



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

AGENDA ITEM NO. 3

Minutes of a meeting of the Licensing Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Wednesday 13 July 2011 at 9.30am

P R E S E N T

Councillor Michael Allan (Vice Chairman)
Councillor Ian Allen
Councillor Sue Austen
Councillor Lavinia Edwards
Councillor Tony Goodge (Chairman)
Councillor Lindsey Harris
Councillor Bill Hunt
Councillor Sue Willows
Councillor Andy Wright

I N A T T E N D A N C E

Elizabeth Bailey – Principal Environmental Health Officer
Maggie Camp – Senior Legal Assistant
Liz Knox – Head of Environmental Services
Melanie Sage – Democratic Services Officer

1 member of the public attended the meeting.

13. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs Roberts, Kerby and Alderson.

14. DECLARATIONS OF INTEREST

Cllr Hunt declared a personal interest on any taxi related discussion as he was a non-executive director of a garage group that supplied vehicles to the taxi trade, although he noted that there were no customers within East Cambridgeshire.

Cllr Allan declared a personal interest in respect of agenda item no. 5 – Review of Home Boarding of Dogs Licence Conditions as he had used a kennelling service in the past.

Cllr Wright declared a personal interest as he used taxis and public houses.

Cllr Goodge declared a prejudicial interest in respect of agenda item no. 5 – Review of Home Boarding of Dogs Licence Conditions, as

he knew the owner of Amberlea Kennels and Cattery and had used their kennelling and cattery service for a considerable time. Therefore Cllr Goodge declared that he would vacate the chair and leave the Council Chamber for this item.

15. **MINUTES**

Referring to one of the conditions relating to Hackney Carriage and Private Hire Vehicles, Cllr Hunt stated that the minutes indicated that the Licensing Committee had resolved that '*Hackney carriage vehicles must at all times clearly display by firmly affixing on the ~~centre of their~~ dashboard the vehicle licence number issued by the Council.*' However, Cllr Hunt did not agree that this was what the Licensing Committee had agreed.

Cllr Hunt stated that the Licensing Committee had agreed that the vehicle plate number did not need to be positioned anywhere on the dashboard and that Hackney Carriage and Private Hire Vehicles must display the vehicle plate number so that it was clearly visible to passengers. Cllr Hunt explained that one reason for this decision was that increasingly hackney carriage and private hire vehicles were using partitions to segregate the driver and the passenger/s and therefore the partitions could prevent the passenger/s being able to view the centre of the dashboard. The Licensing Committee concurred with this and to make the decision clear the condition was amended as follows:

*Hackney carriage vehicles must at all times clearly display by firmly affixing ~~on the centre of their dashboard~~ **in the vehicle, the** licence number issued by the Council and it must be able to be seen by passengers.*

It was therefore resolved:

That the Minutes of the Licensing Committee meeting held on 15 June 2011 be confirmed as a correct record and signed by the Chairman, subject to the inclusion of the following amendment to the Hackney Carriage and Private Hire Vehicle Condition 3.4:

*Hackney carriage vehicles must at all times clearly display by firmly affixing ~~on the centre of their dashboard~~ **in the vehicle, the** licence number issued by the Council and it must be able to be seen by passengers.*

[As Members had amended Condition 3.4 the same would need to be applied to Condition 2.7 that referred to Private Hire Vehicles.]

At the previous Licensing Committee meeting Members had approved a condition that Hackney Carriage Vehicles shall carry the

Council approved roof sign for illumination when the vehicle is available for hire. The Licensing Committee had also instructed officers to present a report to a future Licensing Committee meeting regarding potential options for the issuing of Council Approved Vehicle roof signs for hackney carriages. Cllr Hunt enquired of the progress that officers had made regarding this matter.

The Principal Environmental Health Officer explained that a report had been compiled, which the legal team were currently considering and that the report would be presented to the Licensing Committee meeting in September.

16. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman did not make any announcements. However, he allowed Cllr Allan to ask a question. Cllr Allan stated that he was very disappointed that the Taxi Licensing Sub-Committee meeting minutes of 15 June 2011 had not been included within the agenda and noted that this was the first time that this had occurred. The Democratic Services Officer explained that she had been unable to write them in time for the agenda dispatch and that they would be included in the next Licensing Committee agenda.

17. **REVIEW OF HOME BOARDING OF DOGS LICENCE CONDITIONS**

Cllr Goodge explained that Mr Bridges was in attendance at the meeting to address the Committee under the public speaking scheme regarding home boarding of dogs. Cllr Goodge had spoken to Mr Bridges regarding the concerns that he had, some of which Cllr Goodge stated that he agreed with. Cllr Goodge explained that home boarding of dogs, particularly from different families could be risky and required better regulation than the conditions currently imposed on home boarding licences. Cllr Goodge explained that if an incident occurred related to a home boarding scheme there would be a review, which could bring the Council into question. Therefore Cllr Goodge was pleased that the Licensing Committee were being presented with a report to revise the currently adopted home boarding of dogs licence conditions.

Subsequently, having already declared a prejudicial interest Cllr Goodge vacated the chair and left the Council Chamber. The Vice Chairman, Cllr Allan, took chairmanship of the meeting.

Cllr Allan highlighted the following typographical errors contained within the appendices of the officer's report:

- Appendix 3 – paragraph 3.7 - Where puppies under six months of age are boarded with other dogs, including resident dogs, a ~~traif~~ **trial** (documented) socialisation period

must be implemented, with no difficulties having been identified.

- Appendix 4 – paragraph 3.5.3 - Door openings must be constructed such that the passage of water/waste is not impeded, or allowed to gather due to inaccessibility.

Referring to Appendix 3, Cllr Austen suggested that the original wording of ‘trail’ was correct as the condition referred to a paper trail being required. The Principal Environmental Health Officer explained that the word contained within Appendix 3 was incorrect as the condition referred to a trial period that needed to be documented.

The Principal Environmental Health Officer presented a report, (L60), previously circulated, to enable the Licensing Committee to review the currently adopted home boarding of dogs licence conditions and to agree that the revised conditions for the home boarding of dogs be submitted for consultation.

The Principal Environmental Health Officer explained that the Licensing Committee at its meeting in January 2010, had adopted a set of model conditions produced by the Local Authorities Coordinators of Regulatory Services (LACORS) for the home boarding of dogs. LACORS subsequently amended these conditions, which were adopted by the Licensing Committee at its meeting in September 2010.

Since the adoption of the revised LACORS conditions, concern had been expressed to the Council from the Commercial Dog Boarding sector about home boarding and the safety implications it considered could result from boarding dogs from different families within a home environment.

In response the Council had expressed concerns with LACORS on their decision to revise the Model Conditions and to question their perception of the risk that boarding of dogs from different families in a domestic environment could create. The letter to LACORS and the response was attached as Appendix 2 to the officer’s report.

LACORS had advised that their licence conditions devised for home boarding of dogs was a ‘template which Councils can chose to use, adapt or amend as appropriate’. Therefore the Principal Environmental Health Officer explained that having considered LACORS full response and the concerns raised by the Commercial Dog Boarding sector, a review of the home boarding licence conditions had been conducted and subsequently were being recommended for consultation.

The Principal Environmental Health Officer explained that the revised conditions were highlighted within the model conditions document, appended as Appendix 3 of the officer’s report. Additional controls included the requirement of a veterinary inspector’s report for

any new applications for home boarding; a detailed plan of the premises to accompany the application; that male dogs over 9 months old are not to be boarded unless castrated; that bitches in season or are due to be in season during the boarding period are not to be boarded; the introduction of training for any Licensees of Home Boarding Establishments; that a maximum of four dogs are to be boarded at any one time and that a fit and proper person with relevant experience must always be present on site.

The Principal Environmental Health Officer also noted that the revised conditions also sought to introduce a minimum age of 21 years to operate a home boarding establishment, that any person/s walking dog/s connected with a home boarding establishment be over 21 years and that any residents within a home boarding establishment also be over the age of 21 years. The Principal Environmental Health Officer emphasised that the granting of a home boarding application was subject to a veterinary inspector's report.

At the invitation of the Vice Chairman, Mr Bridges addressed the Committee and his presentation is summarised as follows:

- Mr Bridges thanked officers for presenting the report to the Licensing Committee for its consideration.
- The Animal Welfare Act and Department of Environment Food and Rural Affairs (Defra) advocated that prevention was better than cure.
- The LACORS model conditions were initially devised for the home boarding of dogs from a single family, which is why confusion had since occurred with the conditions, as LACORS had amended the model conditions after representations from individuals wanting to home board dogs from different families.
- It was never the intention of LACORS that dogs from different families should be home boarded.
- It was now the responsibility of the Council to assess each individual application for suitability.
- The questions that were asked during the consultation were pertinent and consultees should firstly be asked whether home boarding should be allowed.
- Home boarding establishments were a demand for urban areas where less kennelling facilities existed and were an exception rather than the rule.
- A maximum number of four dogs for a home boarding establishment was excessive and for a licensee to comply with the conditions and fire regulations with four dogs would be impossible.
- The main concern was the protection of owners, licensees, dogs and the Council. The LACORS conditions should not be rewritten to suit. In the event of any incident, LACORS

would not be liable and people were likely to look to the Council as the approver of the licence.

- Mr Bridges concluded with urging Members to include in the consultation whether consultees agreed that home boarding should be allowed.

Cllr Wright enquired how many licensed home boarding establishments existed within the district. The Principal Environmental Health Officer explained that there were two licensed home boarding establishments within the district and that one other premise potentially needed licensing.

Cllr Wright noted that correspondence had occurred with various agencies on the decision to revise the home boarding conditions and enquired whether this had occurred with commercial boarding facilities. The Principal Environmental Health Officer explained that correspondence had occurred with Mr Bridges who had been liaising with other boarding facility proprietors.

Cllr Wright suggested that until the consultation had been conducted and the results concluded that no more home boarding licences should be issued.

Cllr Hunt concurred with Cllr Wright. However, he did not agree with the proposed introduction of a minimum age of 21 years. Cllr Hunt stated that this was draconian, especially when an individual could be a Councillor at 18 years. The Principal Environmental Health Officer suggested that following the consultation exercise, if there was an overwhelming response that the minimum age should be amended that Members could consider this. Cllr Hunt stated that he would not be able to support the document for consultation or support the document to the electorate with a minimum age of 21 years.

The Principal Environmental Health Officer advised that ages were mentioned in the conditions for several different reasons, one reason being that the current minimum age for a resident child within a home boarding establishment was 5 years. Under the proposed, revised conditions for consultation, any person under the age of 21 would not be allowed to reside on the premises, thus alleviating those concerns about children and dogs from different families being boarded within a home environment.

For the purposes of clarification it was explained that the purpose of the report was to consider the conditions attached to home boarding of dogs licences, which were separate to commercial dog kennels. Home boarding of dogs related to dogs being boarded within a home environment and therefore there was no requirement for kennels, as used by dog kennelling establishments. The Principal Environmental Health Officer explained that there were already conditions attached to home boarding licences. However, concern had

been expressed regarding the problems that could be encountered when dogs from different families were boarded together, especially if children were present. Cllr Wright further added that a home boarding of dogs licence would not apply to someone that cared for a dog that belonged to a friend or family whilst they were on holiday and that a home boarding establishment was often operated as a business for financial gain.

The Head of Environmental Services explained that the Licensing Committee had already previously approved the home boarding of dogs scheme and were now being requested to review the conditions that could be imposed on such licences.

Cllr Hunt agreed that there were legitimate concerns and that boarding dogs from different families could be troublesome. However, he emphasised that the proposed minimum age of 21 years was not appropriate.

Cllr Allen noted that there was a commercial interest for kennel owners to oppose any home boarding schemes. However, Cllr Allen was surprised that the Licensing Committee had approved a home boarding policy and suggested the question should be whether such schemes were appropriate. If the Council were to continue with licensing home boarding premises then Cllr Allen stated that the minimum age contained within the conditions should not be below 12 years of age. Cllr Allen could not believe that a premise, such as a three-bedroom house, could effectively function as a home boarding premise and also thought that a noise nuisance could be created by such schemes.

The Head of Environmental Services explained that the Council had not received any complaints or allegations regarding the two premises currently licensed as home boarding establishments. The Head of Environmental Services further explained that home boarding of dogs was an activity that was known to occur and therefore it was preferable to issue licences with conditions, which provided the Council with a statutory regulation to be able to enforce and inspect premises if necessary.

Regarding the size of a premises, the Principal Environmental Health Officer explained that a home boarding application would be subject to a veterinary inspector's report under the new proposals, which would include the suitability of a premises.

The Principal Environmental Health Officer enquired whether, prior to the consultation of home boarding licence conditions, if Members wished to amend the minimum ages stated within the document and noted that the ages related to walking dogs as well as the age of any residents within a home boarding establishment.

Cllr Hunt proposed that the minimum age be amended to 16 years as a person of 16 was employable and could be married. Cllr Allen would rather the minimum age be 18 years as a person of 18 years was considered an adult and could be prosecuted as an adult. Subsequently it was proposed and agreed that:

- References to the minimum age of residents within a home boarding scheme to be amended from 21 years to 16 years.
- References to the minimum age of a person that is allowed to walk a dog/s in public places from a home boarding scheme to be amended from 21 years to 18 years.

Cllr Wright enquired whether the Council could legally suspend the issuing of home boarding licences until after the consultation exercise had been conducted and the results concluded. The Principal Environmental Health Officer explained that the consultation for the home boarding licences conditions would be conducted over a 12 week period and that there was a slim possibility that the Council could receive a home boarding application during this time, which would not take 12 weeks to consider and determine. The Senior Legal Assistant explained that the Council's home boarding scheme had already been approved and that the Licensing Committee were now being requested to review the conditions that could be imposed on such licences. Each home boarding scheme application was judged on its own merits and the Council could be legally challenged if it did not consider any submitted application.

Cllr Allan stated that it was important to minute that applicants should be made aware that there were very strict rules attached to home boarding licences. In the meantime the Principal Environmental Health Officer informed the Committee that should the Council receive a home boarding licence application that officers would make the applicant aware that consultation was taking place on the conditions attached to licences.

It was resolved:

- i. That the Licensing Committee agrees for consultation to be carried out on the proposed revised conditions for the home boarding of dogs from different families with licensed commercial and home boarding dog establishments within the District and relevant organisations, as attached as Appendix 3 of the officer's report, subject to the following amendments;
 - 3.7 Where puppies under six months of age are boarded with other dogs, including resident dogs, a ~~trial~~ **trial** (documented) socialisation period must be implemented, with no difficulties having been identified.

- References to the minimum age of residents within a home boarding scheme to be amended from 21 years to 16 years.
 - References to the minimum age of a person that is allowed to a walk dog/s in public places from a home boarding scheme to be amended from 21 years to 18 years.
- ii. That prior to the adoption of the revised conditions, that the results of the consultation exercise be presented to a future Licensing Committee meeting.

Following determination of the above agenda item the Vice-Chairman, Cllr Allan, vacated the chair and the Chairman, Cllr Goodge, returned to the Council Chamber and resumed chairmanship of the meeting.

18. **LICENSING SUB-COMMITTEE CHANGES**

The Senior Legal Assistant presented a report, (L61), previously circulated, to enable the Licensing Committee to consider potential changes to the Licensing Sub-Committee arrangements to ensure the effective and efficient operation of Sub-Committees, as follows:

- **Option 1:** Fixed allotted Sub-Committee Groups, as appended as Appendix A of the officer's report. This would provide sufficient notice to Members of the Sub-Committee meeting they are required to attend and ensure that all Members potentially sit on at least 1 or 2 Sub-Committee meetings per year. Or;
- **Option 2:** Recommend to Council that Taxi Licensing Hearings matters be delegated to the Head of Environmental Services. Sub-Committees arrangements would still be required to consider Licensing Act 2003 and Gambling Act 2005 applications. However, these meetings would be less frequent as currently most of the Sub-Committees work related to Taxi Licensing matters.

The Chairman informed the Committee that he had given consent for the item to form part of the agenda and stated that the Committee had a third option which was to retain the current delegation arrangements.

Cllr Wright stated that over the last twelve months, thirteen Sub-Committee Hearings had been convened, most of which had followed a meeting of the Licensing Committee. The set Sub-Committees did not take account of any potential Member conflict of interest as currently when officers contacted Members to sit on the Sub-Committee Hearing

panel they took account of the ward that the Member represented. Cllr Wright also noted that previously there had always been two dates scheduled in the calendar of meetings that could be used, if required, for Sub-Committee Hearings. Cllr Wright had not been aware that officers had experienced difficulties finalising the arrangements for Sub-Committees and believed the present system to work very well.

Referring to the second option of delegating Taxi Licensing Hearings matters to the Head of Environmental Services, Cllr Wright stated that it would be the equivalent of the Chief Constable being the judge and the jury. Therefore Cllr Wright proposed the third option that the Licensing Committee opt to continue with the status quo arrangements for the Licensing Sub-Committee meetings.

Cllr Hunt agreed with Cllr Wright as the elected representative was the safeguard for the public and that it was essential that there was elected representative involvement in the Licensing Sub-Committee meetings.

It was resolved:

The Licensing Committee opted to continue with the status quo arrangements for the Licensing Sub-Committee meetings.

19. **FORWARD AGENDA PLAN**

The Committee reviewed the Licensing Committee forward agenda plan.

Cllr Wright had recently seen an article in the press regarding a change to legislation that could potentially dramatically increase public house licence fees. Cllr Wright requested that should officers become aware of any change to legislation that a report be presented to the Licensing Committee at the earliest convenience. Officers confirmed that this would happen should they become aware of any change to legislation.

The Chairman noted that the Licensing Committee meeting in August had been cancelled, which Members had previously been advised, and that the next Licensing Committee meeting was scheduled on 14 September 2011.

It was resolved:

That the Licensing Committee forward agenda plan be noted.

The meeting concluded at 10.18am.