel or catteries compartment must be cleansed daily and more often, if necessary, removing all excreta and soiled material.
- f. Each kennel or catteries compartment must be thoroughly cleansed, disinfected and dried upon vacation. All fittings and bedding must also be thoroughly cleansed and disinfected at that time.
- g. Suitably sited litter trays, which are easy to clean and impermeable, must be provided at all times for cats. 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.
- h. All disinfectants used must be safe for use in an animal environment and for the species concerned.

12.Fire precautions

- a. Appropriate steps must be taken for the protection of animals in case of fire or other emergencies.
- b. A proper emergency evacuation plan and fire warning procedure must be drawn up and posted on the premises. This must include instructions on where animals are to be evacuated to in the event of a fire or other emergency. Animals and equipment shall not be placed in such a position as to render ingress and egress difficult in case of fire.
- c. Fire fighting equipment must be provided in accordance with advice given by Suffolk Fire and Rescue.
- d. All electrical installation and appliances must be maintained in a safe condition. External animal storage areas must have a residual current circuit breaker system on each premises unit i.e. kennel blocks / cattery blocks.
- e. Heating appliances must not be sited in a location or manner where they may present a risk of fire or risk of injury to animals.
- f. Precautions must be taken to prevent any accumulation which may present a risk of fire.
- g. There must be adequate means of raising an alarm in the event of a fire or other emergency.
- h. All premises must have regards to Appendix H – Guidance Notes on Emergency Evacuation.

13.Identification of Animals / compartments

Each kennel / cattery compartment / hutch / tank / cage etc must be clearly marked (e.g. numbered), and a system in place which ensures that relevant information about the animal in that compartment is readily available. Relevant information means any information as required by part VI.

14.Waste & Drainage

- a. The establishment must be connected to mains drainage or an approved, localised sewage disposal system.
- b. Any defective drainage situations must be resolved forthwith, and animals must be isolated from the affected area.
- c. Facilities should be provided for the disposal of all used bedding, uneaten food, faeces and any other waste materials in a manner approved by the Council, and in such a way not to give rise to a nuisance. Excreta and soiled bedding must be removed from the establishment on a regular basis, at least weekly.
- d. Particular care should be taken to segregate clinical waste arising from the treatment and handling of dogs and other animals with infectious diseases. The final disposal route for clinical waste must be incineration.

15.Isolation

Designated isolation facilities must be available for animals suspected of suffering from disease.

All reasonable precautions must be taken to prevent the outbreak and spread of disease among animals, staff, and visitors. Any animal suspected of being diseased must be isolated.

- a. For dog kennelling premises isolation facilities must be in compliance with the requirements for kennels detailed in part III. The facility must be separate and physically isolated from the main kennels and exercise areas. Dogs must be isolated by 5m (15ft) from any other animal which is kennelled or exercising on the premises. Adequate facilities to prevent the spread of infectious disease between the isolation and other kennels must be provided, such as sneeze guards / barrier nursing.

If isolation facilities are provided by the establishments designated veterinary practices, a letter must be provided by the practice stating they are prepared to provide such facilities at all reasonable times.

- b. For cat boarding premises isolation facilities must be self contained, with a separate entrance to the rest of the units.
- c. For home boarding premises there must be sufficient facilities within the licensed premises to ensure separation of any sick animal by complete physical means to facilitate 'barrier nursing'.
- d. Separate cleaning supplies and clothing must be designated for the isolation areas of all establishments.
- e. Dogs and cats from different households must be kept separate.
- f. Gloves should be worn while caring for isolated animals, and hands must be washed after leaving the isolation facilities and before visiting the other kennels.

16. Health

Any sick or injured animal must receive appropriate professional care and treatment without delay. Inexperienced staff must not treat sick animals unless under appropriate experienced supervision.

- a. A well stocked first-aid kit suitable for use on dogs and cats must be available and accessible on site.
- b. Advice from a veterinary surgeon must be sought in case of signs of disease, injury or illness. Where any animal is sick or injured, any instructions for its treatment which have been given by a veterinary surgeon must be strictly followed.

17. Temperature Control

- a. Heating facilities must be available in the kennel / catteries / cages / tanks / hutches etc and used according to the requirement of the individual animals.
- b. There must be some part of the animals sleeping area where the animal is able to enjoy a temperature of at least 10 °C.
- c. Ambient temperatures for puppies and kittens must be a minimum of 18°C.
- d. In isolation facilities there should be a means of maintaining the temperature at a level suitable for the conditions of the animal and dependent on veterinary advice.

- e. There will be periods in the year when dogs and cats are exposed to high summer temperatures in excess of 26°C. On such occasions animals must be provided with a means of shade and ventilation to counteract the high temperatures. Mechanical ventilation maybe required in some instances.
- f. A suitable thermometer must be available on the premises to determine the temperature exposed to animals on site.

18.Training

Provisions for training permanent, part-time and seasonal workers must be in place. The following are regarded as essential topics to be covered in any training undertaken:

- a. Animal Welfare;
- b. Cleanliness and Hygiene;
- c. Feeding and Food Preparation;
- d. Disease Control;
- e. Recognition and Treatment of Sick Animals;
- f. Health and Safety;
- g. Emergency Procedures;
- h. Animal behaviour;

19.Lighting

The establishment must be constructed in a manner that allows animals to be easily inspected at all times.

- a. During daylight hours all exercise and sleeping areas must be clearly visible.
- b. Adequate supplementary lighting must be provided throughout the establishment, including external areas if required.

20.Ventilation

Ventilation must be provided to all interior areas without the creation of excessive, localised draughts in the bedding/sleeping areas. Ventilation is important as an aid to disease control and aims to decrease smell accumulation and prevent excessive humidity of the atmosphere especially in hot weather.

21.Windows

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

22.Supervision

Numbers of staff must be appropriate for the breed / type and numbers of dogs being breed, or for the dogs / cats being in boarding establishments. Numbers must be sufficient to provide the level of care set out in these conditions.

Sections of other relevant legislation / orders applicable to all licensed premises is detailed within Appendix A

PART III CONDITIONS FOR DOG KENNELS

- 1.** The maximum number of dogs to be kept at any one time is to be determined by Authorised Officers of the Council.
- 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.
- 3.** The bed must have clean bedding and be large enough for each dog to lie flat on their side.
- 4.** No animals other than dogs are to be boarded within the licensed facilities for dogs without the written approval of the Council.
- 5.** Where stray dogs are accepted by the kennels they must be kept in a separate area away from boarded dogs.
- 6.** For new kennels, each kennel must be provided with a sleeping area of at least 2.0 sq. m.
- 7.** For new kennels each kennel must be provided with an exercise area of at least 2.5 sq. m (for dogs below 20kg) and 6 sq. m (for dogs over 20kg), which is separate from the bedding area and exclusive to that kennel, for free use by the dog at all times except at night.
- 8.** Kennels and exercise areas must open onto secure corridors or other secure areas so that dogs are not able to escape from the premises.
- 9.** Exercise areas must not be used as bedding areas.

Walls

- a. The walls which animals may come into contact with must be smooth impervious materials, capable of being easily cleaned and disinfected. Where concrete or other building blocks are used, they must be sealed to be as smooth, impervious and be resealed as necessary.
- b. Junctions between vertical and horizontal sections should be coved. If impractical in existing premises, these joints must be sealed.
- c. Partition walls between animal compartments must be of solid construction to a minimum height of 1.8m (6ft). This includes sneeze guarding between exercise areas.

Floors

- a. Floors of all buildings, individual exercise areas / kennels must be of smooth, impervious materials, capable of being easily cleansed and in new kennels must incorporate a damp proof membrane.
- b. All floors must be constructed and maintained in such a condition as to prevent pooling of liquids.
- c. In new constructions floors must be laid to a minimum fall of 1 in 80 leading to a shallow drainage channel or effectively covered deep drainage channel.

- d. Communal exercise areas must be suitably drained, but need not comply to conditions a, b & c.

Ceilings

Ceilings must be capable of being easily cleansed and disinfected.

Doors

- a. Doors must be strong enough to resist impact and scratching and must be fitted to be capable of being effectively secured.
- b. Where metal sheet / bars / frames are used; they must not present a risk of injury to an animal from entrapment or sharp edges.
- c. Where metal bars and frames are used for dog kennels, they must be of suitable gauge (approximately 10-14) with spacing adequate to prevent dogs escaping or becoming entrapped.

Roofs

There must be a safe, secure waterproof roof which should cover all the sleeping accommodation and at least 50% of the attached run. For each run the materials used must be capable of filtering UV light and providing adequate shade.

PART IV CONDITIONS FOR PUPPIES

In addition to the structural requirements contained in part III for walls/floors/ceiling and doors the following must be observed by dog breeders and pet shops.

1. Puppies must be weaned before leaving the mother. Puppies must be kept at/on the same premises as the mother until the puppies are 8 weeks old.
2. A Pet Shop must not accept a puppy until the puppy is weaned, and 8 weeks old or over.
3. To ensure puppies can eat the food provided, puppies must be 8 weeks old or over before leaving the mother.
4. The minimum kennel size for post weaned stock, the following enclosure dimensions and space allowances should apply:

Weight of dog (Kg)	Minimum enclosure size	Minimum floor area per animal (m ²)	Minimum height (m)
Up to 5	4.5	0.5	2
Over 5 to 10	4.5	1.0	2
Over 10 to 15	4.5	1.5	2
Over 15 to 20	4.5	2	2
Over 20	4.5	2.25	2

For dogs over 30 Kg these sizes should be scaled up accordingly and should be proportionate. Ideally, puppies should have free access to the exercise area at all times. If removable covers are used to allow adequate access by staff for cleaning the minimum height of the pen or kennel is 0.9m. These are minimum standards and meeting the correct size of pen or kennel alone is not a defence if the welfare of the puppies is in question.

5. Ambient temperature of the kennel or pen must be a minimum of 18°C.
6. General bedding must include an adequate amount of absorbent materials.
7. Any soiled materials must be removed at least 4 times a day or as required to ensure the puppy does not have to lie in a soiled area.
8. A specific lying place must be provided lined with soft materials to prevent skin lesions being caused by soiling or pressure sores.
9. Puppies must be fed at least 4 times daily, unless a veterinary surgeon or veterinary practitioner directs otherwise in writing.
10. Litters of puppies must not be mixed until they have been on the premises for seven days and have shown no signs of infectious disease for seven days.
11. Ideally single puppies must not be left alone in a kennel, but where they are, special attention should be paid to specific human interaction. When litters are mixed they should be of similar size, age and temperament and there should be good supervision of mixing.
12. There must be environmental enrichment in all kennels/pens such as indestructible toys. These should be easily cleaned and replaced between litters.

13. Puppies must be identifiable. The records must show:

- a. The identification of the animal;
- b. The date of birth, breed, sex and any distinguishing features;
- c. Details of any veterinary care provided;
- d. A pet shop must provide feedback to the breeder on health issues such as disease or inherited defects;
- e. A breeder must retain feedback provided by a customer on health issues such as disease or inherited defects;
- f. Details of any health screening tests performed on the puppies or parents;
- g. Any puppy under veterinary treatment must be identifiable.

NB: Appendix B provides the prescribed form which must be kept at each dog breeding establishment.

14. The new owner must be advised to register the puppy with a vet (veterinary surgeon or veterinary practitioner).

15. All puppies must receive appropriate inoculations when required as advised by a veterinary surgeon or veterinary practitioner. Veterinary advice must be sought whenever necessary.

Please Note: The Microchipping of Dogs (England) Regulations 2014 requires every keeper of dog to implant a microchip in dogs older than 8 weeks old.

**PART V
CONDITIONS FOR CAT COMPARTMENTS**

1. The maximum number of cats to be kept at any one time is to be determined by Authorised Officers of the Council.
2. Each cat must be provided with a separate unit except cats from the same household may share a unit of adequate size with the consent of the cats' owner.
3. A suitable scratching post must be available within each compartment.
4. No animals other than cats are to be boarded within the licensed facilities for cats without the written approval of the Council.
5. Where stray cats are accepted by the cattery they must be kept in a separate area away from boarded cats.
6. In new constructions each unit must have a sleeping area and an adjoining exercise area, which is exclusive to that unit.
7. The following minimum areas and dimensions must be achieved in order to give cats a suitable and appropriate comfortable space and for ease of cleaning and management.

Number of Cats	Minimum area	Smallest dimension must be a minimum of:	Minimum height
Up to two cats	1.5 sq. m	1.2 m (e.g. 1.2 m x 1.25 m)	1.8 m
Up to four cats	1.9 sq. m	1.2 m (e.g. 1.2 m x 1.6 m)	1.8 m

8. Units may be designated as suitable for a specific number of cats, greater than 4, at the discretion of the Council.
9. A raised area for sleeping/resting must be between 0.75 and 1.5m above the ground and located within each unit. All sleeping/resting areas must be large enough for each cat to lie down, and stretch out.
10. Cleaning products and disinfectants must be non-toxic to cats, and used in accordance with the manufacturers instructions.
11. The raised area for sleeping/resting must be made of impervious, easily cleanable materials.
12. Units must open onto a secure corridor or other secure areas so that cats are not able to escape from the premises. All cat exercise areas, and covered walkways should be covered with mesh and impermeable materials, a proportion of which must be translucent.
13. Exercise areas must not be used as sleeping areas.
14. There must be direct and voluntary access to the exercise area.

The requirements for dog kennels on walls/floors/ceilings and doors apply to cat compartments, as appropriate. However, the roofing must be placed over the entire cattery.

PART VI
SPECIFIC DOG AND CAT BOARDING & DOG BREEDING CONDITIONS

1. Dog & Cat Boarding

- a. A register must be kept of all animals boarded. The information kept must include the following:
 - I.** Date of arrival
 - II.** Name, any identification system such as microchip number or tattoo
 - III.** Description, breed, age and gender
 - IV.** Name, address and telephone number of owner or keeper
 - V.** Name, address and telephone number of a contact person whilst animals are boarded.
 - VI.** Name and address and telephone number of animals veterinary surgeon.
 - VII.** Anticipated and actual date of departure
 - VIII.** Health, welfare and nutrition requirements
 - IX.** Details of any veterinary treatments undertaken whilst under the establishments responsibility
- b. 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 manufacturer's instructions. A record that this proof has been supplied must be kept on-site throughout the period that the dog is boarded.
- c. If there is evidence of external parasites (fleas, ticks, lice) the dog must be treated with an appropriate and licensed insecticide. Treatment must be discussed with a veterinary surgeon before administering. Consent from the owner will be required.
- d. 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 manufacturer's instructions. A record that this proof has been supplied must be kept on site throughout the period that the cat is boarded.
- e. A suitable range of muzzles of varying sizes and a suitable dog catching device must be kept on site.
- f. Establishments must comply with parts I, II, III, V and this part.
- g. Guidance documents/standard operating procedures are attached to the appendices.

2. Additional Conditions for Home Boarding and Day Care (Dogs Only)

- a. A home boarder must be able to demonstrate that each animal can be separated inside the property. For example: 1 dog for the lounge/kitchen/dining room. Bedrooms and rooms less than 4 sq m are not suitable for separating animals. Authorised Officers will determine the number of animals permitted on a case by case basis depending on the separation arrangements and room sizes. The Council would allow 3 dogs for the above example if each room is 4 sq m.

- b. A day care provider must be able to demonstrate that each animal can be separated inside the establishment. Each dog must be provided with a suitable area not less than 4 sq m. At least 3 separate rooms must be available inside the establishment. Authorised Officers will determine the number of animals permitted on a case by case basis depending on the separation arrangements and room sizes provided within the establishment.
- c. Animals from the same household may share one room depending on the size of the room. Each dog must have an available floor area of 4 sq m. i.e. a lounge of 12 sq m is suitable for 3 dogs sharing from the same household.
- d. Written confirmation must be granted by animal owners that they are happy for their animals to be mixed with other animals.
- e. A home boarding and day care establishment must have a suitable garden.
- f. A home boarder and day care must be able to demonstrate that animals can be separated in external exercise areas. Suitable fencing must be provided to divide gardens into sections to separate animals if required.
- g. The licence holder or a responsible person must have sufficient training and knowledge on dog behaviour to make a judgement on whether the animal is suitable for home boarding and or day care.
- h. Home boarders and day care sites don't have to provide kennels, but if they are available on the premises they must comply with part III.

3. Dog Breeding

- a. A register must be kept of all animals kept for the purposes of Dog Breeding in accordance with the Breeding of Dogs Act 1973 as Amended. The information kept must include the following: Details of all bitches in the establishment, their ages, dates of heat-periods, mating and whelping. All bitches between the ages of 9 months and 8 years (inclusive) shall be counted as breeding bitches for the purposes of the Act. Records for any veterinary treatments must be available on the premises for each animal.
- b. Bitches must not be mated if they are less than one year old.
- c. Bitches must not give birth to more than six litters of puppies each.
- d. Bitches must not give birth to puppies before the end of the period of twelve months beginning with the day on which they last gave birth to puppies.
- e. Where 'hutch type' cages are used within a house, there must be of sufficient size for the dog to stand up and turn round comfortably. Suitable exercise facilities for in house breeding must be available.
- f. There must be a separate whelping pen or room for each whelping bitch in which to whelp. There must be direct access to the whelping area for kennel personnel without disturbing the general kennel population. A bitch separated in a whelping pen must receive increased social contact with humans.
- g. Puppies and dogs must receive appropriate vaccination where required, if advised by a veterinary surgeon or veterinary practitioner. Veterinary advice should be sought whenever necessary.
- h. Establishments must comply with parts I, II, III, & IV and this part.

**PART VII
SPECIFIC PET SHOP CONDITIONS**

1. New applications for Pet Shops selling Puppies will be refused.

2. A livestock purchase register must be maintained for all livestock detailing their source and identification where appropriate. Some species are listed on CITES [Convention on International Trade in Endangered Species] and species listed on Annex A of EU Wildlife Trade Regulations [Council Regulation (EC) No. 338/97] must have a valid Article 10 Certificate and may require micro chipping or closed ring. Species listed on Annex B do not require Certificates.
3. Wild-caught specimens listed on Annex IV of the EU Habitats Directive [Council Directive 92/43 EEC] collected within the EU require appropriate certification. Captive-bred specimens are exempted from such requirements.
4. A sales register must be available for: Puppies, Kittens, Psittacines, and species contained in the schedule to the Dangerous Wild Animals Act 1976 (as amended).

NB: This can be by cross reference to an invoice file. The purpose of the register is to ascertain the source of livestock and for emergency contact of purchaser. The name, address and telephone number of the purchaser should be obtained.

5. The Council must be notified in the event that a pet shop wishes to offer for sale or hold on the premises any animal on the schedule to the Dangerous Wild Animals Act 1976 (as amended).
6. Species contained in the schedule to the Dangerous Wild Animals Act 1976 (as amended) can only be stored and/or sold on premises with prior consent from the Council. Additional conditions relating to public safety maybe attached to the Licence by Authorised Officers of the Council.
7. When Dangerous Wild Animals as defined by the Dangerous Wild Animals Act 1976 (as amended) are kept on the premises, the cages must be of a secure and locked construction appropriate to the species.
8. No animals other than those specified in the licence may be stocked without the prior written approval from the Council.
9. If animals are displayed outdoors, they must have protection appropriate to their species.
10. Animals must be kept in housing to minimise stress from other animals or the public. Signage should be in place to deter public interference with animals and appropriate action taken if such interference takes place.
11. All livestock for sale must be readily accessible and easy to inspect by staff.
12. Where accommodation is on a tiered system, water food, or other droppings must not be allowed to enter the lower housing.
13. All accessories provided for environmental enrichment in the accommodation must be appropriate for the species.
14. Suitable and sufficient exercise facilities must be available where appropriate.

- 15.**All animals must be allowed a suitable acclimatisation period before sale. In the case of **puppies or kittens** travelling in excess of 65 KM/40 miles a 3 day acclimatisation period will be required. In the case of puppies/kittens imported from outside the United Kingdom they must be quarantined for a minimum of 7 days.
- 16.**Where quarantine **of puppies/kittens** is required they must be kept in a separate room or building to existing stock. During quarantine and at the end of the quarantine period, animals must be checked for signs of sickness and disease. Any puppy or kitten showing signs of disease must not be offered for sale and veterinary advice must be promptly sought.
- 17.**All individual litters of puppies and kittens must be kept separate from other litters.
- 18.**All stock for sale must be in good health and free from obvious parasitic infestation.
- 19.**Any sick or injured animal must receive appropriate care and treatment without delay. These must only be treated by appropriately competent staff.
- NB: 'care and treatment' may include euthanasia but under no circumstances may an animal be euthanised other than in a humane and effective manner. In case of doubt, veterinary advice must be sought.*
- 20.**Provision must be made for the isolation of sick / injured / infectious animals and those that might reasonably expected to be carrying serious infectious diseases.
- 21.**All animals must receive appropriate vaccination where required for the species, if advised by a veterinary surgeon or veterinary practitioner. Veterinary advice should be sought whenever necessary.
- 22.**Any animals with an abnormality which materially affect its quality of life must not be offered for sale. When in doubt, veterinary advice should be sought.
- 23.**All livestock must be attended to at regular intervals, except where defined in a schedule, at least once daily appropriate to the species.
- 24.**Any livestock received or consigned shall be transported according to the regulations laid down in current legislation.
- 25.**Livestock must be transported or handed to purchasers in suitable containers.
- 26.**No mammal shall be sold un-weaned or, if weaned, at an age which it should not have been weaned.
- 27.**In the case of non-mammals, they must be capable of feeding themselves.
- 28.**Pet Care leaflets or other similar written instruction must be made available to customers free of charge at the time of purchase, in addition to any offer to purchase care books or leaflets.
- 29.**Appropriate reference materials for each species must always be available for use by staff.

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

31.At least one member of staff working at the premises must hold appropriate training or qualifications, or be able to demonstrate suitable experience; or must be in the course of training, and obtaining the qualification within two years of the licence being granted.

N.B: A City and Guilds Pet Store Management Certificate is recognised as an appropriate training qualification.

32.The licensee must be able to demonstrate that appropriate training is carried out.

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

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

35.The schedules for each species welfare arrangements must be followed.

- a. Schedule A Kittens / Cats
- b. Schedule B Rabbits & Guinea Pigs
- c. Schedule C Small Mammals
- d. Schedule D Ferrets
- e. Schedule E Birds
- f. Schedule F Reptiles and Amphibians
- g. Schedule G Fish

36.Establishments must comply with part I, II and IV and this part.

SCHEDULE A – KITTENS / CATS

- a. Kittens must be weaned before leaving the mother.
- b. The minimum pen size for a batch of up to 4 kittens, up to 12 weeks of age, must be 1sq. m. Any shelving or platforms must be in addition to the minimum floor area.
- c. Ambient temperature must be a minimum of 15⁰C and a maximum of 26⁰C.
- d. Disposable or washable bedding must be provided and kept clean.
- e. A litter tray and appropriate litter must be available at all times and cleaned and disinfected at least once daily with an appropriate disinfectant which is safe for use with cats. The disinfectant should be anti-viral and used in accordance with the manufacturers instructions as some disinfectants are toxic to cats.
- f. Kittens must be fed at least four times daily.
- g. Litters must not be mixed and if several litters are kept in one area then the pen must have solid sides.
- h. Kittens must have frequent, quality contact time with staff.
- i. There must be environmental enrichment in all cages such as indestructible toys, climbing frames and platforms. Toys should be easily cleaned and replaced between litters.
- j. The new owner must be advised to register the kitten with a vet. (veterinary surgeon or veterinary practitioner)

SCHEDULE B – RABBITS & GUINEA PIGS

- a. Rabbits and guinea pigs must not be housed together.
- b. Rabbits and guinea pigs must be fully weaned on admission. Rabbits must be at least 8 weeks old and guinea pigs at least 6 weeks old. Rabbits must be retained for 3 days prior to sale.
- c. Rabbits and guinea pigs must be correctly sexed and housed in same sex groups.
- d. The minimum enclosure size must be: 0.4 sq. m for up to 4 standard juvenile rabbits or guinea pigs and a height of 0.4 m. 0.5 sq. m for up to 2 giant breed juvenile rabbits and a height of 0.5 m. A hiding place must be provided.
- e. Ambient temperature must be a minimum of 12⁰C and a maximum of 26⁰C.
- f. Lighting (e.g. excessive direct sunlight) must not affect guinea pig welfare.
- g. Rabbits and guinea pigs must be housed in a suitable substrate and in sufficient amounts.
- h. Visibly soiled bedding and litter must be removed daily and between occupants, the whole pen should be thoroughly cleaned and disinfected.
- i. If batches are mixed you must ensure all animals are free from obvious parasitic infection.
- j. Rabbits must have a constant supply of fresh hay and water, and be offered an appropriate amount of dry food for the breed and age.
- k. Guinea pigs and Degus must have free ad lib access to hay.
- l. Guinea pigs must have sufficient vitamin C in their diet.
- m. Rabbits must be housed with litter notes

- n. Rabbits, guinea pigs and Degus must be checked at start, middle and end of a business day and at beginning and end of non-business day.
- o. There must be environmental enrichment in all enclosures.
- p. Measures must be in place to maintain a consistent diet.

SCHEDULE C – OTHER SMALL MAMMALS

- a. All small mammals must be sexed and housed in single sex groups (unless for sale as a breeding pair), unless a solitary species.
- b. Animals must at all times be kept in suitably sized accommodation.
- c. Animals must be provided with a suitable substrate in sufficient amounts.
- d. Animals must be provided with a suitable bedding material in sufficient amounts.
- e. Animals must be provided with places to hide. Accessories and enrichment should be provided, suitable to the species.
- f. Suitable food and drink receptacles must be provided and positioned to avoid faecal contamination.
- g. All rodents must be fed a suitable diet, ad lib and have free access to hay where required.
- h. All rodents must be fully weaned on admission.

SCHEDULE C

MINIMUM ACCOMMODATION REQUIREMENTS - SMALL RODENTS

Floor Area sq. m

No. of Animals	1-4	5	6	7	8	9	10	Minimum Cage Height (m)	Minimum Cage Depth (m)
Mice, Hamsters, Gerbils	0.068	0.079	0.09	0.100	0.113	0.124	0.135	0.30	0.25
Rats	0.135	0.157	0.18	0.202	0.225	0.247	0.27	0.30	0.28
Degus	0.225	0.263	0.3	0.338	0.375	0.413	0.45	0.30	0.30
Chinchillas	0.25	0.375	0.5	0.625	0.75	0.875	1.0	0.45	0.45
Chipmunk	0.25	0.375	0.5	0.625	0.75	0.875	1.0	0.9	0.45

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SCHEDULE D – FERRETS

- a. Ferrets must be at least eight weeks old and fully weaned on admission.
- b. Ferrets must be housed with litter mates for companionship.
- c. Ferrets must be correctly sexed and housed in groups or pairs of either sex. Adult hobs (males) require individual accommodation. Every adult ferret must be assessed to determine their housing requirements which depend on age, temperament, sex and time of year.
- d. Batches of ferrets must not be mixed.
- e. Ferrets must be checked at the start, middle and end of a business day, during a non business day the ferrets must be checked at the beginning and end of the day.
- f. The minimum enclosure size for a litter of up to 4 ferrets, up to 12 weeks age, must be 1 sq. m, with a minimum height of 0.6 m. No dimension must be less than 0.6m. Any shelving or platform must be in addition to the minimum floor area. Each additional ferret must have 0.25 sq m additional floor space.
- g. Enclosures must be placed on a hard surface and anchored to the ground. Ferrets require space for their toilet area removed from their sleeping or eating areas.
- h. Sleeping quarters must be draft free and dark. They must ideally be raised with access via a slip-proof ramp or climbing tube.
- i. Ferrets must have suitable bedding such as commercial fabric items which can be removed and laundered.
- j. Pens must be situated out of direct sunlight or other heat source. Ambient temperature must be a minimum of 12°C and maximum 26°C.
- k. Ferret biscuit and fresh, clean water must be available at all times. Refresh water daily. Clean water must be supplied in both a heavy based bowl and also a secondary water bottle attached to the side of the enclosure.
- l. Adult jills (females) in season must be taken out of season. This is usually by a hormone injection administered by a veterinary surgeon or veterinary practitioner.

SCHEDULE E – REPTILES AND AMPHIBIANS

- a. Stocking and density must be appropriate to the species.

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

Snakes: may be housed individually or in small groups, if appropriate e.g. compatible species corn snakes (*Pantherophis*). Snakes known to be cannibalistic, e.g. king snakes (*Lampropeltis* sp), should be housed individually.

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

Tortoises & Terrapins: only terrapins of similar size and habit should be kept communally. Tortoises of different species should not be kept in the same enclosure and adult males in breeding condition should not be housed together, and may require separate housing.

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

Newts & Salamanders: only species of similar size and from similar habitats should be kept communally.

Generally mixed taxa [e.g. lizards and tortoises] are not recommended, although paludaria which combine fish with small reptiles and/or amphibians of appropriate species are acceptable.

- b. The enclosure size must be appropriate to the species.

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

Lizards: the length of the enclosure should be three times the snout-to-vent length [nose to hind legs] of the lizard, or larger.

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

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

Newts & Salamanders: the length of the enclosure should be at least 30cm x 30 cm x 30cm or at least three times the snout-to-vent [nose to hind legs] of the amphibian, or larger. Aquatic species should be able to swim adequately, i.e. water depth should be at least 4 times the depth of the animal.

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

Common sense must be applied when considering this aspect.

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

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

Snakes: Ambient day time 24-30°C, basking 33-38 °C. Night time ambient 21-27°C, no basking. Humidity <60% desert species, >60% others.

Lizards: Desert species ambient day time 27-30°C, basking 35-43°C. Night time ambient 21-27°C, no basking. Humidity <60%.

Lizards: Rainforest species ambient day 23-27°C, basking 35°C. Night time ambient 21-24°C, no basking. Humidity >60%.

Chameleons [and cloud forest species]: Ambient day 18-24°C, basking 28-35°C. Night time ambient 16-19°C, no basking. Humidity >60%.

Tortoises: Ambient day time 27-30°C, basking 35-43 °C. Night time ambient 24-27°C, no basking. Mediterranean species should have access to a humid hide and tropical species will require higher humidity.

Terrapins: Water temperature should be appropriate to the species, i.e. temperate species minimum water temperature of 16-19°C, tropical species 27-29°C with basking area 29-38°C.

Frogs & Toads: Ambient day 18-27°C, night ambient 16-21°C, no basking (with some exceptions). Humidity >80%.

Salamanders & Newts: Ambient day 18-27°C, night ambient 16-21°C, no basking (with some exceptions). Humidity >80%.

These are guidelines only and individual species should be researched as requirements for some species will fall outside of these recommendations. Vendors and staff must have access to relevant reference material (books, internet etc.).

Basking spots may be provided by convection or radiant heat sources (e.g. light bulb, or heat mat), as appropriate to the species.

Ventilation should be appropriate to the species and should allow sufficient change of air without jeopardising the temperature or humidity in the enclosure.

d. Lighting must be appropriate to the species.

NB: An appropriate photo period should be observed.

Species requiring UVB lighting, e.g. diurnal lizards & tortoises, should have appropriate UVB emitting lamps. These should be replaced according to manufacturer's recommendations.

Mercury Vapour or Metal Halide UVB emitting lamps may also be used to provide a daytime heat source.

UV light sources must not be screened by non UV transmitting glass or plastic.

Animals should have areas of shade so that they can escape from the light if desired.

- e. Substrate appropriate to the species must be present.

NB: Substrate should be appropriate to the species concerned and may include, but not be limited to: newspaper, paper towel, bark chip, wood chip, terrarium humus, moss, gravel, calcium carbonate, terrarium sand etc.

- f. Enrichment must be provided appropriate to the species.

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

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

NB: Feeding habits vary between species and between individuals. Staff should have knowledge of the requirements for all the species held. Food should be presented in a form or pattern that is acceptable to the species concerned.

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

- h. Hygiene, enclosures must be cleaned appropriately.

- i. Handling must be kept to a minimum at all times.

SCHEDULE F – FISH

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

Cold Water Species

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

Tropical Freshwater Species

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

Tropical Marine Species

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

NB: It is virtually impossible to determine the quantity of aquatic organisms to be kept in a system purely on a weight or number of aquatic organisms per unit, volume, or water surface area.

The variation in holding system used, the quality of husbandry and the types of aquatic organisms stocked vary so greatly that it would render any such system too complicated to be practical or too simple to be useful.

The maintenance of water quality standards can be used to determine working stocking densities.

The water quality standards should not be met at the expense of a correct feeding regime.

Exceptions to these standards might occur e.g. when aquatic organisms are diseased, after transport or other stress. However, in these cases appropriate remedial actions e.g. treatment, acclimatisation or isolation should be undertaken.

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

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

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

NB:No fish or other organism should be subject to rapid fluctuation in light (lights should be on dimmers if automated), temperature and chemical composition of their water, other than for the controlled treatment of disease or as part of a controlled breeding programme.

There are in excess of 4,000 fish species in trade and thus the acceptable conditions may vary substantially and often counter intuitively. In case of doubt expert advice should always be sought.

SCHEDULE E – BIRDS

- a. There must be adequate perching space for all birds all at the same time. Outdoor aviaries must include sufficient sheltered and non-sheltered space. Cage size must be adequate to allow birds to open their wings fully in all directions.
- b. Perches must be positioned so that birds do not defecate on each other and must be of appropriate size and shape for each species.
- c. Ambient temperature must be appropriate for the species, Extremes of temperatures must be avoided.
- d. There must be adequate drinkers/feeders commensurate with the number of birds and these must be cleaned regularly. Bowls etc. must be positioned so that birds do not defecate in food/water.
- e. Cages must be constructed from materials suitable to the type and size of birds. Materials must be safe to birds and in good repair.
- f. Windproof nest boxes must be provided in all outside housing and inside where appropriate.
- g. Flooring must be drop-through or easily washed/hosed.
- h. Post mortem examination of dead birds must be carried out.

NB:If there are upper respiratory signs or green dropping in psittacids then psittacosis testing is recommended.

STOCKING DENSITIES FOR BIRDS IN CAGES

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

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

STOCKING DENSITIES FOR BIRDS IN AVIARIES AND FLIGHTS

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

APPENDIX A – OTHER RELEVANT LEGISLATION / ORDERS

The Animal Welfare Act 2006

Pet Animals Act 1951 (as amended in 1983)

Dangerous Dogs Act 1991 (as amended in 1997)

Dangerous Wild Animals Act 1976 (as amended)

EU Regulation on the protection of animals during transport Regulation (EC) 1/2005

Welfare of Animals (Transport) (England) Order 2006

Animal Welfare Act 2006, Docking of Working Dogs' Tails (England) Regulations 2007

Mutilations (Permitted Procedures) (England) Regulations 2007

Breeding and Sale of Dogs (Welfare) Act 1999

Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974

Trade in Animals and Related Products Regulations 2011

Health and Safety at Work etc. Act 1974

Environmental Protection Act 1990

The Microchipping of Dogs (England) Regulations 2014

GUIDANCE DOCUMENTS

CIEH – Model Conditions for Pet Vending Licensing (Sept 2013)

CIEH – Model Conditions and Guidance for Cats Boarding (June 2016)

CIEH – Model Conditions and Guidance for Dog Boarding (May 2016)

CIEH – Model Conditions and Guidance for Dog Breeding (Jan 2014)

The above documents have been referred to with regard to the drafting of this new animal welfare conditions.

APPENDIX B – The Breeding of Dogs (Licensing Records) Regulations 1999

Name	Date of birth	Address where kept	Breed	Description*	Date of mating	Details of sire**	Details of litter								Total number in litter								
							Male				Female												
							Date of birth	Weight	Description*	Sale details***	Date of birth	Weight	Description*	Sale details***									

* Enter name (in the case of puppies), colour, identifying features (if any) and registration number (if any).

** Enter name, address where kept, breed, colour and registration number (if any).

*** Enter date of sale, and name, address and status (for example, private/pet shop) of purchaser.

APPENDIX C – GUIDANCE NOTE - CLEANING

In a domestic environment the hygiene measures that are normally used in a household will also protect the welfare and health of the dogs. Faeces should be removed from the exercise areas on a daily basis to reduce the likelihood of infection and to prevent any roundworm larvae from maturing. When adult dogs are kennelled there is likely to be a greater level of contamination and therefore cleaning should be more structured.

Daily: remove all soiled material and wash contamination away using detergent if necessary. Dry after cleaning. Remove soiled bedding and replace with clean. Hose down and dry exercise areas where impervious material is used. Dispose of faeces according to waste regulations.

Weekly: remove all furniture from kennels, hose down using disinfectant and allow to dry before returning furniture. Replace all bedding. Litters of puppies require a more intensive cleaning regime.

Daily: remove all soiled bedding as required to ensure the area is kept clean and dry, and dispose of appropriately. Wash soiled areas using detergent and dry while the litter is being exercised. Recently whelped bitches require even more work.

Daily: remove all soiled bedding as required to ensure the area is kept clean and dry, and dispose of appropriately. Wash soiled areas using disinfectant twice daily and replace bedding while the bitch is being exercised.

Bleach – Sodium Hypochlorite

Bleach is commonly thought of a disinfectant and does have some disinfectant properties. However, it is not as effective at killing bacteria, viruses and fungi as more commonly used commercial disinfectants and it may cause toxic effects to animals and staff as well as degrading the structure of the building.

Bleach acts as a oxidiser and is, therefore, corrosive to both materials and animals. High concentrations can cause ulceration of the skin and mucous membranes (inside the mouth and conjunctiva). If mixed with some other disinfectants it can release toxic gases that are harmful to both humans and animals causing severe respiratory distress. Generally, bleach is not a suitable disinfectant for use in animal premises.

The following link includes DEFRA's approved disinfectant list for statutory use on disease control:

<http://disinfectants.defra.gov.uk/Default.aspx?Module=Approvalslist> **SI**

APPENDIX D – GUIDANCE NOTE - SOCIALISATION OF PUPPIES TO PEOPLE

Principles

Puppies need to meet a range of different people during their 'socialisation period' (between about 3 and 12 weeks of age) to ensure that they accept contact with people as a normal and positive part of life. During this period, puppies learn what is 'normal' in their environment and what to expect in different circumstances. It is, therefore, important for all puppies to learn that contact with all sorts of different people is a normal part of life. They also need to learn about the various types of interaction that people have with dogs. For example, they need to accept being handled all over, picked up, their feet being handled and cleaned, ears examined, coat groomed, and nails cut. They also need to learn about the various things that people do, for example, coming in and out of the house/kennel area. They also need to learn that sometimes people interact and play, but at other times they may be present but not interacting with the puppies. The aim of a structured socialisation programme is to give puppies the best chance of coping well with the various types of people, circumstances in which they appear, and ways in which they interact with dogs, before they are homed to a domestic environment. In order to ensure that they develop a positive perception of people, it is important for the introduction of new experiences to be gradual and controlled. It is also important that puppies are not already anxious or fearful when they interact with people, as this will increase the risk that they will associate contact with a negative experience.

Preparation

- Plan in advance how you will ensure that puppies experience different types of people. All puppies should have contact with a minimum of four people. This should include at least one person of each gender. It should also include at least one person who is above retirement age. Puppies should also experience controlled contact with children. Ideally this should include at least one older child (> 8 years), and also a baby or toddler. For safety, children should only have contact with puppies under the supervision of their parents or responsible adult. Where access to young children is not feasible, puppies should be exposed to the noises of babies and young children using good quality recordings.
- Prepare in advance any items which will help broaden puppies' experience of people. For example, having a brightly coloured and rustling jacket (as worn by postmen or delivery people), a motorcycle helmet, a cap, a back-pack, a pushchair, a zimmer frame and an umbrella available will mean that people engaged in socialising the puppies can introduce puppies to items that they will commonly see associated with people as adults.
- Ensure that puppies are in an environment in which they are familiar before socialisation starts
- Make sure that you have toys and food treats available before starting the socialisation sessions
- Socialisers should be familiar with behavioural signs of anxiety in puppies to ensure appropriate intensity of interaction for individual puppies

Socialisation to different types of people

- Puppies should be familiar and confident with their main carer before the introduction of further people. This person should spend time playing and interacting with puppies until all of the puppies in the litter approach the carer voluntarily on entering the kennel/room. Where individual puppies show signs of fear or anxiety, such as cowering at the back of the pen, moving away, trembling, or pulling back on contact, they should be given additional attention. This should involve the carer being quiet and calm, crouching or sitting a short distance away from the puppy and encouraging the puppy to approach. Approach should be rewarded with food treats. Interaction with nervous puppies should develop with gentle stroking on the chest area: avoid putting the hand directly towards the puppy's head as this may be perceived as threatening. With increased confidence, the puppy can be gradually stroked on the shoulder, back, flanks and head.
- Once all puppies in a litter confidently approach and interact with their main carer, a programme of introduction to other people can be started. Puppies' response to the introduction of one other person should be evaluated first. Signs of fear or anxiety in individual puppies should be addressed as by the main carer. Once puppies confidently interact with the second person, further new people can be introduced. These should include adults of both gender.
- When puppies are confidently interacting with a number of adults in a familiar environment, they can be introduced to people in different circumstances. For example they should experience people coming and going through a threshold (e.g. door in a household), and meeting people when they are in an outside garden or run.
- The socialisation programme can then be expanded to include contact with children where possible. Older children can interact with puppies, but should be instructed how to appropriately handle and play with puppies before the interaction begins. Contact with children should be supervised at all times to prevent the occurrence of negative experiences for either puppies or children. Where younger children or babies are introduced to puppies, they should be held by their parents. Should direct contact with children be impossible, puppies should experience the range of noises made by babies and children through use of a good quality sound recording (see SOP for introducing noises to puppies).
- Puppies should be given additional experience about the variation in the ways people might appear to them through the use of 'props'. For example people can interact with the puppies wearing a fluorescent jacket, motorcycle helmet or backpack. They can also walk past the puppies using a 'zimmer frame' or pushing a push chair or trolley. These experiences will help puppies to learn that all these variations of how people appear are a normal part of life.

Ensuring puppies are familiar with different types of interaction

- In the domestic environment, dogs need to accept that people come and go regularly from the house, and that this is not a cause for either anxiety or excitement. They also need to learn that periods of contact with family members sometimes involves interaction, but sometimes also periods when people are busy doing other things. In addition, puppies need to accept all the things that people regularly do with their dogs, such as examining their ears, smoothing them all over, reaching over them, stepping over them, drying their feet and grooming them.

- To ensure that puppies accept as normal people coming and going into a household, ensure that they experience this during the socialisation period. Puppies need to accept that it is normal for people to come and go out of their environment, and that this is neither scary, nor necessarily predictive of positive interaction. This can be achieved by asking friends or neighbours to come in and out of the area in which puppies are housed. They can be asked to sometimes ignore puppies during short visits, and sometimes interact with puppies, but only doing so once they are calm and quiet.
- To ensure that puppies have appropriate expectations of human contact they need to spend time with people when they experience play and interaction, but also periods where people are present but not interacting with puppies. This will better simulate their life with people after re-homing than always expecting people to engage in interaction with them. The latter expectation commonly develops where puppies are housed away from normal family activity and people only go in to see the puppies to play or interact with them. To make sure that puppies which are housed in kennels or quiet areas of the house develop appropriate expectations of interaction, ensure that family members spend time with the puppies when interaction does not occur, for example by sitting quietly and reading a book or watching TV.
- Every puppy should be handled all over by at least four people. They should also be picked up and cuddled, have their feet and ears examined, and be turned over. Throughout all of these interactions puppies should be observed carefully for signs of fear or anxiety. Should such behaviours occur, interactions should stop, and be subsequently re-introduced in a manner that the puppy finds less threatening.

APPENDIX E – GUIDANCE NOTE - HABITUATION OF PUPPIES TO HOUSEHOLD AND POTENTIALLY AVERSIVE NOISE

Principles

The aim of giving puppies experience of noises before they are homed is to ensure that they perceive such noises are 'normal' and 'unimportant' to protect against the development of fear responses later in life. In order to achieve this, every puppy needs to be exposed to noises at such a volume that they never show signs of anxiety or fear. In this way, sounds become a normal part of each puppy's experience. Before starting this program, you should make sure that you are familiar with behavioural signs of anxiety and fear in dogs.

It is important that puppies are not already anxious or fearful when they first hear noises, as this will increase the risk that they will associate the noises with a negative experience. It is, therefore, important to ensure that puppies are relaxed, or engaged in positive behaviours such as play, before exposure to noises. Noises need to be first presented at a low volume to ensure that none of the puppies show signs of anxiety. It is better to start at a very low volume, where noises are barely audible to the human ear, to ensure that no puppies respond negatively. The puppies need to be observed to ensure that no signs of anxiety or fear occur. They should continue playing or interacting as if nothing different has happened. Where no signs of anxiety or fear are identified, the volume of the sound can be slightly increased in the subsequent session. This process is repeated, with the volume of noises increased gradually over sessions, ensuring that the puppies do not react in a negative manner. Should any puppy show signs of anxiety during a session, the sound should be stopped immediately. Once the puppy is relaxed again, the sound should be repeated but at a lower volume, such that the puppy no longer reacts. Subsequent increases in volume should be made in smaller increments.

Preparation

- Plan in advance how you will ensure that puppies experience a range of household noises, such as washing machines, vacuum cleaners, doorbells, telephones, radio or TV, and food mixers. In a Domestic environment, this may be through direct exposure as events occur in the household; in kennels good quality recordings of these noises may be required. These are available commercially (e.g. 'Sounds Sociable' is a CD with a range of noises for puppy habituation).
- Consider how you will ensure that puppies will be exposed to sounds which do not occur in the household, such as fireworks, gunshots, traffic and thunder. These sounds are usually best introduced in a controlled manner using good quality recordings. Direct exposure of puppies to loud noises such as fireworks risks causing a fear response in some individuals
- Ensure that puppies are in an environment in which they are familiar before habituation starts.
- Make sure that you have toys and food treats available before starting the habituation
- Ensure familiarity with behavioural signs of anxiety in puppies to ensure appropriate levels of noise exposure at each stage

Habituation to household noises

- In a domestic environment, habituation to most household noises may occur through everyday exposure. For this to occur, puppies need to spend some time in areas of the house where normal household appliances and routines occur. Where puppies are housed in a quiet area of the house, moving them to busy parts of the house for periods of time is beneficial. Exposure to louder, potentially aversive sounds, such as vacuum cleaners should be gradual. For example, initially a switched off vacuum cleaner can be left in an area occupied by puppies. Subsequently, the appliance can be moved around, whilst switched off. The next stage may be to have the appliance turned on but immobile and in an adjacent room, then in the same room, and finally both turned on and moving. During all stages of habituation, puppies should be observed carefully for signs of anxiety and fear. Where these occur, the appliance should be turned off, and subsequent sessions start again at a lower level of exposure.
- Where puppies are housed entirely in quiet areas of a house or in kennels, exposure to household noises is through playing recordings of noises. Noises should be played at times when puppies are engaged in positive activities, such as play. Recordings should be initially played at a low volume, such that they are just audible to people, and the volume increased over subsequent sessions provided that puppies do not show signs of fear. Recordings should include those noises to which dogs will commonly encounter in the domestic environment, such as telephones, doorbells, vacuum cleaners and washing machines.

Habituation to non-household noises

- Prepare or acquire good quality recordings of relevant noises in advance. The noises which commonly cause fear and anxiety in dogs are: fireworks, traffic, trains, aeroplanes, gunshots, hot air balloons and thunder. Recordings should enable the presentation of these sounds as separate elements (e.g. the 'whizz' and 'bang' of fireworks presented separately as well as together), and include the variations in types of noise which dogs are likely to encounter later in life (e.g. shotgun and rifle sounds).
- Ensure that puppies are in a familiar environment, associated with positive experiences (e.g. an area where the puppies are brought out to play). Have toys ready, and ensure there are enough people present to engage the puppies in play.
- Set up the recording in advance, so you are sure that it will play at a very low volume initially. Also start by presenting the separate elements of complex sounds if possible.
- Engage the puppies in play before starting the recording.
- Observe the puppies, and make sure none show signs of fear or anxiety. If this occurs, then stop the sound immediately. Continue to play with puppies until all are relaxed and engaged positively in play. Subsequent exposure to the sound should be at a lower volume, such that signs of anxiety or fear are not induced.
- Where puppies remain engaged in play during the recording, the volume can be slightly increased during the next session, provided puppies do not show signs of fear or anxiety.
- The protocol should be repeated dependent on the puppy's reaction, with the volume of recordings increased on each occasion

Homing puppies

When puppies are homed, ensure that their new owners are informed of the level of habituation achieved with them. Encourage new owners to continue with the programme of habituation once the puppy is settled in its new home, emphasising the importance of the programme in preventing a serious behaviour problem in their new pet. Advise the new owner how to continue with the programme, emphasising the importance of gradual exposure.

APPENDIX F – GUIDANCE NOTE – FEEDING

Adults: adult dogs (over 6-8 months old depending on breed) should be fed twice daily to provide environmental enrichment as well as nutrition. The food should be appropriate for the dog's lifestyle and age, and consistent. Any significant changes should be made over a period of several days. Adults should also be given food in a variety of food toys that are changed on a daily basis. Care should be taken that competition for food is not going to result in aggression between dogs.

Pregnant and lactating bitches: The nutritional requirements for pregnant and lactating bitches are significantly greater than for other adult dogs. The food should be appropriately high quality and bitches should be fed more frequently according to the schedule below:

- Pregnant 0 – 4 weeks: xx times daily ***
- Pregnant 4 – 6 weeks: xx times daily ***
- Pregnant > 6 weeks: xx times daily ***
- Lactating 0 – 2 weeks: xx times daily ***
- Lactating 2 – 4 weeks: xx times daily ***
- Lactating 4 – 7 weeks: xx times daily ***

Puppies also require more frequent feeding with food appropriate for growth according to the table below:

Age	Food	Frequency
3-4 weeks	*	* times daily
4-6 weeks	*	* times daily
6-8 weeks	*	* times daily

* Insert details as appropriate

After the age of four weeks puppies should be fed in individual bowls and supervised to ensure that each puppy eats its fair share of food. When necessary, individual puppies may need to be removed during feeding if they are not eating all their own food.

Hygiene: All food and water bowls should be thoroughly washed at least once daily. Utensils used for distributing food should be washed between feeding sessions. All food should be kept in vermin proof containers. Food should be measured to ensure that every dog receives an appropriate amount of food.

In a domestic environment different utensils should be used to deal with dogs' food and feeding utensils should be washed separately from those used by the people.

In a kennel environment there should be a separate kitchen to prepare dogs' food and this should be cleaned with appropriate cleaning fluids after each feeding session.

APPENDIX G – GUIDANCE NOTE - BREEDING ESTABLISHMENT VETERINARY HEALTH PLAN

The veterinary health plan for a breeding establishment is a statement of requirements of routine veterinary treatment. It may not be necessary for all breeding establishments to cover all the issues suggested. A list of those issues that should be included for consideration, usually in consultation with the breeder's veterinary surgeon, in establishing a health plan is below:

- Primary vaccination regime;**
- Booster vaccination regime;**
- External parasite treatment regime (breeding stock and puppies);**
- Internal parasite treatment regime (breeding stock and puppies);**
- Microchip implantation and registration regime;**
- Socialisation and habituation programme for puppies**
- Pet insurance cover for puppies**
- Routine health check arrangements;**
- Review of cleaning regime;**
- Review of quarantine/isolation arrangements**

The health plan should be produced in consultation with the establishment's veterinary practice and must be signed and stamped by the attending veterinary surgeon.

Medicines

All medicines should have a current Marketing Authorisation for sale in the UK, within its expiry date, and used as per instruction. They should be stored in a suitable secure cabinet. They should be protected from light and extremes of temperature.

Prescription Only Medicine – Veterinary (POM-V) medicines should only be used for the specific animals to which they are prescribed. The specific veterinary instruction should be followed.

Non Food Animal Medicine – Veterinary, Pharmacist and Suitably Qualified Person (NFA-VPS) and Authorised Veterinary medicine – General Sale List (AVM-GSL) medicines should be used in accordance with the manufacturer's guidelines.

Contagious/infectious diseases on the premises

All dogs subject to this licence should be vaccinated against Canine Distemper, Infectious Canine Hepatitis (Canine Adenovirus), Leptospirosis and Canine Parvovirus unless vaccination is contraindicated on the direction of the Veterinary Surgeon and recorded on individual dogs' records. It may be necessary to vaccinate against other diseases and veterinary advice should be sought.

Vaccination records should be kept for each dog and be up to date according to the vaccine manufacturer's datasheet unless certified by the veterinary surgeon.

Adequate precautions should be taken to prevent and control the spread of infectious and contagious diseases and parasites among dogs and zoonoses among dogs and visitors. Records should be kept of all vaccination and worming regimes (See also Record Keeping – Section 6).

Infectious canine bronchitis ('Kennel Cough') can be problematic in kennels, and staff should be aware of the clinical signs. However, because vaccination will depend on the local level of infection, it is recommended that the advice of a veterinary surgeon is sought.

Parasitic control should be in the health plan and the log book and should also show treatments and prevention routines for external parasites including fleas, mites, lice and ticks. Appropriate treatment must be carried out if they are found on any of the dogs. When treating these infestations it is important to take account of the life cycle of the parasite in order to achieve maximum control or even eradication. For instance, simply killing the adult flea is unlikely to provide adequate control.

Several mange mites affect dogs, including *Demodex folliculorum*, *Sarcoptes scabiei* and *Cheyletiella*, species, all of which attack the skin, and *Otodectes cynotis*, which is most commonly seen in the ears. Any of these infestations can cause illness in puppies and older dogs.

Some of these parasites can cause disease in humans. Ringworm (a fungal infection) can also be passed to humans. Early diagnosis and thorough treatment of both dogs and environment is essential if the disease is to be controlled. The veterinary surgeon should be consulted if any of these conditions is suspected or known. Particular care is required with pregnant bitches and suckling puppies when using treatments for these infestations.

For the control of roundworms, pregnant and nursing bitches should be given additional worming treatment. Breeding bitches require particular attention and veterinary advice should always be sought. As a rule of thumb, it is suggested that bitches are wormed before mating and then again after the 41st day of pregnancy with an appropriate anthelmintic. The bitch should be wormed at the same time as the puppies, every two weeks from two to twelve weeks of age. Thereafter it is recommended that puppies should be wormed at regular intervals, according to manufacturer's instructions (often monthly until 6 months of age). From 26 weeks of age into adulthood, worming should be carried out routinely – at least 4 times per year.

Advice concerning dogs with tapeworms should be sought from the veterinary surgeon.

Health status of dogs

There should be a daily physical inspection of every animal to check for any signs of illness or distress. Advice from a Veterinary Surgeon should be sought where a dog shows signs of disease, injury, or illness or behavioural disorder. If dogs are imported from abroad, appropriate health testing should be carried out.

APPENDIX H – GUIDANCE NOTE - EMERGENCY EVACUATION / CONTINGENCY

Introduction

All appropriate steps will be taken for the protection of the dogs in case of fire or other emergency

There should be an Emergency Evacuation Plan (EEP) and fire warning procedure in place. This should be posted where staff may become familiar with it. This procedure should include instructions dealing where dogs are to be evacuated to and contingency for their accommodation/care if the premises are rendered unsafe or unsuitable.

Prior to formulating an Emergency and Evacuation Plan carry out a Fire Risk Assessment (FRA) to identify any potential fire risk hazards within your establishment.

Emergency situations and the requirement to evacuate from the establishment can arise from a number of situations like; Fire, Flooding, Damage to building, Power failure and disease.

Being prepared and planning a simple but well understood procedure to be carried out in the event of an emergency is essential to offer maximum protection for you, your staff and the animals in your care. This need not be a lengthy document but should include a plan of the site giving exit points, location of telephone, emergency equipment (fire extinguishers and storage of leads/baskets/cages) rendezvous point and designated holding area for animals. The emergency contact details of a supervisor or the proprietor and the establishments Veterinary Surgeon should also be displayed.

Fire fighting equipment and detectors must be properly maintained. All electrical installations and appliances must be maintained in a safe condition. There should be a residual current circuit breaker system on each kennel block /for the premises. Heating appliances should not be sited in a location or manner where they may present a risk of fire / risk to dogs. Precaution should be taken to prevent any accumulation of material which may present a risk of fire.

Fire Risk Assessment

1. Identify potential fire risk hazards in the workplace
2. Decide who might be in danger (staff, Visitor, animal) in each area
3. Evaluate the risks arising from hazards and what can be done
4. Record your findings
5. Keep assessment under review

There should be adequate means of raising an alarm in the event of a fire or other emergency. In the event of a fire breaking out within your establishment, remember that your safety and those of your staff is of prime importance and no risks should be taken which may compromise any person's safety. No task in tackling the fire or evacuating animals should be undertaken unless it is safe to do so.

Upon Discovery of Fire

- Leave fire area immediately
- Close all doors behind you
- Alert occupants of building by sounding alarm (if present) or yell "Fire"
- Telephone Fire and Rescue Services dialling 999 from a safe location
- Evacuate animals when it is safe to do so to the designated holding area
- Use exit to leave building

Upon Hearing of a Fire Condition

- If safe, staff can assist with evacuating animals / occupants
- Leave building via nearest safe exists
- Close doors behind you
- Remain Calm
- Proceed to the designated RV area

Fire and Evacuation Action Plan

<p>Planning your Escape</p>	<p>You only have a short time to get out so prepare a plan of escape in advance rather than waiting until there is a fire or evacuation of the establishment.</p> <p>Think of another way out in case the normal route is blocked.</p> <p>Know where door and window keys are kept.</p> <p>Know where spare leads/baskets/cages are stored.</p> <p>Know where the RVP/Holding areas are.</p>	
<p>If you discover a fire</p>		<p>Leave fire area immediately.</p> <p>Close all doors behind you.</p> <p>Sound the alarm and call 999 from any phone.</p> <p>Stay calm, speak clearly and listen to the operator.</p> <p>Where safe to do so, assist others to evacuate and</p> <p>Remove animals to the safe holding area.</p> <p>If there is a fire elsewhere in the establishment, stay where you are and await instructions or if you have to move remember to check doors with the back of your hand before opening.</p> <p>If it feels warm, do not open it and go another way.</p> <p>If there is a lot of smoke, crawl along floor where the air will be cleaner.</p> <p>If in doubt – Get out, Stay out and get the Fire & Rescue Services Out.</p>

Contacts in an Emergency	(enter details here)	(enter details here)
	Proprietors name and Telephone Number(s)	Telephone at (enter location)
	Supervisors Name and Telephone Number(s)	Emergency equipment at (enter location)
	Establishments Veterinary Surgeons Name(s) and Telephone Number(s)	RVP at (enter location)
		Animal Holding area at (enter location)
		Fire Extinguishers located at (enter location)
		Keys kept at (enter location)
RVP = Rendezsvous Point		

The onus is upon the establishment to ensure adequate fire prevention precautions are in place. It is recommended that plans and details for large breeding establishments are lodged with the police and fire authorities. Fire prevention advice may be sought from the Fire Prevention Officer based at your local fire station. This officer can give advice on fire drills, fire escapes, equipment and should be consulted when new buildings are constructed or existing buildings modified.

Smoke detectors are recommended and you must make sure that Fire Detection and fighting equipment are easily accessible and regularly tested. Exit routes should be kept clear. Staff should be familiar with the fire evacuation procedure by use of fire drills and how to use the fire extinguishers. The Fire Precautions (Workplace) Regulations 1997 place a duty on employers to carry out a risk assessment for the premises not covered by a fire certificate.

APPENDIX I – GUIDANCE NOTE - DAILY ROUTINE

Daily routine should be set out in detail so that dogs can be cared for in an emergency or when owners are away by a person with minimal knowledge of them. The following should be set out:

- **Dogs' (pet) names, ages and general character traits** (likes & dislikes) – who mixes best, exercises, plays or sleeps with whom and general care and management of groups of dogs, where applicable.
- **General Timetable** for (daily duties) waking, feeding, cleaning, exercising, grooming and sleeping arrangements. This may also provide specific or non specific designated periods during the day when carers may leave the dogs unattended, provided the dogs are left in a secure and safe environment (indoor/outdoor kennel, fenced enclosure or kitchen/utility room) - a maximum of 3/4 hours per day being a suggested time.
- **Feeding schedules** (for each dog) containing explicit details as to the times, place, quantities, type of food required. This may be the same or several times each day or vary according to the needs of the dog(s).
- **Cleaning schedules** – what is required and when, what cleaning materials are to be used and means of disposal. This will include washing, drying and (frequency of) replacement of dogs' bedding and places (dog beds, utility room/kitchen, outdoor or indoor kennel) where the dog(s) rest/sleep and exercise (outdoor enclosures, exercise pens, gardens, paddocks etc).
- **Exercise/play** – (for each dog), or groups of dogs with explicit direction as to whether dogs are to be exercised/walked separately, or in groups and when, where, how frequently, for what length of time. Exercise may be taken in a fenced enclosure, paddock, garden, on and off the lead (private/public road, parks, woodland, fields etc). No dog(s) to be removed from the premises (other than for exercise) without (verbal/written) explicit permission from the owner.
- **Grooming** – (for each dog). Including daily brushing/combing of coat, general care (teeth, ear cleaning, bathing etc). Bathing or washing may be required, dependent on how dirty the dog becomes during the course of the day/night, or in the event that it becomes unwell (sickness, diarrhoea etc). Unless fully qualified or approved (by qualification and/ or prior agreement between owner and carer), trimming of coat, or nails, with either scissors or clippers will generally not be required. Should this be necessary, ability (qualification) or willingness to carry out such a task should be discussed prior to the owner leaving the premises.
- **Medication** (prescriptive and/or holistic) (for each dog) – oral (by mouth), or topical (applied externally), or by injection, if and when required – a time and check list (before, with or after mealtimes or specific time of the day) for administration should also be provided. If use of daily injections is required, for example for diabetic dogs, special instruction should be provided to the satisfaction of both the owner and carer, or arrangements made for a veterinary visit, if preferred.
- **Contact information Sheet** providing contact details for absent owner, Veterinary Surgeon, Dentist, Doctor, Plumber, Electrician (for household/carers requirements), etc and other family or friends who might be needed to be contacted for assistance in an emergency.

- **Special paperwork** to be signed by both owner and carer as to both daily responsibility and in the event of urgent veterinary attention, especially, if or when, euthanasia becomes a clinical necessity. This may be more applicable in the event that any, or some, of the dogs are elderly or clinically infirm or in case of accident. The Veterinary Surgeon, looking after said dog(s), should be advised prior to the owner's absence, especially for long periods of time (holiday/business) that a carer is in sole charge. In any event, all effort must first be made to contact the owner prior to a decision by the Vet that euthanasia is the only option.

APPENDIX J – GUIDANCE NOTE – DISEASE, VACCINATION AND DISINFECTION

Infectious diseases can spread in many ways and adequate precautions should be taken to prevent and control the spread of infectious and contagious diseases and parasites among dogs.

Some infectious diseases are zoonotic i.e. they can be spread from animals to humans and so appropriate cleaning and good hygiene is essential to ensure there is no spread of disease among dogs and visitors. For example, urine should be carefully handled as the human form of leptospirosis is Weil's disease. Infections by zoonotic diseases can affect any age group but immuno-compromised people, the young or elderly are particularly at risk and as such not be in contact with potentially infectious dogs.

It is important that kennel proprietors and their staff are trained to recognise signs of ill-health so that they can seek veterinary attention accordingly. These may include, but is not limited to, vomiting, diarrhoea, coughing, loss of appetite, ocular/nasal discharges, lethargy, excessive drinking. If there is any concern about the health of a particular dog, veterinary advice should be sought.

The diseases listed below are potentially fatal. Vaccination is available in the UK and is a requirement prior to boarding (see licensing conditions contained with Part VI)

- **Canine parvovirus:** causes severe vomiting and diarrhoea and is easily spread on hands, clothing, shoes, leads and from the environment. This virus can remain in the environment for a long time and can be very resistant to cleaning. The source is from the faeces of an infected dog. (Additionally, other infectious diseases affecting the gastrointestinal tract including Giardia, Coronavirus, Salmonella and Campylobacter can also be spread via contact with infected faeces).

- **Canine Distemper (morbillivirus):** this causes a wide range of clinical signs including fever, nasal discharge, thickened pads, depression, diarrhoea, and neurological signs. This is spread by sneezing droplets but the virus can persist in the environment in appropriate conditions and this is therefore a source of contamination.

- **Canine Adenovirus (infectious canine hepatitis):** causes gastrointestinal and hepatic disease. The virus is spread by close contact with body fluids from infected dogs, however due to its ability to persist in the environment this is also a source of infection.

- **Leptospirosis:** this is a bacterial infection which causes serious liver and kidney disease in dogs. It is spread by contact with infected urine and vaccination does not always prevent the shedding of the leptospires (infectious agents) from the urine. Foxes can also spread the disease. Careful handling of urine is, therefore, essential. Vaccination against Kennel Cough (infectious tracheobronchitis) is also available and recommended.

- **Kennel Cough:** This is a complex of respiratory pathogens, the most common being Bordetella bronchiseptica, causing harsh, retching coughing. This can be particularly problematic in the kennel environment; as such staff should be aware of clinical signs. Vaccination is aimed at decreasing the spreading of the disease by infected dogs and reducing clinical signs. The disease is spread by contact with infected sneeze and cough droplets.

Biosecurity, Cleaning and Husbandry

Whilst vaccination is available and an important part of disease management, good husbandry is also essential. This includes not only managing the dogs in terms of avoiding contact and minimising stress, but also cleaning routines and recognising how the behaviour of staff can impact the transfer of disease. Cleaning products should have bactericidal, virucidal and parvocidal activity for removal of infectious organisms i.e. they must have the ability to kill bacteria, fungi and viruses. Surfactant components are needed to clean the residual dirt from the environment prior to disinfection. It might be a combination of products is needed but it is essential they are compatible for use together.

Bleach is commonly thought of as a disinfectant. It is not as effective at killing bacteria, fungi and viruses as more commonly used commercial disinfectants. It may cause toxic effects to animals and staff as well as degrading the structure of the building. It can also be corrosive due to its oxidative effects. Although it can have disinfection properties at certain concentrations generally due to the risks involved it is not a suitable disinfectant for use in animal premises. All chemicals and substances must be safe and appropriate for the environment they are being used in. It is important that instructions, both in terms of dilution and contact time with the surface they are meant to be affecting, are strictly adhered to.

Cleaning regimes should be in place for daily, weekly and monthly cleaning. For example:

Daily: remove all soiled material and wash contamination away using detergent, if necessary. Dry after cleaning. Remove soiled bedding and replace with clean. Hose down and dry exercise areas where impervious material is used. Dispose of faeces according to waste regulations.

Weekly: remove all furniture from kennels, hose down using disinfectant and allow to dry before returning furniture.

Notes

*Standing water is a source of infection of certain diseases such as Giardia. Thorough drying of surfaces is essential after cleaning. Disinfectant will not be effective against solid organic material. It is, therefore, essential that cleaning takes place **prior** to disinfection.*

APPENDIC K – GUIDANCE NOTE – BEHAVIOUR / ENVIRONMENTAL ENRICHMENT

1. Monitoring of behavioural signs

Individual dogs respond in different ways when they are feeling anxious, frightened, stressed or in pain. It is not, therefore, possible to provide a definitive list of signs, but some of the signs which might be seen include:

- emergence of fearful behaviour e.g. cowering, hiding, aggression
- yawning
- lip-licking
- snout licking
- avoidance of eye contact
- over-grooming or self-mutilation
- performance of repetitive behaviour e.g. pacing, spinning, circling, bouncing
- shivering
- trembling
- paw-lifting
- weight loss
- loose faeces
- consumption of faeces (coprophagy)
- prolonged periods of vocalisation e.g. barking, howling, whining
- kennel chewing

Spending time and becoming familiar with each and every dog is highly recommended as that will make it easier for people to recognise when a dog is finding it difficult to cope in kennels.

2. Environmental enrichment

Environmental enrichment applies to various ways of providing dogs with control and choice over their physical and social environment and increasing species-typical behaviour to improve their well-being. However, it is often limited to the provision of toys and feeding devices. Although these are important, there are other methods which can be used. This section provides information about a variety of methods of enrichment which can be used in a kennelled environment.

Providing contact with people

Dogs are sociable animals and most need, enjoy and value company. Many will miss the companionship of their owner(s) whilst being boarded and being away from their family group can be one of the most stressful aspects when kennelled. It is therefore important that, where appropriate for the individual dog, individual circumstances, and it is safe to do so, company with people is provided. Time with people can be increased through activities such as grooming, exercise, playing and petting. Some owners may also be agreeable to short periods of reward-based training. Dogs which are fearful or anxious may not want to be groomed or played with but can still benefit from having someone close by so spending a period of time sitting outside the kennel talking or feeding treats may help.

Providing contact with other dogs

Dogs have a natural desire for contact with one another and many value and enjoy each other's company. However, providing contact with other dogs in a boarding environment is normally restricted due to health and safety concerns for individual dogs. Where dogs are from the same family keeping them apart from one another may cause distress and so where there are adequate resources e.g. size of kennel, sleeping area, food and water bowls, consent from the owner and the dogs are able to be monitored, it is recommended that they are housed together.

Providing toys

Toys can help increase play and reduce boredom but interest can often quickly reduce. To maintain novelty and interest, different toys should be offered on a regular basis and, if possible, should involve staff; dogs find toys especially exciting when they are part of, or the focus of, a game. They should also be presented appropriately, be safe, a suitable size and provided as part of a consistent routine, wherever possible. Most dogs find chewing toys and bones rewarding and relaxing and many seem to prefer chewable toys. Providing a chewable toy is recommended. If little interest is shown, in one particular item, there is a wide range of manufactured chew toys and bones on the market, so trying others may help. Whenever new devices or toys are provided, it is important to ensure that they don't cause stress to the animal and they should be monitored closely when first introduced.

It is often feared that providing toys or chews to dogs leads to possessive behaviour but research has shown that not to be the case for the majority of dogs. Fear most often causes possessive behaviour due to the dog having been punished previously for not giving up objects. This can be avoided by using distractions such as taking the dog for a walk, or giving it another toy or food treat when removing the chew toy. Dogs can also be trained to leave objects on command in return for treats. Where dogs are housed in the same unit, it is advised, for safety reasons, not to leave dogs alone with toys.

Providing feeding devices

A variety of feeding devices are available but probably the most widely used are commercially available rubber cone-shaped toys. Research³ using this specific type of toy has shown that dogs often find them rewarding and relaxing and can prevent or reduce signs of compromised welfare. Research⁴ has also shown that when dogs that interact regularly with them have them removed, a significant increase in stress hormones is experienced and many also show an increase in behaviour indicative of poor welfare. It is therefore very important that the provision of these specific types of toy is predictable e.g. that they are provided each and every day and around the same time. The correct size and type of feeding device must also be chosen.

Feeding devices do not have to be bought however and alternative feeding devices are fairly easy to prepare and depending on what is chosen, can also provide opportunities for other behaviour:

- Paper bags rolled down to contain food
- Scrunched up pieces of paper
- Cardboard tubes with the ends flattened or folded down to make it more challenging
- Frozen cubes of diluted broth
- Biscuits frozen in ice cubes
- Rope/chew toys (natural fibres only) soaked in gravy and then frozen
- Fresh, crunchy fruits and vegetables, such as carrots, wedges of cored apples and cucumbers.

(American Society for the Prevention of Cruelty to Animals)

Similar to toys, there are concerns about the provision of feeding devices leading to possessive behaviour and the advice provided about toys is also relevant here. Where dogs are housed in the same unit, it is advised, for safety reasons, to separate dogs before providing with feeding devices.

Kennel furniture – Platforms

Kennels can be barren environments offering little opportunity for dogs to carry out natural behaviours or provide little choice within their environment. Platforms can help with this by increasing complexity and available three-dimensional space. This can provide a dog with somewhere to hide or a vantage point from which to carry out lookout behaviours that can be particularly important for smaller dogs, which may not otherwise be able to see out of the kennel without standing on their hind legs. Platforms also offer protection from a cold or wet floor, providing a more comfortable and warmer area to rest.

Although staff may have concerns about the safety issues of platforms e.g. when entering the kennel, the dog could be at their head height, this can be avoided. For example, if the platform is in the sleeping area, staff could remove the dog from the exercise area and vice versa.

Alternatively, the dog could be trained to jump off the platform so that situations of potential conflict are avoided. In some cases, a platform may be unsuitable, for example, for an elderly dog or one with reduced mobility and in such situations alternative ways for the dog to hide, be comfortable etc. should be provided.

Furniture in outdoor exercise areas

Enrichment does not have to be confined to the kennel environment but can also be incorporated into exercise areas or paddocks. Platforms are beneficial in outdoor areas providing opportunities for exploratory as well as vigilance behaviours. Whilst tunnels and pipes offer the same behavioural opportunities, they are also areas in which to seek shade. Paddocks provide sufficient space to include boxes which when filled with sand allow dogs to dig. Natural furniture can also be considered such as the use of safe and non-toxic plants, bushes and shrubs for dogs to push through and explore as well as trees which dogs can investigate and mark.

Putting enrichment into practice

Every dog is an individual and will vary in what they find valuable so it is important that different methods of enrichment are tried to identify what it is that each dog likes and gains from. As well as the different types of enrichment listed above, odours and sounds can also be beneficial to dogs and can be cheap and easy to introduce. For example, diffused odours such as lavender and camomile have been found to be beneficial for kennelled dog welfare as well as classical music played at conversational level.

Note

The content of this guidance is largely based on Appendix II: Environmental Enrichment in 'The welfare of seized dogs in kennels - a guide to good practice'. An RSPCA guide produced in consultation with Police Dog Legislation Officers, Local Authority Dog Wardens and Animal Welfare Officers'. For further information on enrichment and kennelled dog welfare:

- Rooney, NJ, Gaines, SA and Hiby, EF. 2009. A practitioner's guide to working dog welfare. *Journal of Veterinary Behaviour: Clinical Applications and Research*. 4: 127-134.
- RSPCA 2015 The welfare of seized dogs in kennels - a guide to good practice. An RSPCA guide produced in consultation with Police Dog Legislation Officers, Local Authority Dog Wardens and Animal Welfare Officers.
<https://view.pagetiger.com/RSPCAKennellingGuide2014/issue1/page3.htm>
- Care and Respect Includes All Dogs. Enhancing and enriching the experience of dogs. <https://cariadcampaign.wordpress.com/guides/>

PROPOSED 2017 ANIMAL ESTABLISHMENT/PET SHOP FEES

Licence	2017
Dog Breeding	£205
Pet Shop	£195
DWA	£250
Animal Boarding	£200
Animal Home Boarding (Small)*	£150
Riding Establishment	£280
Zoo	£1,000

There are small increases in fees proposed for 2017. St Edmundsbury Licensed riding establishments will see a reduction in fees from £335 to £280.

*For Animal boarding, we are introducing a reduction for small businesses. This will mean for home boarding where licence holders board 2 dogs or less in their own homes (not including their own dogs) the fee will be reduced to £150. The fees will be introduced in 2017.

Vet fees are payable by the licensee as per the conditions of the licence. The Council reserves the right to request a vet inspection at cost to the licensee if there are substantiated concerns for the welfare or health of the animal.

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Condition	Amendment / Changes from the previous condition
Content Page	Updated with new content information.
Part 1	Guidance note added to confirm that any reference to the Council will refer to Forest Heath District Council or St Edmundsbury Borough Council depending on the sites geographical location
Part 1 Condition 3	Addition about Public Liability insurance needed - The licence holder should hold a current insurance policy which insures them against liability for any injury sustained by a member of the public or their animals whilst on the trading property or for activities resulting from business activity e.g. walking dog in public place.
Part 2 Condition 5	Updated condition to include: an area of shade must be provided for animals during hot weather conditions
Part 2 Condition 15	Updated condition regarding isolation following the new CIEH guidance.
Part 2 Condition 17 (e)	New condition: There will be periods in the year when dogs and cats are exposed to high summer temperatures in excess of 26°C. On such occasions animals must be provided with a means of shade and ventilation to counteract the high temperatures. Mechanical ventilation maybe required in some instances.
Part 2 Condition 22	New condition added on supervision: Numbers of staff must be appropriate for the breed / type and numbers of dogs being breed, or for the dogs / cats being in boarding establishments. Numbers must be sufficient to provide the level of care set out in these conditions.
Part 3 Conditions 6 & 7	Updated conditions on kennel sizes following the CIEH new model conditions, existing premises will still comply
Part 3 Roofs	New condition added on roofs: There must be a safe, secure waterproof roof which should cover all the sleeping accommodation and at least 50% of the attached run. For each run the materials used must be capable of filtering UV light and providing adequate shade.
Part 4 Condition 4	Updated condition on kennels sizes following the new CIEH model conditions, existing premises will still comply
Part 4	The condition around micro-chipping has been removed as this has become a legal requirement under the Microchipping of Dogs (England) Regulations 2014.
Part 5 Condition 7	Updated condition on cat compartment sizes following new model CIEH conditions
Part 5 Condition 11	Updated condition on cat resting / sleeping areas following the new model CIEH conditions

Part 5 Condition 12	New condition added: cleaning products and disinfectants must be non-toxic to cat, and used in accordance with the manufacturers instructions.
Part 6 Condition 1 (c)	Additional condition added following the new CIEH model conditions "If there is evidence of external parasites (fleas, ticks, lice) the dog must be treated with an appropriate and licensed insecticide. Treatment must be discussed with a veterinary surgeon before administering. Consent from the owner will be required."
Part 6 Condition 2	Updated condition to extend to Day Care in addition to Home Boarding. (Day care is a site that looks after dogs during the daytime only).
Part 6 Condition 2 (b)	New condition added: a day care provider must be able to demonstrate that each animal can be separated inside the establishment. Each dog must be provided with a suitable area not less than 4 sq m. At least 3 separate rooms must be available inside the establishment. Authorised Officers will determine the number of animals permitted on a case by case basis depending on the separation arrangements and room sizes provided within the establishment
Part 6 Condition 5 & 6	Updated conditions related to the Dangerous Wild Animals Act 1976. Pets Shops have an exemption from the Dangerous Wild Animals Act 1976, therefore Pet Shop conditions are required on grounds of public safety.
Part 6 Condition 14	New Condition: New applications for Pet Shops selling puppies will be refused.
Schedules	All the schedules have been updated to reflect current CIEH guidance on Pet Shops
Appendix A	Updated list of guidance – which includes references to the CIEH model conditions
Appendix B	A example of how breeding paperwork should be created for licenced establishments
Appendix C	New guidance note on cleaning taken from the CIEH model conditions
Appendix D	New guidance note on socialisation of puppies to people, taken from the CIEH model conditions
Appendix E	New guidance note on habituation of puppies to households and potentially aversive noise, taken from the CIEH model conditions
Appendix F	New guidance note on feeding dogs, taken from the CIEH model conditions
Appendix G	New guidance note on breeding establishment veterinary health plan, taken from the CIEH model conditions
Appendix H	New guidance note on Emergency Evacuation / Contingency planning, taken from the CIEH model conditions.

Appendix I	New guidance note on daily routines, taken from the CIEH model conditions.
Appendix J	New guidance note on Disease, Vaccination and Disinfection, taken from the CIEH model conditions.
Appendix K	New guidance note on behaviour / environmental enrichment, taken from the CIEH model conditions.

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Licensing and Regulatory Committee



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Proposed Joint West Suffolk Sex Establishment Policy	
Report No:	LIC/SE/17/002	
Report to and date/s:	Licensing and Regulatory Committee	24 January 2017
	Cabinet	7 February 2017
	Council	21 February 2017
Portfolio holder:	Councillor Alaric Pugh Portfolio Holder for Planning and Growth Tel: 07930 460899 Email: alaric.pugh@stedsbc.gov.uk	
Lead officer:	Amanda Garnham Licensing Team Leader Tel: 01284 758050 Email: Amanda.garnham@westsuffolk.gov.uk	
Purpose of report:	This report seeks the Licensing and Regulatory Committee's approval to recommend the adoption of the proposed Joint West Suffolk Sex Establishment Licensing Policy	
Recommendation:	It is recommended to Cabinet and Council that the proposed West Suffolk Sex Establishment Licensing Policy be adopted, as set out in Appendix 1 to Report LIC/SE/17/002.	
Key Decision: (Check the appropriate box and delete all those that do not apply.)	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	

<p>The decisions made as a result of this report will usually be published within 48 hours and cannot be actioned until five clear working days of the publication of the decision have elapsed. This item is included on the Decisions Plan.</p>			
Consultation:		<ul style="list-style-type: none"> See Paragraph 2 of the report 	
Alternative option(s):		<ul style="list-style-type: none"> None applicable 	
Implications:			
<p>Are there any financial implications? If yes, please give details</p>		<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> Within budget 	
<p>Are there any staffing implications? If yes, please give details</p>		<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Are there any ICT implications? If yes, please give details</p>		<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> Within current budget 	
<p>Are there any legal and/or policy implications? If yes, please give details</p>		<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> A Sex Establishment Licensing Policy provides for clear controls on the issue of licences and maintenance of sex establishments and includes a set of standard conditions to be applied to each licence, unless they are expressly excluded or varied. 	
<p>Are there any equality implications? If yes, please give details</p>		<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> No impact identified 	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
	Low/Medium/ High*		Low/Medium/ High*
Failure to adopt the joint policy will leave the Authority with an outdated SEBC policy	High	Consultation has been completed and no objections made	Low
Ward(s) affected:		All	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		<ol style="list-style-type: none"> Policing and Crime Act 2009 http://www.legislation.gov.uk/ukpga/2009/26/contents Local Government (Miscellaneous Provisions) Act 1982 http://www.legislation.gov.uk/ukpga/1982/30 Closed Consultation http://www.westsuffolk.gov.uk/Council/Consultations/proposedjointsexestablishmentpolicyconsultation.cfm Licensing and Regulatory Committee 2 February 2016 Report 	

Documents attached:

(Please list any appendices.)
Appendix 1 – Proposed West Suffolk
Sex Establishment Policy

1. Key issues and reasons for recommendation(s)**1. Background**

- 1.1 Section 27 of the Policing and Crime Act 2009 provided adoptive provisions to allow local authorities to regulate lap dancing clubs and similar venues under the same regime as sex shops and sex cinemas. Specifically the 2009 Act reclassified lap dancing clubs and other similar venues as “sexual entertainment venues”, as a sex establishment under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. St. Edmundsbury Borough Council (the Council) passed a resolution to adopt these powers on 1 March 2011.
- 1.2 Sexual entertainment venues are defined as “any premises at which relevant entertainment is provided for a live audience for the financial gain of the organiser or performer”. The meaning of relevant entertainment is “any live performance or live display of nudity which is of such a nature that, it must be reasonably assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)”.
- 1.3 In summary Schedule 3 (as amended) to the 1982 Act:
- Allowed local authorities to adopt the legislation.
 - Allows local people to oppose an application for a sex establishment licence if they have legitimate concerns that a lap dancing club would be inappropriate given the character of an area because, for example, the area was primarily a residential area (There is an exemption for premises that provide such entertainment on an infrequent basis).
 - Requires licences to be renewed at least yearly, at which point local people will have the opportunity to raise objections with the local authority.
 - Allows a local authority to reject a licence application if they believe that to grant a licence for a lap dancing club would be inappropriate given the character of a particular area.
 - Allows a local authority to set a limit on the number of sexual entertainment venues that they think appropriate for a particular area.
 - Allows a local authority to impose a wider range of conditions on the licences of lap dancing clubs than they are currently able to under the Licensing Act 2003.
- 1.4 In order to operate under this legislation best practice advised that the Council adopt a policy for issue of licences and maintenance of sex establishments and approve a set of standard conditions to be applied to each licence, unless they are expressly excluded or varied.
- 1.5 The Council has a Sex Establishment Licensing Policy which was adopted on 5

April 2011. This forms the basis of decisions when dispensing the Licensing Authority's functions in respect of sex shops, cinemas and sex entertainment venues (lap dancing clubs). The current policy has been referred to and empowered members to consider and determine applications for sex establishments.

- 1.6 Although Forest Heath District Council and St Edmundsbury Borough Council are two separate licensing authorities, the Sex Establishment Licensing Policy is proposed as a joint policy for the West Suffolk councils. The draft policy at **Appendix 1** requires adoption by Full Council, following consultation by both Councils.
- 1.7 The proposed joint policy will replace the existing St Edmundsbury Borough Council policy, the main difference is the introduction of a wider range of standard conditions. The proposed policy is based upon one used nationally and which formed the basis of the policy in place at Forest Heath District Council. The Forest Heath policy has been referred to for the last four years where a lap dancing club application and subsequent annual renewals have required member determination as the result of objections.

2 Consultation

- 2.1 The consultation for this Joint Policy and conditions took place between 24 October 2016 and 5 December 2016 by way of advertising on our Website and writing to all stakeholders. Link to the closed consultation is attached in background documents.
- 2.2 The only comment received for this Policy was from an existing Sex Shop in St John's Street. The licensee has requested an explanation as to why we would require a passport photograph as well as a current passport on application annually. The request for both was to ensure that we had an up to date photograph on our database which is directly linked to the licensee who is required to undertake a DBS disclosure. This also assists Officers identifying the licensee when conducting official inspections.

Sex Establishment Licensing Policy

Draft - 2016

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Preface

Forest Heath District Council and St Edmundsbury Borough Council (West Suffolk councils) have adopted Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) so that it can license sex shops, sex cinemas, and sexual entertainment venues in the local authority area. In this policy, these are referred to as "sex establishments" unless otherwise stated.

The West Suffolk councils recognise that Parliament has made it lawful to operate sex establishments, and that such businesses are a legitimate part of the retail and leisure industry. It is West Suffolk councils role as licensing authorities to administer the licensing regime in accordance with the law.

The 1982 Act and 2009 Act can be viewed at www.legislation.gov.uk

Consultation on this policy was conducted taking account of representations from local residents and community groups; existing and potential holders of sex establishment licences in the area; relevant statutory bodies and representatives of premise licence holders under the Licensing Act 2003 within the area.

In developing this policy, the West Suffolk councils took into account the legal requirements of the 1982 Act and its duties under:

- a) section 17 of the Crime and Disorder Act 1998 - to take all reasonable steps to reduce crime and disorder within West Suffolk;
- b) the Regulators' Compliance Code (set out under the Legislative and Regulatory Reform Act 2006) - obligations not to impede economic progress by the regulations the West Suffolk councils set out and to particularly consider the impact of regulations on small businesses; and
- c) the Provision of Services Regulations 2009 to ensure requirements are:
 - i) non-discriminatory
 - ii) justified by an overriding reason relating to the public interest
 - iii) proportionate to that public interest objective
 - iv) clear and unambiguous
 - v) objective
 - vi) made public in advance, and
 - vii) transparent and accessible.

This Policy took effect on (add in date, subject to consultation and adoption) and will be subject to periodic review.

This Policy sets out the principles the West Suffolk councils will generally apply when making decisions on applications. It also sets out information about the application process, what is expected of applicants and how people can make objections about applications. It also sets out the types of controls that are available to the councils, when decisions are made about licence applications and explains what action can be taken if complaints are received.

1.0 Introduction

1.1 The West Suffolk councils have adopted Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) in order to licence sex shops, sex cinemas, and sexual entertainment venues in West Suffolk.

This Sex Establishment Licensing Policy sets out the West Suffolk councils requirement for premises to be licensed as 'sex establishments' within the meaning of the Act (as amended).

1.2 This document relates to applications in respect of:

- Sex cinemas
- Sex shops
- Sexual entertainment venues

1.3 The advice and guidance contained in the appendices attached to this policy is intended only to assist readers in understanding the policy and should not be interpreted as legal advice or as constituent of the West Suffolk councils statement of Sex Establishment Licensing Policy.

1.4 Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Local Government (Miscellaneous Provisions) Act 1982 or Schedules under the Act.

2.0 Purpose of the Sex Establishment Licensing Policy

2.1 The purpose of this Statement of Licensing Policy is to:

- inform the elected Members serving on the Licensing Committee of the parameters within which licensing decisions can be made;
- inform applicants, residents and businesses of the parameters within which the Licensing Authority will make licensing decisions;
- inform residents and businesses about how the Licensing Authority will make licensing decisions; and
- provide a basis for decisions made by the Licensing Authority if these decisions are challenged in a court of law.
- link into the wider context of services/strategies which provide support for individuals that encourage a safer experience in West Suffolk.

3.0 Key terms

3.1 **Premises** include any vessel, vehicle or stall but do not include a private dwelling to which the public are not admitted.

3.2 **Sex Article** means

- a) anything made for use in connection with, or for the purpose of stimulating or encouraging:
 - i) sexual activity;
 - ii) acts of force or restraint which are associated with sexual activity, and
- b) anything:
 - i) containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
 - ii) to any recording of vision or sound, which –
 - a) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
 - b) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

3.3 **Sex Cinema** means any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which

- a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage:
 - i) sexual activity;
 - ii) acts of force or restraint which are associated with sexual activity.
- b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions,

but does not include a dwelling-house to which the public is not admitted.

3.4 **Sex Establishment** means a Sexual Entertainment Venue, Sex Cinema or a Sex Shop as appropriate.

3.5 **Sex Shop** means any premises, vehicle or vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying, or demonstrating:

- a) sex articles;
- b) other things intended for use in connection with, or for the purpose of stimulating or encouraging:-
 - i) sexual activity
 - ii) acts of force or restraint which are associated with sexual activity.

3.6 **Sexual Entertainment Venue** means any premises at which Relevant Entertainment is provided before a live audience for the financial gain

of the organiser or the entertainer (subject to the exceptions set out in paragraph 4.1 below).

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

An audience can consist of just one person (e.g. where the entertainment takes place in private booths).

3.6 Nudity means:

In the case of a woman: exposure of her nipples, pubic area, genitals or anus; and

In the case of a man: exposure of his pubic area, genitals or anus.

3.7 Relevant Entertainment

The West Suffolk councils will judge each case of its merits and the definition of Relevant Entertainment will apply to the following forms of entertainment as they are commonly understood:

- Lap dancing
- Pole dancing
- Table dancing
- Strip shows
- Peep shows
- Live sex shows

3.8 The above list is not exhaustive and as the understanding of the exact nature of these descriptions may vary, they should only be treated as indicative. Ultimately, decisions to licence premises as Sexual Entertainment Venues shall depend on the content of the entertainment provided and not the name it is given.

4.0 Sexual Entertainment Venues - exceptions

4.1 Schedule 3, Paragraph 2A (3) of the 1982 Act defines those premises that are not Sexual Entertainment Venues. These are:

- Sex Shops and Sex Cinemas (which are separately defined in Schedule 3 to the 1982 Act)
- Premises which provide Relevant Entertainment on an infrequent basis. These are defined as premises where:-
 - a) no Relevant Entertainment has been provided on more than 11 occasions within a 12 month period;
 - b) no such occasions has begun within a period of one month beginning with the end of the previous occasions; and
 - c) no such occasion has lasted longer than 24 hours.

- d) Other premises or types of performances or displays exempted by an Order of the Secretary of State.

4.2 Premises which:

- provide Relevant Entertainment on an infrequent basis or
- provide any form of adult entertainment which falls outside the definition of Relevant Entertainment will continue to be regulated under the Licensing Act 2003, insofar as they are providing Regulated Entertainment under that Act.

5.0 Requirement for a Licence

5.1 Any person wishing to operate a sex establishment as defined by Schedule 3 requires a sex establishment licence, unless the requirement for a licence has been waived by the appropriate authority.

5.2 A licence would normally be granted for a period of one year; however the West Suffolk councils may exercise their discretion to issue a licence for a shorter period if deemed appropriate.

6.0 Location of Licensed Premises

6.1 The West Suffolk councils acknowledge that a concentration of licensed premises in a particular area can result in a potential fear of crime, anti-social behaviour, noise pollution and other disturbance to residents. In such cases the amenity of local residents can be placed under severe pressure.

6.2 The West Suffolk councils have not imposed a limit on the number of premises that may be licensed in any area, nor identified any exclusion zones for the purpose of applying for a sex establishment licence.

6.3 The West Suffolk councils will not normally grant a licence where any premises within the vicinity are used for the following:

- (a) school;
- (b) place of worship;
- (c) family leisure;
- (d) domestic residential buildings;
- (e) important historic buildings;
- (f) youth facilities;
- (g) important public and cultural facilities.

6.3.1 In other instances, the West Suffolk councils will consider this ground of refusal on the merits of the individual case.

6.3.2 The precise extent of vicinity will be determined in the light of the precise location of any application and any representations made in response thereto.

6.3.3 In deciding whether such premises are in the vicinity of the application site, the West Suffolk councils will not use a pre-determined distance, but will consider each case on its individual merits, and will take account of its local knowledge where appropriate. In determining the issue, it will take account of:

- (a) distance,
- (b) intervisibility,
- (c) linkages between them, including whether the premises and application site are connected by well-used walking routes;
- (d) any visual or physical barriers between them.

6.3.4 In considering the application of this policy to domestic residential buildings, the West Suffolk councils will take into account the number of such buildings, their density, their primary use, the number of dwelling units they comprise and their distance from the application site.”.

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

6.5 The West Suffolk councils would normally expect that applications for licences for permanent commercial premises should be from businesses with appropriate planning consent for the property concerned.

7.0 Making an application

7.1 An application for the grant, renewal, transfer or variation of a licence must be made in writing to the Council in accordance with the requirements shown in Appendix A.

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

Forest Heath District Council
Environmental Health
District Offices
College Heath Road
Mildenhall
Suffolk
IP28 7EY
or:

St Edmundsbury Borough Council
Environmental Health
West Suffolk House
Western Way
Bury St Edmunds
Suffolk
IP33 3YU

Telephone: 01284 758050
Fax: 01638 719357
e-mail: licensing@westsuffolk.gov.uk
web: www.westsuffolk.gov.uk

- 7.3 A specimen application form and notice for public advertisement is attached in Appendices B and C.
- 7.4 A copy of the application must be submitted to the Chief Officer of Police within 7 days of submitting the application to the Licensing Authority.

8.0 Fees

- 8.1 The application process involves paying a non-returnable application fee.
- 8.2 The current schedule of fees for the licensing of sex establishments is shown in Appendix D.
- 8.3 Fees are reviewed annually against any rise in Council costs of administering the licensing regime.

9.0 Advice and Guidance

- 9.1 The West Suffolk councils will seek to liaise with applicants and/or mediate between applicants and others who may make objections, to achieve a satisfactory outcome for all involved, wherever possible and where resources permit.
- 9.2 Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that the applicant discusses their proposals with the licensing section and those from whom they think objections are likely prior to submitting their application.

10.0 Grant, renewal or transfer of licences

- 10.1 The West Suffolk councils may grant to any applicant and renew a licence for the use of any premises as a 'sex establishment' on such terms and conditions as specified by the Council. (Refer to '16 - Conditions' and Appendices B and E).
- 10.2 Decisions regarding, the grant, renewal or transfer of a licence will be dealt with by either a Full or Sub Committee or Officers in accordance with the Schedule of Delegated Decisions in Appendix H.
- 10.3 A licence will remain in force for one year, or such shorter period specified in the licence, unless previously cancelled or revoked.
- 10.4 The West Suffolk councils may, if they think fit, transfer a licence to any other person upon application by that person.
- 10.5 Where an application for renewal or transfer of a licence is made before the date of expiry of the existing licence, the licence shall remain in force until such time as the application has been determined.

10.6 Where applications for licences have been granted, the Council will send the licence to applicants by post.

11.0 Waivers

11.1 The West Suffolk councils do not consider it appropriate to permit waivers from the requirements to hold a sex establishment licence, except in extreme and exceptional circumstances considered by the Licensing Committee (for example, to allow a temporary re-location of a business following damage to licensed premises).

11.2 Each application for a waiver will be considered on its individual merits. However, any establishment that would normally require licensing under the provisions of the 1982 Act is unlikely to be granted a waiver.

11.3 In order for a waiver to be considered, an applicant must provide the basic information included in the application form, and any other information the authority may reasonably require in order to make its decision.

11.4 A waiver may be for such period as the Council sees fit. Where the Council grants an application for a waiver, notice will be given to the applicant stating that it has granted the application. The Authority may at any time give a person who would require a licence, notice that the waiver is to terminate, on such date not less than 28 days from the date on which it gives the notice, or as may be specified in the notice.

12.0 Amendments to the Licensing Act 2003

12.1 Premises holding a sexual entertainment venue licence will not require a premises licence under the Licensing Act 2003 (as amended) unless the premises is carrying on other licensable activities e.g. the sale of alcohol or the provision of regulated entertainment.

12.2 Live music or the playing of recorded music which is integral to the provision of relevant entertainment, such as lap dancing, for which a sexual entertainment licence is required, is specifically excluded from the definition of regulated entertainment in the Licensing Act 2003 (as amended).

13.0 Exchange of Information

13.1 The West Suffolk councils may from time to time exercise their powers under Section 115 of the Crime and Disorder Act 1998 to exchange information with the police and other partners to fulfil its' statutory objective of reducing crime in the area.

13.2 Details of applications and objections which are referred to a Licensing Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000.

13.3 The name and address of objectors will not be disclosed to applicants or published in public reports in accordance with schedule 3, paragraph 10 (17) Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009. Such details will be made available to Councillors on the Licensing Committee.

14.0 Variation of licences

14.1 The holder of a licence may apply to the Council to vary the terms, conditions or restrictions on or subject to which the licence is held.

15.0 Commenting on licence applications / Making objections

15.1 Unlike some other licensing regimes (such as for alcohol, entertainment or gambling), a wide range of people can raise objections about sex establishments licences. The Police are a statutory consultee for all applications.

15.2 Although applicants are only required to provide notice of the application to the Police, the West Suffolk councils will endeavour to list applications on its website and notify the following partner authorities of accepted applications made:

- Suffolk Constabulary
- Environmental Health (West Suffolk councils)
- Planning Services (West Suffolk councils)
- Families and Communities (West Suffolk councils)
- Parish or Town Council
- District or Borough Councillor (Ward Member)
- Suffolk Fire Service

15.3 Objectors should have something to say which is relevant to consideration of the statutory grounds for refusal that are set out in the 1982 Act; see appendix F.

15.4 The West Suffolk councils takes the following approach to deciding applications:

- (a) each case will be decided upon its merits. The West Suffolk councils will not apply a rigid rule to its decision making;
- (b) objectors can include residents'/tenants' associations, community associations, and trade associations. Councillors and MPs may also raise objections. Elected councillors may represent interested parties, providing they do not also sit on the Licensing Committee determining the application in question;
- (c) clear reasons for its decision will always be given.

- 15.5 The West Suffolk councils will not consider objections that are frivolous or vexatious, or which relate to moral grounds (as these are outside the scope of the 1982 Act). Decisions on whether objections are frivolous or vexatious will be made objectively by Officers. A report will be submitted in advance of any licence hearing that will outline the application and indicate the general grounds of representations.
- 15.6 A vexatious objection is generally taken as being one which is repetitive, without foundation or made for some other reason such as malice. A frivolous objection is generally taken to be one that is lacking in seriousness.
- 15.7 Objections will be considered at a hearing either by the full Licensing Committee or a Licensing Sub Committee. Both applicants and objectors will be given an equal opportunity to state their case in accordance with the West Suffolk councils hearing procedure, a copy of which can be found in appendix G.
- 15.8 Objections should ideally:
- be made in writing (this will include submissions electronically)
 - be in black ink on single sides of A4 paper
 - indicate the name and address of the persons or organisations making the representation
 - indicate the premises to which the objection relates
 - indicate the proximity of the premises to the person making the objection. A sketch map or plan may be helpful to show this
 - clearly set out the reasons for making the objections.
- 15.9 Petitions must clearly state the name and address of the premises application being objected to. The full objection that people are signing to say they agree with must be at the top of the petition. The objection must be in line with the requirements of the legislation. The names and address of those signing the petition should be provided and should be legible, together with a signature.
- 15.10 The West Suffolk councils must be confident that those signing the petition were aware of what they were signing for. So in the interest of clarity for those signing, best practice would be to have the objection at the top of each page; especially where several people are involved in collecting signatures.
- 15.11 It should be noted that submissions to the Council may also be in support of an application. These should contain the same information as stated above.

- 15.12 Objections may only be made within the period of 28 days following the date on which the application was given to the Council.
- 15.13 The West Suffolk councils will not consider any objection that does not contain the name and address of the person making it. (Refer also to 9.3 above).
- 15.14 Where objections are made, the West Suffolk councils will provide copies to the applicant. The West Suffolk councils will not divulge the identity of the objector(s) to the applicant without their permission to do so.
- 15.15 Where objections are made and not withdrawn, a hearing before the full Licensing Committee or delegated to a Licensing Sub Committee of three Councillors will normally be held within 20 working days of the end of the period in which objections might be made, unless all parties agree that a hearing is unnecessary.
- 15.16 In all cases, applicants who are genuinely aggrieved by a decision of the Council are entitled to appeal to the Magistrates' Court.
- 15.17 In the case of first or new applications, where no objections are made, the Council will grant the licence subject to terms and conditions that are consistent with the type and operation of the sex establishment (Please refer to '13 - Conditions').

16.0 Determining applications

- 16.1 When considering applications, the West Suffolk councils will have regard to:
- a) the Local Government (Miscellaneous Provisions) Act 1982, as amended;
 - b) any supporting regulations;
 - c) this licensing policy
- Refer also to Appendix F
- 16.2 This does not, however, undermine the rights of any person to apply for a licence and have the application considered on its individual merits, nor does it override the right of any person to make objections on any application where they are permitted to do so under the Act.
- 16.3 When determining applications, the West Suffolk councils will take account of any comments made by the Chief Officer of Police and any objections made.
- 16.4 In all cases, the West Suffolk councils reserves the right to consider each application on its own merit.

17.0. Conditions

- 17.1 The standard conditions that may be attached to a licence are shown in Appendix E. It is an offence to breach the conditions and the penalty for this is a fine not exceeding £20,000.
- 17.2 The West Suffolk councils recognises that all applications should be considered on an individual basis and any additional conditions attached to such a licence will be tailored to suit each individual premise.
- 17.3 No condition will be imposed that cannot be shown to be necessary.
- 17.4 Where it is reasonable and necessary to do so, the Licensing Committee will impose additional proportional conditions on a licence. Wherever possible, these will be discussed in advance with operators by Licensing Officers.

18.0 Refusal of licences

- 18.1 Except where the West Suffolk councils are prohibited from granting, renewing, varying or transferring a licence, the West Suffolk councils will not refuse a licence without first:
- a) Notifying the applicant or holder of the licence in writing of the reasons; and,
 - b) Giving the applicant or holder of the licence the opportunity of appearing and making representations before a Licensing Committee.
- 18.2 The circumstances in which the West Suffolk councils must or may refuse a licence are shown in Appendix F.

19.0 Revocation of licences

- 19.1 The West Suffolk councils may revoke a licence:
- a) on any grounds specified in paragraph 1 of Appendix F to this policy;
 - b) on either of the grounds specified in paragraph 3 (a) and (b) of Appendix F of this policy. The West Suffolk councils will not revoke a licence without first giving the holder of the licence the opportunity of appearing and making representations before a Licensing Committee.

20.0 Cancellation of licences

- 20.1 The licence holder may surrender the licence at any time and may request in writing for the West Suffolk councils to cancel the licence.

- 20.2 In the event of the death of a licence holder, the licence will be deemed to have been granted to his personal representatives and will remain in force for 3 months from the date of death, unless previously revoked.
- 20.3 Where the West Suffolk councils are satisfied that it is necessary for the purpose of winding up the estate of the deceased licence holder, it may extend or further extend the period in which the licence remains in force.

21.0 Right to appeal a decision

- 21.1 If an application is refused, or revoked, following a hearing, then the applicant will be informed of the decision and whether there is any right of appeal.
- 21.2 Appeals must be made to the local Magistrates' Court within 21 days, starting from the date the applicant is notified of the West Suffolk councils' decision. The notice will advise the address of the appropriate Magistrates' Court to which such an appeal should be submitted. It should be noted that a fee may be payable to the Magistrates to lodge such an appeal,
- 21.3 Applicants can appeal against the refusal of a grant, renewal, variation or transfer application, or against the decision to revoke a licence. They can also appeal against conditions or restrictions imposed.
- 21.4 Please note that you cannot appeal against the West Suffolk councils decision if the application was refused on the grounds that:
- The number of sex establishments (if a limit is set - see paragraph 6.2), or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality; or
 - The grant of the licence would be inappropriate considering the character of the area, the nature of other premises in the area, or the premises themselves.
- 21.5 The Magistrates' Court will determine the appeal application. If you do not agree with the decision made by the Magistrates' Court, you can appeal to Crown Court. The decision made by the Crown Court will be final. The Council must comply with a decision made by a Magistrates or Crown Court.

22.0 Complaints

- 22.1 Where possible and appropriate, the West Suffolk councils will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.

23.0 Enforcement

- 23.1 The West Suffolk councils are responsible for the administration and enforcement of the licensing regime and will have regard to the Department of Business Enterprise & Regulatory Reform's Regulators Compliance Code and the Better Regulation Commission's five Principles of Good Regulation. The West Suffolk councils will carry out its regulatory functions in a fair, open and consistent manner.
- 23.2 Specifically, the West Suffolk councils will:
- a) be proportionate – to only intervene when necessary and remedies will be appropriate to the risk posed;
 - b) be accountable – to justify decisions, be subject to public scrutiny and allow opportunities to resolve differences before enforcement action is taken, unless immediate action is needed;
 - c) be consistent – to implement rules and standards fairly;
 - d) be transparent – to be open and to provide clear explanations of what is needed, by when and the rights of appeal;
 - e) target its regulatory action at cases in which action is needed.
- 23.3 The West Suffolk councils recognise the interests of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law and the conditions attached to the licence.
- 23.4 However, proportionate but firm action will be taken against those who commit serious offences or consistently break the law or breach conditions of the licence.
- 23.5 The West Suffolk councils have set clear standards of service and performance that the public and businesses can expect. In particular, an enforcement policy has been created that explains how the West Suffolk councils will undertake its role and how the principles of effective enforcement will be achieved.
- 23.6** This policy is freely available from the licensing section, as are details of the West Suffolk councils' corporate complaints procedures, both of which can be viewed on the West Suffolk councils' website:
www.westsuffolk.gov.uk

Appendix A

Requirements for applying for grant, variation, transfer or renewal of a sex establishment licence

Grant of a licence

- 1) To apply for the grant of a sex establishment licence an applicant must:-
 - a) Send the council:-
 - i) A **completed application form**. (Please see specimen application form in Appendix B);
 - ii) Any **continuation sheets** (with name and premises details added to every sheet)
 - iii) A **plan** to the scale 1:100 of the premises to which the application relates (showing layout, fixtures, and fixtures), (indication of colour scheme and shop signage, naming and branding should also be included);
 - iv) The application fee. Cheques should be made payable to 'Forest Heath District Council' or 'St Edmundsbury Borough Council' and may not be refunded in the event your application is unsuccessful.
 - v) Proof of address; for all individual applicants – for example a current utility bill or bank statement.
 - vi) **Endorsed photographs** of all individual applicants. Photos must be full faced and passport style, and endorsed as a true likeness by a professional person of standing in the community such as a doctor, solicitor, teacher, fire officer, local government officer or councillor. The contact details for the person endorsing the photos should also be provided with the photographs as validation checks will be made.
 - vii) **Photographic proof** of identity and age documentation for individual applicants – for example a passport or DVLA photocard driving licence containing a date of birth. Any **house rules, policy or similar documents** you propose to operate at the sex establishment, provided in support of your application – for example performer vetting and welfare, customer rules, management and supervision policy/structure, details of membership of a trade association, details of previous relevant experience etc.
 - viii) **Criminal records basic level disclosure** or equivalent certificates – which should be no older than one calendar month. The Police may also conduct background checks of any person connected to this application.
 - ix) **Any documentation relating to verification** of the entitlement of any applicant to reside or work in the UK (should this be applicable). It should be noted that the West Suffolk councils is registered with the Home Office Evidence and Enquiry Unit and may check the eligibility status of any individual connected with this application.
 - x) Copy of Licensing Act 2003 premises licence or club premises certificate if applicable.

And also:

- i) **Serve the application**, together with accompanying documents, to both the Licensing Authority and Chief Officer of Police.
- ii) display in a conspicuous location a **notice** on or near the premises;

- iii) **advertise** the application in a local newspaper;
- b) send a copy of the application and plan to the Chief Officer of Police within 7 days of making the application to the council to the following address:

Police Licensing Team
Landmark House
Egerton Road
Ipswich
Suffolk
IP1 5PF

policealcohollicensing@suffolk.pnn.police.uk

Note: Or any other address as defined by the Police

Specific Plan requirements

- 2) The plan shall show:-
- a) The extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
 - b) The location of points of access to and egress from the premises;
 - c) The location of escape routes from the premises;
 - d) In a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;
 - e) Fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
 - f) In a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
 - g) In a case where the premises includes any steps, stairs, elevators, or lifts, the location of the steps, stairs, elevators or lifts;
 - h) In the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
 - i) The location and type of any fire safety and other safety equipment including, if applicable, marine safety equipment; and
 - j) The location of a kitchen, if any, on the premises.
- 3) The plan may include a legend through which the matters mentioned or referred to above are sufficiently illustrated by the use of symbols on the plan.

Public notices

- 4) A notice must be displayed at or on the premises to which the application relates for a period of not less than 21 consecutive days from the day following the day the application was given to the West Suffolk councils, where it can be conveniently and easily read from the exterior of the premises by members of the public and other relevant persons.
- 5) Where the premises cover an area of more than 50 square metres, a further identical notice must be displayed every 50 metres along the external perimeter of the premises abutting any highway.
- 6) The notice must be on pale blue paper sized A4 or larger and printed legibly in black ink or typed in black in a font size equal to or larger than 16.
- 7) The notice must state:-
 - a) details of the application and activities that it is proposed will be carried on or from the premises;
 - b) the full name of the applicant,
 - c) the postal address of the premises, or in the case where there is no postal address, a description of the premises sufficient to enable the location and extent of the premises to be identified,
 - d) the date, being 28 days after that on which the application is given to the West Suffolk councils, by which representations may be made to the West Suffolk councils and that representations should be made in writing,
 - e) that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine (£5000) for which a person is liable on summary conviction for the offence.
- 8) A similar notice must be published in a local newspaper or similar document within 7 days of giving the application to the West Suffolk councils. (Please see specimen notice in Appendix C).

Variation of a licence

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

Renewal of a licence

- 11) The holder of a licence may apply for renewal of the licence. In order for the licence to continue to have effect during the renewal process, a valid application together with the appropriate fee must be submitted before the current licence expires.
- 12) The process of applying for renewal of a licence is the same as that for applying for

an initial grant except that a plan of the premises is not required.

Transfer of a licence

13) A person may apply for transfer of a licence at any time.

14) The process of applying for a transfer of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.

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SEX ESTABLISHMENT LICENSING – APPLICATION PART A: APPLICANT INFORMATION

SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

- Before completing this application please read ALL guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in **black** ink. Use additional sheets if necessary.
- It is recommended that you keep a copy of the completed form for your records.
- **Please note that the Licensing Authority or Police may make enquiries to independently verify / validate any information submitted as part of this application.**

I / We

(Insert name(s) of applicant(s) – please read guidance note 1)

apply for the **Grant / Renewal / Transfer*** of a Sex Establishment Licence for the premises described in Part 1 below (the premises) in accordance with schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 *(*delete as necessary)*

Part 1 - Premises Details *(Please read guidance note 2)*

Postal address (including trading name, post code and telephone number of premises). If a vehicle, vessel or stall state the location where it is to be used as a sex establishment:

Tel:

Part 2 - Applicant Details

Please tick the relevant box to state whether you are applying for a licence as:

- a) an individual or individuals
- b) a person other than an individual
 - i. as a limited company
 - ii. as a partnership
 - iii. as an unincorporated association or
 - iv. other (for example a statutory corporation)

(A) Individual applicant details *(Please read guidance note 3)*

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
Surname:			First names:		
Date of birth:		Applicants must be aged 18 or over			
Place of birth (Town/Country):					
National insurance number:					
Current <u>residential</u> address including post code:					
Telephone number:					
e-mail address:					
Are you ordinarily resident in the UK?		YES / NO If NO please state where:			
Have you any restrictions on your eligibility to reside and work in the UK?		YES / NO			
Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
Surname:			First names:		
Date of birth:		Applicants must be aged 18 or over			
Place of birth (Town/Country):					
National insurance number:					
Current <u>residential</u> address including post code:					
Telephone number:					
e-mail address:					
Are you ordinarily resident in the UK?		YES / NO If NO please state where:			
Have you any restrictions on your eligibility to reside and work in the UK?		YES / NO			

(Continue on separate page if necessary – ALL individual applicants must be stated)

(B) Other applicants (such as a registered company or unincorporated association)

Please provide name and registered address of applicant in full. Where appropriate please give any registered number and names/private addresses of all directors/partners:

Name:	
Registered or Principal Office address including post code:	
Registered company number:	
Description of applicant (eg. partnership, company etc.)	
Is this company incorporated in the UK?	YES / NO If NO please state where:
Telephone number:	
e-mail address:	
Names and private addresses of <u>all</u> company directors or partners:	<p>1: Director/partner full name (inc title): Private address (inc postcode):</p> <p>2: Director/partner full name (inc title): Private address (inc postcode):</p> <p>3: Director/partner full name (inc title): Private address (inc postcode):</p>

(Continue on separate page if necessary)

(C) Licensing history and other relevant information

Has any person or the corporate or unincorporated body referred to in this application:

Been disqualified from holding a licence for a sex establishment?	YES / NO
Been refused the grant / renewal / transfer of a licence for a sex establishment?	YES / NO
Been the holder of a sex establishment licence when that licence has been revoked?	YES / NO
If 'YES' to any of the above please provide details, including relevant names, dates and locations:	

Have you any convictions recorded against you? Or if a body corporate or unincorporated body that body or any of its directors or other persons responsible for its management? If so please state:

Date of conviction	Offence	Sentence (include any suspended)

- Note:** i) All convictions must be disclosed.
 ii) Spent convictions, as defined Table 1 (below) should not be included.

Table 1

Sentence	Becomes spent after
Imprisonment of between 6 months and 30 months	10 years
Imprisonment of up to 6 months	7 years
Borstal training	7 years
A fine or other sentence not otherwise covered in this table	5 years
Absolute discharge	6 months
Probation order, conditional discharge or bind over	1 year (or until order expires, whichever is longer)
Detention Centre Order	3 years
Remand home, attendance or approved school order	The period of the order and a further year after the order expires
Hospital order under the Mental Health Act	The period of the order and a further 2 years after it expires
Cashiering, discharge with ignominy or dismissal with disgrace from the Armed Forces	10 years
Dismissal from Armed Forces	7 years
Detention	5 years

Note:

- i) A sentence of more than 2¹/₂ years imprisonment can never become unspent.
- ii) If you were under 17 years of age on the date of conviction, please halve the period shown in the right hand column.

Is the business for the benefit (whether solely or partly) of any third-party not already specified within this application?

YES / NO

(if 'YES' please give further details below including name, address and position):

Please provide details of any experience or business/employment history relevant to the operation of a sex establishment gained by any person in connection with this application. For example, please specify whether any person is a member of any trade association / organisation (for example the Lap Dancing Association) or has operated or continues to operate a sex establishment (state type if applicable):

(Continue on separate page if necessary)

Part 3 – Declaration for Part A

I / We

(Insert name(s) of applicant(s))

Please tick ✓ to confirm yes

- Enclose the relevant **fee** (cheques are payable to 'Forest Heath District Council' or 'St. Edmundsbury Borough Council')
- Enclose **evidence of identity** containing a photograph in respect of each individual applicant / partner / director, as applicable
- For each individual/director enclose a **basic level criminal record disclosure** certificate or equivalent (this should be dated no older than one calendar month), and also enclose a declaration of convictions, cautions etc for each person as applicable *(see guidance note 11)*
- Understand that if the above requirements have not been satisfactorily complied with my application can not proceed and may be rejected
- Understand that the information given may be used in conjunction with other authorities for the prevention and detection of fraud, and will be held including electronically, subject to the Data Protection Act 1998.
- Confirm that the information supplied in this application is true to the best of my / our knowledge and belief.

IT IS AN OFFENCE FOR ANY PERSON TO MAKE A FALSE STATEMENT, OR A STATEMENT WHICH HE/SHE DOES NOT BELIEVE TO BE TRUE, IN OR IN CONNECTION WITH THIS APPLICATION. A PERSON GUILTY OF THIS OFFENCE SHALL BE LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING £20,000.

(C) Signatures *(Please read guidance note 4)*

Signature of applicant(s) or applicant(s)' solicitor or other duly authorised agent. If signing on behalf of the applicant please state in what capacity.

Signature(s):	1: Name:..... Capacity:.....
	2: Name:..... Capacity:.....
	3: Name:..... Capacity:.....
Date:	

(D) Contact details to be used in connection with this application *(Please read guidance note 5)*

Contact name:	
Contact postal address including post code:	
Telephone number:	
e-mail address:	

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SEX ESTABLISHMENT LICENSING – APPLICATION PART B: PREMISES / OPERATIONAL INFORMATION

SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

- Before completing this application please read ALL guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in **black** ink. Use additional sheets if necessary.
- It is recommended that you keep a copy of the completed form for your records.
- **Please note that the Licensing Authority or Police may make enquiries to independently verify / validate any information submitted as part of this application.**

I / We

(Insert name/s of applicant/s – please read guidance note 1)

apply for the **Grant / Renewal / Transfer** * of a Sex Establishment Licence for the premises described in Part 1 below (the premises) in accordance with schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (*delete as necessary)

Part 1 - Premises Details *(Please read guidance note 2)*

Postal address (including trading name, post code and telephone number of premises). If a vehicle, vessel or stall state the location where it is to be used as a sex establishment.

Tel:

(A) Description of Trading Activity *(see definitions at the end of the form and guidance note 10)*

The premises will trade as (tick ✓ whichever applies):

a sex cinema				ainment	
---------------------	--	--	--	----------------	--

The premises is proposed to trade on the following days & between the following times:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From:	From:	From:	From:	From:	From:	From:
To:	To:	To:	To:	To:	To:	To:

(B) Operation of the venue and other relevant information

Does the premises have the correct planning consent for the use intended? (If unsure you should check with the Planning Authority on 01638 719000)	YES / NO
Does the premises currently have a premises licence or club premises certificate under the Licensing Act 2003?	YES / NO
If the premises does hold a Licensing Act 2003 authorisation please give the licence or certificate number and enclose a copy of the licence/certificate.	
Please summarise the nature, style and activities of your proposed sex establishment. For example, give detail on the type of activities/entertainments, clientele, frequency of performances, number of staff and performers, capacity, type of articles sold etc.	
What measures/steps do you propose to take to ensure that your sex establishment operates in a suitable and appropriate manner in the locality you propose? For example you may wish to detail your arrangements for on-site and door supervision (including numbers/frequency/timings), management (including management structure), customer rules, welfare of performers, membership, dispersal and transportation, external appearance of the venue, advertising, training for staff, CCTV, notices and signage...	
<i>(Continue on separate page if necessary)</i>	
Do you agree to conditions being attached to your licence (if granted) that are consistent with the steps/measures you have proposed above? YES / NO	
Please provide a plan and a schematic to show the proposed external appearance of the venue <i>(see guidance note 12)</i>	

Part 3 – Declaration for Part B

I / We

(Insert name(s) of applicant(s))

Please tick ✓ to confirm yes

- Enclose a **plan** of the premises and also a **diagram** of the premises frontage (this should also indicate window dressing/colour schemes/signage etc) *(see guidance note 12)*
- Enclose any **policies, rules, procedures** or other supporting documentary information in connection with this application
- Understand that if the above requirements have not been satisfactorily complied with my application can not proceed and may be rejected
- Understand that the information given may be used in conjunction with other authorities for the prevention and detection of fraud, and will be held including electronically, subject to the Data Protection Act 1998.
- Confirm that the information supplied in this application is true to the best of my / our knowledge and belief.

IT IS AN OFFENCE FOR ANY PERSON TO MAKE A FALSE STATEMENT, OR A STATEMENT WHICH HE/SHE DOES NOT BELIEVE TO BE TRUE, IN OR IN CONNECTION WITH THIS APPLICATION. A PERSON GUILTY OF THIS OFFENCE SHALL BE LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING £20,000.

(C) Signatures *(Please read guidance note 4)*

Signature of applicant(s) or applicant(s)' solicitor or other duly authorised agent. If signing on behalf of the applicant please state in what capacity.

Signature(s):	1:	Name:.....
		Capacity:.....
	2:	Name:.....
		Capacity:.....
	3:	Name:.....
		Capacity:.....
Date:		

GUIDANCE NOTES TO ASSIST WITH COMPLETION OF THIS APPLICATION FORM

- 1) Insert the name(s) of individual applicant(s) or partners or the trading name under which the business operates.
- 2) Insert the postal address, including the name by which the premises to be used as a sex establishment is to be known.
- 3) The full name, date and place of birth, national insurance number and private address of each individual applicant and names and private addresses of all directors must be supplied together with photographic evidence of identity for each person (e.g. a certified copy of passport or driving licence).
- 4) The application form must be signed. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so. Where there is more than one applicant, all applicants or their respective agents must sign the application form.
- 5) This is the address that we shall use to correspond with the applicant(s) about this application.
- 6) A notice containing details of the application must be advertised on the premises to which the application relates for a continuous period of not less than 21 days from the day following the day on which it was given to the licensing authority, in a position from which it can be conveniently and easily read by members of the public. The Council provides a template to assist with this requirement.
- 7) A notice containing details of the application must be published in a newspaper circulating in the local vicinity of the premises within 7 days of the application be given to the licensing authority. The Council provides a template to assist with this requirement.
- 8) Fee levels may change from time to time. Current fee levels can be obtained via the West Suffolk councils's website or by contacting the Licensing Authority.
- 9) For this purpose a criminal conviction certificate (issued under section 112 Police Act 1997), a criminal record certificate (issued under section 113A Police Act 1997) or the results of a subject access search under the Data Protection Act 1998 (b) of the Police National Computer by the National Identification Service will be satisfactory. This may be obtained from Disclosure Scotland (Tel: 0870 609 6006 website: www.disclosurescotland.co.uk) or by contacting your local Police Station. Disclosures provided must be dated within one calendar month of the application date or else they will be rejected.
- 10) Specify the type of sex establishment you intend to operate. Tick ALL boxes that apply to this licence application. Also indicate the times for each day of the week that you propose to operate as a sex establishment. Specify N/A if you do not intend to operate on a particular day.
- 11) The application form must be signed. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so. Where there is more than one applicant, all applicants or their respective agents must sign the application form.
- 12) A plan of the premises must be submitted with the application, drawn to a legible scale (preferably 1:100) showing all external and internal doors and windows and the position of counters, display stands, booths, video / tv / film screens, exhibition areas, dance / performance / stage / restricted areas fixed seating and tables, bars / counters from which refreshments are available. Further a diagram showing the proposed external appearance/ frontage of the venue (this need not be professionally drawn) and this should include colour scheme, branding, advertising, window dressing, signage etc. Please note that the plan will form part of the licence and conditions.
- 13) Copies of the complete application together with a plan of the premises and any supporting documentation must be submitted to:
 - (a) **The relevant council, either:**
 - (i) **Forest Heath DC, District Offices, College Heath Road, Mildenhall, Suffolk. IP28 7EY, or**
 - (ii) **St. Edmundsbury BC, West Suffolk House, Western Way, Bury St. Edmunds, Suffolk, IP33 3YU**
 - (b) **Police Licensing Team, Landmark House, Egerton Road, Ipswich, Suffolk. IP1 5PF**

The Licensing Authority shall seek professional views on the application from other relevant authorities for example planning, environmental protection or trading standards officers.

Note: The Council may reasonably require the applicant(s) to provide additional documentation in connection with this application. All such requests shall be made in writing (including via email request).

CHECKLIST OF ALL DOCUMENTS TO PROVIDE WITH THIS APPLICATION

- 1) Any **continuation sheets** you have used in connection with this application form (please number, add you name and premises details to every additional sheet you have provided).
- 2) The **plan** of your premises showing the layout, fixtures, fittings and features requested. This need not be professionally drawn but must be to scale (preferably 1:100) clear and legible in all material respects.
- 3) A **diagram** showing the proposed external frontage of your sex establishment. This need not be professionally drawn but should be clear and legible in all material respects (indication of colour scheme and shop signage, naming and branding should also be included).
- 4) The correct **fee** for the application. Cheques should be made payable to 'Forest Heath District Council' or 'St. Edmundsbury Borough Council' and may not be refunded in the event your application is unsuccessful.
- 5) **Proof of address** for all individual applicants – for example a current utility bill or bank statement.
- 6) **Endorsed photographs** of all individual applicants. Photos must be full faced and passport style, and endorsed as a true likeness by a professional person of standing in the community such as a doctor, solicitor, teacher, fire officer, local government officer or councillor. The contact details for the person endorsing the photos should also be provided with the photographs as validation checks will be made.
- 7) **Photographic proof** of identity and age documentation for individual applicants – for example a passport or DVLA photocard driving licence containing a date of birth.
- 8) Any **house rules, policy or similar documents** you propose to operate at the sex establishment, provided in support of your application – for example performer vetting and welfare, customer rules, management and supervision policy/structure, details of membership of a trade association, details of previous relevant experience etc.
- 9) **Criminal records basic level disclosure** or equivalent certificates – which should be no older than one calendar month. The Police may also conduct background checks of any person connected to this application.
- 10) **Any documentation relating to verification** of the entitlement of any applicant to reside or work in the UK (should this be applicable). It should be noted that the West Suffolk councils is registered with the Home Office Evidence and Enquiry Unit and may check the eligibility status of any individual connected with this application.
- 11) Copy of Licensing Act 2003 **premises licence or club premises certificate** if applicable.
- 12) **Serve the application**, together with accompanying documents, to both the Licensing Authority and Chief Officer of Police.
- 13) Copy of the **notice** placed on or near the premises.
- 14) **Copy of the advertisement placed in** a local newspaper.

Note: The Council may reasonably require the applicant(s) to provide additional documentation in connection with this application. All such requests shall be made in writing (including via email request).

APPENDIX C - PUBLIC ADVERT TEMPLATE ***DELETE AS APPROPRIATE**
FOREST HEATH DISTRICT COUNCIL*
ST EDMUNDSBURY BOROUGH COUNCIL*

SITE ADVERTISEMENT

Application for a Sex Establishment Licence made under the Local Government (Miscellaneous Provisions) Act, 1982, Part II, Schedule 3

NOTICE IS HEREBY GIVEN THAT I / WE (FULL NAMES):

APPLIED ON (DATE):

TO: Forest Heath District Council* St. Edmundsbury Borough Council*

**in respect of the premises known as:
located at (address of premises):**

for a licence to use the premises as a 'Sex Establishment'

ANY PERSON wishing to oppose the application should write to:

***Forest Heath DC, District Offices, College Heath Road,
Mildenhall, Suffolk. IP28 7EY**

***St. Edmundsbury BC, West Suffolk House, Western Way, Bury
St. Edmunds, Suffolk, IP33 3YU**

**Correspondence in support of the application should also be sent
to Business Regulation and Licensing at the above address.**

**Please note that any written representations received in response
to this consultation are likely to be required to be made available
for public inspection in accordance with the Local Government
(Access to Information) Act 1985**

**Representations should be received within 28 days after the date
of application being made to the council.**

Appendix D

Fees for Licensing Sex Establishments

Licences are required under Part II of the Local Government (Miscellaneous Provisions) Act 1982 for the following establishments:

- Sex shops
- Sex cinemas
- Sexual entertainment venues

Schedule 3 of the 1982 Act allows local authorities to set fees for licences of this kind. An applicant for the grant, renewal or transfer of a sex establishment licence is required to pay a reasonable fee determined by the West Suffolk councils. There is no fee for an application to vary the terms, conditions or restrictions on or subject to which a licence is held.

The current scale of fees*# is:

For an application for the grant of a (new) licence	£3000.00
For an application for the renewal/transfer of a licence with committee	£1400.00
For an application for the renewal/transfer of a licence without committee	£700.00
For an application to vary a licence	£3000.00

The fees for this type of licensing are reviewed every year. The fee for making any application is non-refundable, regardless of outcome of the application. All fees are payable at the time of making and together with an application

Please note that existing lap dancing establishments usually have a Premises Licence in place and pay an annual fee. An operator in this position will have to continue to pay this fee in addition to fees for the grant and subsequent renewal of a sexual entertainment venue licence.

* - Proposed Fees for 2017

- Subject to annual review

**APPENDIX E
FOREST HEATH DISTRICT COUNCIL / ST. EDMUNDSBURY BOROUGH COUNCIL**

**REGULATIONS PRESCRIBING STANDARD CONDITIONS APPLICABLE
TO LICENSES FOR SEX ESTABLISHMENTS**

**THESE REGULATIONS ARE MADE BY THE COUNCIL UNDER PARAGRAPH 13(1) OF
THE THIRD SCHEDULE OF THE LOCAL GOVERNMENT (MISCELLANEOUS
PROVISIONS) ACT 1982 (as amended) AND COME INTO EFFECT ON 14
December 2011.**

Notes

- a) Except where the context demands otherwise the singular includes the plural and the masculine includes the feminine.
- b) Nothing in these rules shall be construed as interfering with (i) the discretion of the licensee or his representative regarding the admission of any person or (ii) the need to strictly comply with all relevant statutory requirements.
- c) These rules are divided into parts as follows:
 - Part I General
 - Part II Rules which apply to all premises
 - Part III Rules which apply to Sex Shops
 - Part IV Rules which apply to Sex Cinemas
 - Part V Rules which apply to Sexual Entertainment Venues
- d) In these rules all references to a British Standard (BS) shall be deemed to refer to the current standard.
- e) A Premises Licence may also be required for the operation of a Sex Cinema.

Part I General Definitions

1. In these Regulations save when the context otherwise requires the following expressions shall have the following meanings:
 - i) "Sex Establishment", "Sex Cinema", "Sex Shop", "Sex Article" and "Sexual Entertainment Venue" shall have the meanings ascribed to them in the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.
 - ii) "Premises" means a building or part of a building and any forecourt yard or place of storage used in connection with a building or part of a building which is the subject of a licence for a Sex Establishment granted under the said Third Schedule.
 - iii) "Approval of the Council" or "Consent of the Council" means the approval or consent of the Council in writing.
 - iv) "Approved" means approved by the Council in writing.
 - v) "The Council" means the relevant licencing authority that the premises is based within i.e. either Forest Heath District Council or St. Edmundsbury Borough Council.

General

- 2) In the event of a conflict between these Regulations and any special conditions contained in a licence relating to a Sex Establishment the special conditions shall prevail.
- 3) The grant of a licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment, by law, order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.

Part II Rules which apply to all premises

Exhibition of Licence

- 4) The copy of the Licence and these Regulations which are required to be exhibited in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall be reproductions to the same scale as those issued by the West Suffolk councils. The copy of the Licence required to be displayed as aforesaid shall be suitably framed and exhibited in a position that it can easily be seen by all persons using the premises. The copy of these Regulations shall be retained in a clean and legible condition.

Times of Opening

- 5) Except with the previous consent of the West Suffolk councils a Sex Establishment shall be open at times to be determined by application and subsequent determination.

Responsibility of Licensee

- 6) The licensee shall take all reasonable precautions for the safety of the public and employees and, except with the consent of the West Suffolk councils, shall retain control over all portions of the premises
- 7) The premises shall not be used for regulated entertainment, exhibition or display of any kind unless the West Suffolk councils's consent has first been obtained and any necessary licence granted.

Conduct and Management of Premises

- 8) The Licensee or some responsible person over 18 years of age nominated by him in writing for the purpose of managing the Sex Establishment in his absence shall be in charge of and upon the Premises during the whole time they are open to the public. Such written nomination shall be continuously available for inspection by an officer authorised in writing by the West Suffolk councils. The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision and he shall be assisted as necessary by suitable adult persons to ensure adequate supervision. The person in charge shall be conversant with these rules a copy of which shall be held on the premises.
- 9) The Licensee or the responsible person approved under Regulation 8 shall maintain a daily register to be kept on the premises in which he shall record the name and address of any person who is to be responsible for managing the Sex Establishment in his absence and the names and addresses of those employed in the Sex Establishment.
- 10) The register is to be completed each day within 30 minutes of the Sex Establishment opening for business and is to be available for inspection by the police and by authorised officers of the West Suffolk councils.
- 11) The Licensee shall ensure that during the hours the Sex Establishment is open for business every employee wears either a badge or a uniform which clearly shows that they are a member of staff. Performer(s) are not expected to wear the badge/uniform during performances.

- 12) A notice showing the name of the person responsible for the management of a Sex Establishment shall be prominently displayed within the Sex Establishment throughout the period during which he is responsible for its conduct.
- 13) Where the Licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the West Suffolk councils within 14 days of such change and such written details as the West Suffolk councils may require in respect of any new director, secretary or manager are to be furnished within 14 days of a request in writing from the West Suffolk councils.
- 14) The Licensee shall maintain good order in the premises.
- 15) The Licensee shall ensure that no part of the premises is used by prostitutes (male or female) for the purposes of soliciting or any other immoral purposes.
- 16) The Licensee shall ensure that the public are not admitted to any part or parts of the Premises other than those which have been approved by the West Suffolk councils.
- 17) Neither the Licensee nor any employee or other person shall seek to obtain custom by means of personal solicitation outside or in the vicinity of the premises.
- 18) No person under the age of 18 shall be admitted to the premises or employed in the business of the sex establishment.
- 19) The Licensee shall comply with all statutory provisions and any regulations made there under.

External Appearance

- 20) No display, advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, photograph, drawing, writing or any matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the premises except:
 - i) A sign or notice no larger than A2 (420 × 594mm) in size, bearing the name of the establishment; or
 - ii) Other sign/notice required to be displayed so as to be visible from outside the premises by law, or by any condition of a licence granted by the West Suffolk councils.
 - iii) Such display, advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing, or any matter or thing as shall have been approved by the West Suffolk councils.
- 21) The entrances to the premises shall be of a material or covered with a material which will prevent the interior of the premises being visible to passers by.
- 22) Windows and openings to the premises other than entrances shall not be obscured otherwise than with the consent of the West Suffolk councils but shall have suspended behind them which prevents the interior visible from the street to passers by.

State Condition and Layout of the Premises

- 23) The premises shall be maintained in good repair and condition.
- 24) The number, size and position of all doors or openings provided for the purposes of the ingress and egress of the public shall be approved by the West Suffolk councils and shall comply with the following requirements :
 - i) All such doors or openings approved by the West Suffolk councils shall be clearly indicated on the inside by the word "exit" or graphic type sign.
 - ii) Doors and openings which lead to parts of the premises to which the public are not permitted to have access shall have notices placed over them marked, "private".
 - iii) Save in the case of emergency no access shall be permitted through the premises to any unlicensed premises adjoining or adjacent.
- 25) The external doors to the premises shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
- 26) The Licensee shall make provision in the means of access both to and within the premises for the needs of members of the public visiting the premises who are disabled.
- 27) Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall not be made except with the prior approval of the West Suffolk councils.
- 28) All parts of the premises shall be kept in a clean and wholesome condition to the satisfaction of the West Suffolk councils.

Maintenance of mean of escape

- 29) The means of escape provided for all persons on the premises shall be maintained unobstructed, immediately available and clearly identifiable in accordance with the approved arrangements.
- 30) All fire-resisting and smoke stop doors shall be maintained self-closing and shall not be secured open.

Fire Appliances

- 31) Fire appliances and equipment as approved by the Fire Officer shall be efficiently maintained in satisfactory working order and kept available for instant use. They shall be in the charge of a suitable person specially nominated for the purpose.
- 32) Portable fire appliances shall be examined at least once a year and periodically tested in accordance with the current British Standard by a competent person and the date of such test shall be clearly marked on the appropriate extinguishers or on stout tabs securely attached to them. Extinguishers which incorporate an anti-freeze agent shall be examined and recharged in compliance with manufacturer's instructions.

Lighting

- 33) The Licensee or any other person concerned in the conduct or management of the licensed sex establishment shall, in the absence of adequate daylight, ensure that adequate lighting is maintained to the satisfaction of the West Suffolk councils in all parts of the premises to which the public and staff have access and is in operation continuously during the whole time the premises are open to the public.
- 34) The normal lighting shall be maintained alight and the lighting to 'EXIT' notices shall not in any circumstances be extinguished or dimmed while the public are on the premises, provided that so long as there is sufficient daylight in any part of the premises, artificial light need not be used in that part.

Electrical Installations

- 35) The electrical installation for the premises shall be maintained in a safe working condition, as prescribed in the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers.
- 36) Unless the West Suffolk councils decide otherwise an inspection certificate, as prescribed in the current edition of the Regulations for electrical installations issued by the Institution of Electrical Engineers, for the electrical installation associated with the premises shall be submitted to the West Suffolk councils at least once every five years or such other time specified on the certificate. The certificate shall be signed by a qualified engineer.

Change of Use

- 37) No change of use of any portion of the premises from that approved by the West Suffolk councils shall be made until the consent of the West Suffolk councils and Suffolk Constabulary has been obtained thereto.
- 38) No change from a Sex Cinema to a Sex Shop or from a Sex Shop to a Sex Cinema shall be effected without the consent of the West Suffolk councils and Suffolk Constabulary.
- 39) Neither Sex Articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Cinema or a Sexual Entertainment Venue.

Admission of Authorised Officers

- 40) Officers of the West Suffolk councils, Suffolk Constabulary, and other authorised agencies, who are furnished with authorities which they will produce on request, shall be admitted immediately at all reasonable times and at any time the premises are open for business to all parts of the premises.

Promotion of Sexual Health

- 41) Advertisements and posters promoting sexual health and access to support services shall be displayed in the premises. Only those advertisements or posters from the Department for Health, NHS, or approved by the West Suffolk councils will be permitted.

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Part III Conditions Applying to Sex Shops
Goods Available in Sex Establishments

- 41) All Sex Articles and other things displayed for sale, hire, exchange or loan within a Sex Shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.
- 42) All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase, hire, exchange or loan and a notice to this effect is to be prominently displayed within the Sex Establishment.
- 43) No film or video film shall be exhibited, sold or supplied unless it has (a) been passed by the British Board of Film Censors and bears a certificate to that effect or (b) approved by the West Suffolk councils and is a reproduction authorised by the owner of the copyright of the film or video film so certified.

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**Part IV Conditions Applying to Sex Cinemas
Film Categories**

1. The categories U, PG, 12, 15, 18 and RESTRICTED 18 have the following effect:

U	Universal.- Suitable for all
PG	Parental Guidance. Some scenes may be unsuitable for young children.
12	Passed only for persons of 12 years and over.
15	Passed only for persons of 15 years and over.
18	Passed only for persons of 18 years and over.
RESTRICTED (18)	Passed only for persons of 18 or over who are members (or their guests) of a properly constituted club.

Exhibition of Films

2. 'Film exhibition' means film exhibitions as defined in the Cinemas Act 1985; i.e. any exhibition of moving pictures which is produced otherwise than by the simultaneous reception and exhibition of (a) television programmes, broadcast by the British Broadcasting Corporation or the

Independent Broadcasting Authority or (b) programmes included in a cable programme service which is or does not require to be licensed under Section 4 of the Cable and Broadcasting Act 1984.

3. No film shall be exhibited at the premises unless:

- (a) it is a current news-reel; or
- (b) it has been passed by the British Board of Film Classification as a U, PG, 12, 15, 18 or RESTRICTED (18) film and no notice of objection to its exhibition has been given by the West Suffolk councils;

RESTRICTED (18) films

4. Films in the RESTRICTED (18) category may be shown at the premises only with the West Suffolk councils's prior written consent and in accordance with the terms of any such consent.

Unclassified Films

5. Not less than twenty-eight days notice in writing shall be given to the West Suffolk councils of any proposal to exhibit any other film which has not been classified as specified in rules 45 and 47 above. Such a film

may only be exhibited if the West Suffolk councils's prior written consent has been obtained and in accordance with the terms of any such consent.

Persons under 18 Notice

6. No person appearing to be under the age of 18 shall be admitted to any part of the programme and the licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:

PERSONS UNDER 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME.

Category notices

7. A representation or written statement of the terms of any certificates given by the British Board of Film Censors or the British Board of Film Classification shall be shown on the screen immediately before the showing of any film to which it relates and the representation or statement shall be shown for long enough and in form large enough for it to be read from any seat in the auditorium.

Timetable of films

8. The licensee shall display in a conspicuous position, to the satisfaction of the West Suffolk councils, at each entrance to the premises, during the whole time the public are being admitted to the premises and so as to be easily seen and read by the public, a timetable of the films on exhibition.

Advertisements

9. No advertisement displayed at the premises of a film to be exhibited at the premises shall depict as a scene or incident in the film any scene or incident which is not included in the film as certified by the British Board of Film Censors or the British Board of Film Classification or approved for exhibition by the licensing authority, as the case may be.
10. Where the licensing authority has given notice in writing to the licensee of the premises objecting to an advertisement on the ground, that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime to lead to disorder or to be offensive to public feeling, that advertisement shall not be displayed at the premises except with the prior consent in writing of the licensing authority.

Objection to exhibition of film

11. Where the licensing authority has given notice in writing to the licensee of the premises prohibiting the exhibition of a film on the ground that it contains material which, if exhibited, would offend against good taste or decency or would be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that film shall not be exhibited in the premises except with the prior consent in writing of the licensing authority.

Additional conditions for 'Club' Cinemas showing films in the restricted classification

12. Additional Conditions include:

- No club showing films in the 'restricted 18' category may operate in a multi-screen complex whilst persons under 18 are being admitted to any performance in the complex unless the West Suffolk councils's written consent has first been obtained.
- When the programme includes a film in 'restricted 18, category the licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:

"CINEMA CLUB - MEMBERS AND GUESTS ONLY. PERSONS UNDER 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME".

(In case of a multi-screen complex where consent has been granted the notice shall specify the particular part of the premises in which films in the 'restricted 18' category are being exhibited).

- The timetable of films required by rule 52 shall include the following addition to the categories shown;
"Category 'RESTRICTED 18' passed only for persons of 18 years and over who are either members of the cinema club or who are guests of a member".
- All registers of members and all visitors, books of their guests shall be available for immediate inspection by the West Suffolk councils's Officers during any performance, or at any other reasonable time.
- Tickets shall in no circumstances be sold to persons other than members.
- No persons under 18 years of age shall be employed in any capacity at licensed premises which are operating as cinema clubs.
- Subject to prior written consent by the West Suffolk councils, a subscription may entitle the club member to attend other clubs under the same management.

Membership rules for these club cinemas shall include the following:

- a. The club rules must be submitted to the West Suffolk councils 14 days before the club commences operations and notice of all rule changes shall be given to the West Suffolk councils within 14 days of the change.
- b. Only members and their guests shall attend exhibitions of moving pictures classified in a restricted classification

- c. Membership shall be open to persons of both sexes of not less than 18 years of age. Applications for membership, including both name and address, shall be in writing, signed by the applicant, and if deemed necessary such applicants shall provide satisfactory references and proof of age.
- d. No person shall be admitted to membership until the expiration of at least 24 hours after such written application has been approved by the licensed proprietors.
- e. New members shall be supplied with a personal copy of the club rules before being admitted to membership and be given a copy of any rule changes within 14 days of the change.
- f. An annual subscription shall be fixed for the club and shall run for 12 months from the date of registration. Membership may be renewed annually at the subscription for the time being in force, but the licensed proprietors may refuse to renew any membership without assigning reason for such refusal.
- g. Members shall be entitled on any day to bring not more than one guest to accompany the member, and the name of the guest shall be entered in the visitors' book and counter-signed by the member.
- h. On admission a member and his guest shall be bound by the rules of the club and by any by-laws and regulations made there under.
- i. Tickets shall be sold only to members on the production of a membership card, and members shall, if required, sign an acknowledgement for the ticket or tickets issued.
- j. Membership cards shall be personal to the member and shall not be transferable to any other person.
- k. Neither membership tickets nor guest tickets shall be transferable.
- l. No member shall introduce as a guest any persons under the age of 18 or any persons whose application for membership has been refused. The proprietors will reserve the right to refuse admission to any person.
- m. Proof of identify, or of age, or of any particulars of any guest shall be produced by any member or guest if demanded by the licensed proprietors.
- n. Members shall undertake to behave in a proper and orderly manner. Any member or guest acting in a manner which is offensive, or a nuisance or annoyance to others may be refused admission or expelled from the premises. A member may also be deprived of membership.

Sale of sex articles

13. Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a 'sex cinema'.

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Part V Conditions Applying to Sexual Entertainment Venues

Times of Relevant Entertainment

1. Relevant entertainment shall be permitted at the premises on the days and at the times specified in the licence.

Performances of Relevant Entertainment

2. The performance of relevant entertainment within the premises shall not be visible from any area outside of the premises at any time.

Age Restrictions

3. A prominent clear notice shall be displayed at each entrance to the premises advising customers that no person under 18 will be admitted and they may be asked to produce evidence of their age.
4. All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 25 years and who is seeking access to the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo.

Staff

5. All staff employed to work at any premises licensed as a Sexual Entertainment Venue shall be required to provide a basic Criminal Records Bureau disclosure to the Licensing Authority in which the premises is located.

Club Rules

6. The premises must provide a copy of its Club Rules to the West Suffolk councils and Suffolk Constabulary.
7. All performers and staff shall be aware of the Club Rules.
8. All dancers, staff and door supervisors shall read a copy of the rules relating to operating relevant entertainment. They shall sign and date a copy which shall be retained by the premises as part of their due diligence.

Management Operation Manual

9. A Management Operation manual detailing all aspects of procedure when the premise is operating relevant entertainment shall be produced and approved by Suffolk Constabulary. This document shall be on going and under constant review.

Performers

10. Performers shall be aged not less than 18.
11. All performers shall be aware of the Management Operation.

12. A log book shall be maintained on the premises detailing the names, start and finish times of individual performers involved in all forms of adult entertainment.
13. At all times during the performance, performers shall have direct access to a dressing room without passing through or in close proximity to the audience.
14. On leaving the premises performers, who wish to be, shall be escorted by a staff member to their vehicle or other safe location.
15. The operator / licence holder is responsible for adequately vetting staff and performers, details and records of which should be securely stored with the management operation manual.

Performances

15. Whilst dancers are performing there shall be a minimum distance of one metre between the dancer and the seated customers and prominent, clear notices shall be displayed at each table stating this requirement.
16. There shall be no physical contact between customers and the dancers except for the placing of money or tokens in a garter or into the hands of the dancer at the beginning or conclusion of a performance.
17. No performances shall include any sex act with any other performer, persons in the audience or with the use of any object.
18. No audience participation shall be permitted.
19. Signs displaying the rules on the performance relevant entertainment will be displayed throughout the premises and be clearly visible to patrons. This will include any private individual booth area.
20. In the event of the relevant entertainment be performed for private viewing, the patron shall be informed of the duration and price of the relevant entertainment, and the details shall be specified in a clearly visible notice in each area designated for private relevant entertainment.

Door Supervisors

21. An adequate number of registered Door Supervisors shall be on duty on the premises whilst relevant entertainment takes place. There shall be at least one Door Supervisor on each entrance, in each separate part of the premises and on the door to the dressing room.
22. The Door Supervisors shall be on duty at the premises at all times when the premises provide relevant entertainment.
23. All Door Supervisors working outside the premises or whilst engaged in the dispersal of patrons at the close of business shall wear 'High Visibility Clothing'.
24. The premises shall be a member of the Radiolink scheme or its equivalent.

Closed Circuit Television (CCTV)

25. A CCTV system shall be installed to cover all entrances and exits to the premises, and areas where relevant entertainment will take place. This system must be installed and fully operational before the premises opens for the licensable activity applied for. All cameras shall continually record whilst the premises are open to the public and video recordings shall be kept available for a minimum of 31 days with date and time stamping.
26. CCTV will be provided in the form of a recordable system, capable of providing evidential quality in all lighting conditions particularly facial recognition. To obtain a clear head and shoulders image of every person entering the premises on the CCTV system, persons entering the premises should be asked to remove headwear, unless worn as part of religious observance.
27. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
28. A plan shall be submitted illustrating the position of all cameras and shall be with the approval of Suffolk Constabulary.
29. A member of staff who is fully trained in the use of the system shall be on duty at all times when the premises is open till the premises is clear of customers, cleared of staff and closed.
30. The premises will provide any footage upon request by Suffolk Constabulary or the Licensing Authority within 24 hrs of the request.
31. The recordings for the preceding two days shall be made available immediately upon request, and recordings outside this period shall be made available within 24 hours.

Crime Survey

32. Upon completion of a crime survey by Suffolk Constabulary, the Licence Holder shall act accordingly with all reasonable recommendations of the survey in so far as they relate to licensable activities.

Layout of premises

33. The approved activities shall take place only in the areas designated by the Licensing Authority and Suffolk Constabulary.
34. All dance booths are to be equipped with a panic alarm for safety, or supervised by a registered/licensed door steward with radio link to other door stewards.

35. Arrangements shall be put in place to restrict access to the dressing room at all times when the relevant entertainment is taking place, and until such time as all performers have vacated it.
36. The approved access to the dressing room(s) shall be maintained whilst striptease or entertainment of a like kind is taking place.
37. The layout within areas used by customers shall not under go substantial change without the prior written consent of both Suffolk Constabulary and the Licensing Authority.

Change of Use of Premises

38. The Licensing Authority and Suffolk Constabulary must be informed should the licensee seek to change the use of the establishment to another form of sex establishment.

Sale of Goods

39. Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a 'Sexual Entertainment Venue'.

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Appendix F

Refusals and Revocations of licences

1. The Council must refuse to grant or transfer a licence to:-
 - (a) A person under the age of 18;
 - (b) A person who is for the time being disqualified from holding a licence;
 - (c) A person who is not resident in the United Kingdom or was not so resident throughout the period of 6 months immediately preceding the date upon which the application was made;
 - (d) A body corporate which is not incorporated in the United Kingdom;
 - (e) A person who has, within the period of 12 months immediately preceding the date upon which the application was made, been refused the grant or renewal of a licence for the premises, vehicle or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
2. The Council may refuse
 - (a) an application for grant or renewal of a licence on one or more of the grounds shown in paragraph 3 below;
 - (b) an application for transfer of a licence on either or both of the grounds shown in paragraph 3 (a) and (b) below.
3. The grounds for refusal are:-
 - (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
 - (b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
 - (c) that the number of sex establishments in the relevant locality that the application is made is equal to or exceeds the number which the West Suffolk councils considers is appropriate for that locality;
 - (d) that the grant or renewal of the licence would be inappropriate having regard to:-
 - i. the character of the relevant locality;
 - ii. the use to which any premises in the vicinity are put; or
 - iii. the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
4. Nil may be an appropriate number for the purposes of paragraph 3 (c) above.

Appendix G

Procedure for the Conduct of Sex Establishment Licensing Hearings

Procedure

1. The Chairman should ask whether the applicant, if unaccompanied, was aware that they could be represented.
2. The Chairman should introduce those present at the meeting and state their position if Officers.
3. The Chairman should then request the appropriate Officer of the West Suffolk councils to outline the matter under consideration.
4. The Applicant should then present their opening submission.
5. Members of the Committee and Council Officers will then have the opportunity to question the applicant regarding their opening submission.
6. Any Objectors would then be invited to address the Committee in relation to the relevant parts of their previously submitted representation. This may be subject to a time limit, which will be advised in advance of the hearing.

N.B. This will occur only if Chairman has exercised his/her discretion to allow Objectors to address the Committee. As case law and legislation restricts objectors addressing the Committee, the Committee and the applicant are not permitted to ask questions of the objectors.
7. The applicant should then present their main submission which should include their response to objections, and call any necessary witnesses.
8. Members of the Committee and Council Officers will then have the opportunity to question the applicant regarding their main submission.
9. The applicant will then have the opportunity to sum up and generally have the right of final reply.
10. The Committee will then retire to obtain legal advice (see note i). The Legal Officer will retire with them.
11. The Committee will, unless an adjournment or deferral is necessary, return and the Decision will be read out.

NOTES:

Note i – Exclusion of the Public Procedure: - Paragraph 5 of Part 1 of Schedule 12A Local Government Act 1972, as amended. (Chairman will call for a proposal to exclude press and public, followed by a Secunder and vote will be taken.)

General

1. The case for any party should only be put in the presence of the others, unless one party voluntarily chooses to leave the meeting. It is vital that all Members of the Committee present at the opening of the meeting remain present throughout the hearing, any Member arriving after consideration of the item has commenced should not take part in deliberations.
2. Members of the Committee should, during the hearing, confine themselves to questions and not embark upon discussion of the merits of the application.
3. Applications for adjournments should be granted if refusal would deny the applicant a fair hearing.
4. The Chairman may after consultation with the Solicitor present at the meeting vary the provisions of this Code of Conduct if deemed appropriate in the particular circumstances of an item of business being considered by the Committee.
5. The Chairman's ruling, in relation to this code and the conduct of the hearing, is final.

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Appendix H

SCHEDULE OF DELEGATED AUTHORITY

Matter to be dealt with	Full Committee or Licensing Sub Committee	Officers
Grant (First or New) of an Application for the grant of any type of Sex Establishment Licence.	If a relevant objection received or Officers have concerns in respect of the application or characteristics of the locality.	All other cases
Decision on whether an objection is frivolous or vexatious.		In respect of all Applications.
Decision on whether an objection is irrelevant.		All cases
Application for Waiver of Licence in respect of any type of Sex Establishment Licence.	All cases	
Refusal of an Application for the grant of any type of Sex Establishment Licence on the grounds of the Applicant being under the age of 18.		All cases
Refusal of an Application for the grant of any type of Sex Establishment Licence on the grounds of the Applicant being a person who is for the time being disqualified from holding a licence following revocation of such a licence.		All cases
Refusal of an Application for the grant of any type of Sex Establishment Licence on the grounds of the Applicant being a person, other than a body corporate, who is not resident in an EEA state or was not so resident throughout the period of 6 months immediately preceding the date when the application was made.		All cases
Refusal of an Application for the grant of any type of Sex Establishment Licence on the grounds of the Applicant being a body corporate which is not incorporated in an EEA state.		All cases
Refusal of an Application for the grant of any type of Sex Establishment Licence on the grounds		All cases

Matter to be dealt with	Full Committee or Licensing Sub Committee	Officers
of the Applicant being a person who had, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.		
Refusal of an Application for the grant, renewal or transfer of any type of Sex Establishment Licence on the grounds that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason.	All cases	
Refusal of an Application for the grant, renewal or transfer of any type of Sex Establishment Licence on the grounds that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewed or transfer of such a licence if he made the application himself.	All cases	
Refusal of an Application for the grant or renewal of any type of Sex Establishment Licence on the grounds that the number of sex establishments or of sex establishments of a particular kind, in the relevant locality at the time the application is made (determined) is equal to or exceeds the number which the authority consider is appropriate for that locality.	All cases	
Refusal of an Application for the grant or renewal of any type of Sex Establishment Licence on the grounds that the grant or renewal of the licence would be inappropriate, having regard – (i) to the character of the relevant locality; or (ii) to the use to which any	All cases	

Matter to be dealt with	Full Committee or Licensing Sub Committee	Officers
<pre> premises in the vicinity are put; or (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made. </pre>		
Refusal of an Application for the Variation of the terms, conditions or restrictions on or subject to which the licence is held for any type of Sex Establishment Licence.	All cases	
Revocation of a licence.	All cases	

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Licensing and Regulatory Sub-Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Licensing and Regulatory Sub-Committee** held on **Wednesday 28 September 2016** at **10.00 am** in **GFR-12, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Chairman Beccy Hopfensperger

Tony Brown

Frank Warby

Substitutes attending:

Ian Houlder

40. **Election of Chairman**

It was proposed, seconded and

RESOLVED:

That Councillor Beccy Hopfensperger be elected Chairman for this Sub-Committee meeting.

41. **Substitutes**

No substitutions were declared in respect of Agenda Item 5; however Councillor Ian Houlder substituted for Councillor Frank Warby for Agenda Item 7.

42. **Apologies for Absence**

No apologies for absence were received.

43. **Procedure at Licensing Hearings**

The Hearing Procedure (previously circulated) was adopted in considering the under-mentioned item.

44. **Application for new Premises' Licence - Nine Jars, 9 High Street, Haverhill**

(a) Pre-Hearing

The following actions were taken during the pre-hearing part of the meeting:

- (1) It was announced that Robin Pilley and Daniel Pilley, the applicants, were present. Scott Jamieson, Manager of Bar Vu, who had submitted a written representation as an Other Person was present, accompanied by Zachariou (Harry) Charalambos, owner of Bar Vu.
- (2) The applicants and all Other Persons confirmed that they had received a copy of the Officer's written report (reference LSC/SE/16/006);
- (3) The applicants and Other Persons confirmed that they did not wish to amend or withdraw their application or representations;
- (4) The Licensing Officer reported that none of the parties had submitted additional supporting information;
- (5) The Licensing Officer reported that there had been no requests for witnesses to appear;
- (6) The Chairman asked the applicants the amount of time they required to present their case. As a result, the Sub-Committee determined that the maximum time allowed for each of the parties to present their case would be 10 minutes; and
- (7) The Sub-Committee determined that the Substitute Member was not required for this hearing. At the invitation of the Sub-Committee, Councillor Ian Houlder remained present as an observer.

(b) Hearing

The Licensing Officer presented Report No: LSC/SE/16/006 (previously circulated) in connection with an application received for a new Premises' Licence in respect of Nine Jars, 9 High Street, Haverhill. The application had been brought to the Sub-Committee for determination as an objection had been submitted by one 'Other Person' which was attached as Appendix 3 to the report. A copy of the application was attached as Appendix 1.

The application sought operating hours for live music, recorded music, late night refreshment and supply of alcohol for consumption on and off the premises. Opening hours and seasonal variations were also sought, as follows:

Times requested:

Live Music (indoors)

Monday to Thursday and Sunday	12.00 – 23.00
Friday and Saturday	12.00 – 00.00

Recorded Music (indoors)

Monday to Thursday and Sunday	07.00 – 23.00
Friday and Saturday	07.00 – 01.30

Late Night Refreshment (indoors)

Friday and Saturday	23.00 – 01.00
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Supply of Alcohol (for consumption on and off the premises)

Monday to Thursday and Sunday	11.00 – 23.00
Friday and Saturday	11.00 – 01.00

Opening Hours

Monday to Thursday and Sunday	07.00 – 23.00
Friday and Saturday	07.00 – 01.30

Seasonal variations were sought for Sundays before Bank Holidays, Christmas Eve and Boxing Day and New Year's Eve.

A basic location plan was attached as Appendix 2. The representation attached as Appendix 3 outlined an objection to the applicants not planning to supply registered Security Industry Authority (SIA) door supervisors to promote public safety and protection of children from harm whilst preventing crime and disorder, and public nuisance. The Council's Public Health and Housing service had submitted additional conditions, which were attached as Appendix 4. The Police had also submitted additional conditions which were attached as Appendix 5. The Council's Licensing service had re-worded conditions to enable them to be enforceable, and these would form part of the conditions to the licence if the application was granted. These were attached as Appendix 6. The applicants had since accepted all these additional conditions prior to the hearing.

The applicants, Daniel Pilley and Robin Pilley, presented their case to the Sub-Committee and explained that it was their intention to operate their establishment as a Bistro that would seat approximately 80 people but the premises could accommodate up to a maximum of 200. It was not however, intended to be operated as a bar/ night club, and a specific area for dancing would not be provided. In response to the representation submitted by the Other Person, the applicants stated they did not feel it was necessary to supply registered SIA door supervisors as suggested. Other late night venues in Haverhill currently employed door supervisors; however the applicants considered that their targeted clientele would be discouraged from entering the premises if door supervisors were present.

The Sub-Committee asked questions of the applicants to which they duly responded. The applicants stated that, with regards to the type of

live music that would be played, they intended to bring in solo singers or a pianist rather than live bands.

Harry Charalambos, the owner of Bar Vu, agreed with the applicants that there was a niche in the local market for a venue like Nine Jars but was concerned that they were not planning to supply registered SIA door supervisors. He stated that the majority of late night venues in Haverhill provided door supervisors to deter anti-social behaviour from prospective customers. He explained that the playing of recorded music past midnight on a Friday and Saturday could encourage dancing in the bar area and the absence of door supervisors would therefore restrict the amount of control the applicants would have on customers entering the premises. He concluded by stating that he was generally in support of the application, but strongly suggested that the applicants should consider supplying registered SIA door supervisors.

Questions were put forward by members of the Sub-Committee who sought clarification on the type of recorded music that he considered would be played past midnight on Fridays and Saturdays. In response, Mr Charalambos stated in his opinion, the playing of recorded music operated by a DJ should not be provided at these times as this was likely to encourage extensive customer numbers and dancing, which the applicants had stated was not what they were intending to facilitate.

Each of the parties summed up their case. The applicants concluded to say that they would include in their licence, if granted, that playing DJ music would not be permitted past midnight with the view that this would eliminate the need to supply registered SIA door supervisors to control potential anti-social behaviour.

In considering the application, the Sub-Committee had regard for the legal and policy implications set out in section 2 of the report, to ensure its actions were proportionate and appropriate for the promotion of the licensing objectives set out in section 1.1.3.

(At this point the Sub-Committee retired accompanied by the Legal Advisor, Committee Administrator and Trainee Officers (observers) to give consideration to the merits of the application. In considering the application the Sub-Committee had regard to the four Licensing Objectives and the representations made by the applicants and the Other Person. The Sub-Committee re-convened and announced the following decision)

Decision:

That:

- (1) Having noted that background music is not a licensable activity and may therefore be played during all hours, the application for a new Premises' License in respect of Nine Jars, 9 High Street, Haverhill, be granted with an amended time for recorded music whereby it will only be played until 23:00 on Fridays and Saturdays. The times requested are therefore granted as follows:

Live Music

Mondays to Thursday and Sunday	12.00 – 23.00
Friday and Saturday	12.00 – 00.00

Recorded Music

Monday to Sunday	07.00 – 23.00
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Late Night Refreshments (Indoors)

Friday and Saturday	23.00 – 01.00
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Supply of Alcohol

Monday to Thursday and Sunday	11.00 – 23.00
Friday and Saturday	11.00 – 01.00

Opening Hours

Monday to Thursday and Sunday	07.00 – 23.00
Friday and Saturday	07.00 – 01.30

- (2) Conditions

Consistent with the applicants' Operating Schedule, as contained in Part 3 of Appendix 1 of Report LSC/SE/16/006 with the additional conditions contained in Appendix 6 to Report No: LSC/SE/16/006.

(At this point, the meeting adjourned for a short comfort break. The meeting resumed at 10.45am.)

45. **EXEMPT INFORMATION - EXCLUSION OF PRESS AND PUBLIC - TERMS OF FORMAL RESOLUTION**

It was proposed, seconded and

RESOLVED:

That under section 100 (A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting for the following item of business on the grounds that involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12 (A) of the Act.

With the agreement of the Sub-Committee the applicant remained in the meeting.

(At this point, it was determined that Councillor Ian Houlder was required to substitute for Councillor Frank Warby. Councillor Frank Warby then left the meeting)

46. **Application for a Combined Hackney Carriage/ Private Hire Vehicle Driver's Licence**

(a) Pre-Hearing

The following actions were taken during the pre-hearing part of the meeting:

- (1) It was announced that the applicant was present;
- (2) The applicant confirmed that they had received a copy of the Officer's written Report No: LSC/SE/16/007 and the additional papers (see 4 below);
- (3) The applicant confirmed that they did not wish to amend or withdraw their application;
- (4) The Licensing Officer reported that the applicant had submitted one letter providing a character reference as an additional item of information in support of his application. This had been received after the agenda and papers for the meeting had been distributed. Copies of the letter had been provided for the Sub-Committee during the meeting. Members of the Sub-Committee also received copies of Exempt Appendix 1 as an additional paper, which had been omitted from the agenda pack in error.
- (5) The Licensing officer reported that there had been no request for witnesses to appear;
- (6) The Chairman asked the applicant the amount of time he required to present his case. As a result, the Sub-Committee determined that the maximum time allowed for the applicant to present his case would be 10 minutes; and
- (7) The Sub-Committee determined that the Substitute Member, Councillor Ian Houlder, was required for the hearing, as referred to above.

(b) Hearing

The Licensing Officer presented Exempt Report No: LSC/SE/16/007 (previously circulated) in connection with this application for a Combined Hackney Carriage/ Private Hire Vehicle Driver's Licence. Copies of the application and the applicant's DVLA licence were distributed to Members and Officers during the meeting as Exempt Appendix 1. A summary of the Disclosure and Barring Service (DBS) enhanced disclosure which provided details of numerous convictions for various offences dated from April 1985 to March 2003 was contained as Exempt Appendix 2. Guidelines relating to the relevance of Convictions were attached as Exempt Appendix 3.

Under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 the licensing authority was required to ensure that an applicant for the grant of a Hackney Carriage, Private Hire Vehicle Driver's licence was a fit and proper person to hold such a licence. The report listed matters which could be taken into account by the Sub-Committee when considering the application. The applicant could also explain any mitigating factors which led to the committing of offences and the Sub-Committee could take these into account in deciding whether he/she was a fit and proper person to hold a licence.

The applicant presented his case and responded to questions raised by Members, including that whilst living abroad, he had not received any convictions and had been granted a personal licence in the Borough, which related to his current employment. The applicant confirmed that he had been offered employment with a local taxi company and would be able to start if successful in obtaining a licence.

The applicant summed up his case.

(At this point the Sub-Committee retired accompanied by the Legal Advisor, the Committee Administrator and Trainee Officers (observers) to give consideration to the merits of the application. In considering the application the Sub-Committee had regard to the Guidelines relating to the Relevance of Convictions and the representations made by the applicant and debated whether they were a fit and proper person to hold a licence. The Sub-Committee reconvened and the applicant and Licensing Officer were re-admitted and the following decision announced)

Decision:

The Sub-Committee has taken into account the evidence before it and considers that the applicant is a fit and proper person to hold a Combined Hackney Carriage/Private Hire Vehicle Driver's Licence and therefore the application is granted.

The meeting concluded at 11.02am

Signed by:

Chairman

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Licensing and Regulatory Sub-Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Licensing and Regulatory Sub-Committee** held on **Monday 19 December 2016** at **2.00 pm** in Room GFR13 , **West Suffolk House**, Western Way, Bury St Edmunds

Present: **Councillors**

Chairman John Burns

Tony Brown Richard Rout

Substitute attending:

Jane Midwood

47. **Election of Chairman**

It was proposed, seconded and

RESOLVED – That Councillor John Burns be elected Chairman of this Licensing & Regulatory Sub-Committee meeting.

48. **Substitutes**

No substitution was declared.

49. **Apologies for Absence**

No apologies for absence were received.

50. **Exclusion of Press and Public**

RESOLVED :

That under Section 100 (A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting for item 52 of the business below on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12 (A) of the Act.

51. Hearing Procedure (attached)

The Hearing Procedure (previously circulated) was adopted for the consideration of item 52 below.

52. Application for a Hackney Carriage/Private Hire Vehicle Driver's Licence

(a) Pre-Hearing

(1) it was announced that the applicant was present at the hearing and would be representing himself;

(2) the applicant confirmed that he had received a copy of the Officers' written exempt report (Reference LSC/SE/16/008) along with the addendum to that report which had been circulated subsequently;

(3) the applicant advised that he did not wish to withdraw or amend his application;

(4) the Licensing Officer advised that no additional supporting information had been submitted;

(5) the Licensing Officer reported that there had been no request for a witness to appear;

(6) the applicant indicated that he would require 2 minutes in which to present his case. The Sub-Committee agreed that this would be the amount of time the applicant would be allowed but this could be exceeded if the applicant had not completed his submission when this limit had expired; and

(7) the Sub-Committee determined that the Substitute Member was not required to hear the application. At the invitation of the Sub-Committee Councillor Jane Midwood remained present in the meeting as an observer.

(b) Hearing

The Licensing Officer presented Exempt Report LSC/SE/16/008 (previously circulated) in connection with the application for a new Hackney Carriage/Private Hire Vehicle Driver's licence. Copies of his application and Driver and Vehicle Licensing Agency (DVLA) licence were attached as Exempt Appendix 1. The applicant not declared any DVLA endorsements on his application form. However, following a standard check through the Driver Licence Checking system the record revealed an endorsement under the Offence Code TT99 (Disqualification under the totting up procedure). The applicant had been convicted of this offence in 2014 and had been disqualified from driving for a period of six months. The endorsement would remain on his record until 2018. An extract of the enhanced disclosure return from the Disclosure and Barring Service (DBS) was attached as Exempt Appendix 2. This indicated the imposition of fines for failure to surrender to custody on two occasions during 2010. For the further information of the Sub-Committee the document Guidelines relating to the Relevance of Convictions was

attached as Appendix 3. Also presented to the Sub-Committee was an Exempt Addendum to Report LSC/SE/16/008 which contained as Appendix A a copy of the DVLA endorsement which indicated that this would remain on the applicant's record until 5 September 2018. In September 2014 the applicant had surrendered the previous Hackney Carriage/Private Hire Driver's licence he had held following receipt of his driving ban. In March 2015 he had telephoned the Licensing Team and had stated that as his disqualification had expired he wished to drive taxis again. An extract from Council records outlining the details of this telephone call was attached as Exempt Appendix B. There had been an issue with the applicant regarding his failure to notify the Council of his change of address and a file note relating to this was attached as Appendix C. On 5 August 2013 the Council had received a complaint from a female passenger in the applicant's vehicle alleging aggressive behaviour on his part. The complaint was attached as Exempt Appendix D. The applicant had subsequently been interviewed and a verbal warning issued in respect of this behaviour.

Additional to the written report Officers advised that the applicant's prospective employer had been contacted by telephone. He had previously been employed by this company and an indication had been given by them over the phone that they were satisfied he was a good driver and that they would be happy to re-employ him if he regained his licence. The Sub-Committee noted that there was nothing in writing to this effect from the company concerned.

The applicant in submitted his case. After he had responded to Members' questions the applicant was asked whether he wished to sum up or if not whether there was anything further he wished to say. He responded by saying that he had nothing to add to what he had already stated.

(At this point the Sub-Committee retired accompanied by the Legal Advisor and Committee Administrator to give consideration to the application and the applicant and Licensing Officers withdrew from the meeting room. The Sub-Committee had regard to the Officers' written report and addendum and the representations made by the applicant and debated whether he was a fit and proper person to hold a licence. The Sub-Committee meeting was re-convened, the applicant and Licensing Officers re-admitted and the following decision announced)

Decision

The Sub-Committee has taken into account all the evidence before it and considers that the applicant is not a fit and proper person to hold a Combined Hackney Carriage/Private Hire Vehicle Driver's licence and his application is therefore refused.

(The applicant was advised that if he was aggrieved by this decision he had the right of appeal to the Magistrates' Court within 21 days of the issue of the decision notice.)

The meeting concluded at 2.35pm.

Signed by:

Chairman

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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