



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE
Telephone: 01353 665555

MEETING: **LICENSING COMMITTEE**

TIME: 11:00am (or following the preceding Licensing Committee, whichever is the later)

DATE: Wednesday 12th September 2018

VENUE: Council Chamber, The Grange, Nutholt Lane, Ely

ENQUIRIES REGARDING THIS AGENDA: Adrian Scaites-Stokes

DIRECT DIAL: (01353) 665555 EMAIL: adrian.scaites-stokes@eastcamb.gov.uk

Membership:

Conservative Members

Cllr Elaine Griffin-Singh (Chairman)
Cllr Chris Morris (Vice Chairman)
Cllr Michael Allan
Cllr Mike Bradley
Cllr Paul Cox

Cllr Neil Hitchin
Cllr Julia Huffer
Cllr Carol Sennitt
Cllr Alan Sharp
Cllr Stuart Smith

Liberal Democrat Member

Cllr Sue Austen
(Spokesperson)

Lead Officer:

Liz Knox, Environmental Services Manager

Quorum: 5 Members

A G E N D A

1. Apologies

2. Declarations of Interest

To receive declarations of interest from Members for any items on the Agenda in accordance with the Members Code of Conduct

3. Minutes

To receive and confirm as a correct record the Minutes of the Licensing Committee Meeting held on 20th June 2018

4. Chairman's Announcements

5. Hackney Carriage Fares – Consideration of Comments Received Following Consultation

6. **Gambling Act 2005 – Licensing Statement of Principles – Three Year Review**
7. **Changes to Animal Welfare Licensing**
8. **Forward Agenda Plan**

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5. If the Committee wishes to exclude the public and press from the meeting a resolution in the following terms will need to be passed:
"That the press and public be excluded during the consideration of the remaining items no. X because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item there would be disclosure to them of exempt information of Categories X Part I Schedule 12A to the Local Government Act 1972 (as Amended)."



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

LICENSING COMMITTEE

Minutes of the meeting of the Licensing Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Wednesday, 20th June 2018 at 9.30am.

P R E S E N T

Councillor Elaine Griffin-Singh (Chairman)
Councillor Michael Allan
Councillor Mike Bradley
Councillor Paul Cox
Councillor Julia Huffer
Councillor Chris Morris

OFFICERS

Stewart Broome – Senior Licensing Officer
Maggie Camp – Legal Services Manager and Monitoring Officer
Liz Knox – Environmental Services Manager
Adrian Scaites-Stokes – Democratic Services Officer

4. **APOLOGIES**

Apologies for absence were received from Councillors Sue Austen, Neil Hitchin, Carol Sennitt, Alan Sharp and Stuart Smith.

5. **DECLARATIONS OF INTEREST**

There were no interests declared.

6. **MINUTES**

It was resolved:

That the Minutes of the Licensing Committee meeting held on 10th January 2018 be confirmed as a correct record and be signed by the Chairman:

7. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made no announcements.

8. **HACKNEY CARRIAGE FARES – CONSIDERATION OF REQUEST FROM TRADE TO INCREASE FARES**

The Committee considered a report, T33 previously circulated, that detailed increasing the fares payable by members of the public to use an East Cambridgeshire District Council taxi following a formal request from members of the taxi trade.

The Senior Licensing Officer advised the Committee that consideration of increasing taxi fares payable by the public had been requested by the taxi trade. The 1976 Act of Parliament gave local authorities the power to set fares for hackney carriages. The taxi drivers had the choice to charge less than the fares set but could not charge more. Within the district the fares were set as a meter rate but the public could use taxis from outside the district where they would not have to use those rates.

Councillor Michael Allan asked about customers who were picked up outside the district. The Senior Licensing Officer explained those people should have pre-booked taxis, though the vast majority of journeys were within the district.

By law, the Council had to advertise the charges made. Any objections or comments received would be brought back to a future Committee meeting. These had to be considered within two months of the commencement date, so 1st August 2018 was suggested as that date. If no comments were received by that date then the new fares would come into effect from that time.

Taxi fares were an emotive subject, therefore the Council had to take a balanced view of the taxi trade's viewpoint as well as the paying public. The last increase had been on 2013 and since then the trade had seen rises in fuel, maintenance costs, insurance and inflation over the last few years. Fuel prices had fluctuated over that time but overall were steadily rising. Although insurance figures for taxis were not readily available, the comparison of domestic vehicles showed a steady rise in costs. The charges made for testing vehicles at a number of authorised garages were still around the 2013 levels. This Council had increased licence fees, to help cover the current deficit. Medical expenses had not increased, as less were visiting their General Practitioners by using private suppliers instead. Inflation also showed an upward trend.

Overall it was difficult to judge how these issues affected the trade, due to multiple factors. This meant that estimate figures had been used in Table 4 in the report, to assess the potential impact on income. This showed an estimated reduction in annual income of over £2500 compared to 2013. The effect of fuel, licence and insurance prices, covered in Table 5, showed an overall increase in those costs. So this demonstrated that taxi drivers were worse off than in 2013.

It would not be appropriate to ignore this impact. Consideration also had to be taken into account of the public wanting a service that was reliable and affordable. So a balanced approach would be needed, to encourage continued public use. If using a taxi became too expensive the public could use operators from outside the district or look for other alternatives. Compared to

neighbouring local authority areas this Council was 4th out of 7 for the highest day fares, and 7th for the night fares. Currently the night fares were only an additional 50p per journey, with more chances of anti-social behaviour and extra risks being encountered. So some drivers did not see any benefit in night time working.

The time was right to change the fees and the recommended increases took account of the potential impact on the community. Evidence suggested that there was some confusion around the night fare rates, so the increased flag rate aimed to achieve a balance between the trade's needs and those of the public. Table 7 in the report showed how this would be achieved. It was also proposed that the charge for Christmas Day be merged with all the other Bank Holiday charges.

All meters should be calendar controlled, though this had not yet been checked. Information had been received to suggest that this would prevent any tampering with the meters.

Councillor Paul Cox queried whether the meters automatically updated or whether they had to be re-programmed. The Committee was informed that there would be a requirement to re-calibrate the meters to the new rates. This would cost the drivers a nominal fee and the suppliers usually visited the taxi ranks to provide that work. The Senior Licensing Officer agreed to research whether the meters were calendar controlled and report back to Committee.

The Senior Licensing Officer accepted that it would be difficult to analyse the impact on the drivers, as there were so many different parameters. Table 9 in the report attempted to estimate that impact and it was anticipated that the proposed increases would cover the current deficits. It was expected that the drivers would benefit and would be encouraged to increase the evening service.

This would go out to consultation. If no comments were received, then the new fares would come into operation on 1st August. If responses were received then these would be considered at the Committee meeting in September.

Councillor Elaine Griffin-Singh thought the proposals provided some give and take and hoped it would help provide a better night time service. It would be prudent if the recommendations were agreed and then wait to see if the taxi trade argued that the increases were insufficient. The recommendations were based on a balanced argument and the trade recognised its market and reasons for not charging too much.

Councillor Mike Bradley considered not increasing fares for 5 years a problem, with possibly not another rise for another 5 years. This could mean that a bigger increase could be introduced. This had to be balanced against what people were prepared to pay. Though it was hard to argue against the recommendations made, was the increase for the night rate enough? If the trade thought the increases were not substantive enough they could reply to the Council to get it debated.

Councillor Michael Allan asked whether fares were reviewed every 5 years or less. Perhaps raising fares should be done in gentle increments and not too

quickly. The Committee was reminded that the taxi trade had approached the Council to review fares. So reviews were only done on those occasions.

The Senior Licensing Officer stated that the consultation would run for 14 days and would be publicised in a local newspaper.

Councillor Michael Allan left the meeting at this point, 10:21am.

It was resolved:

That officers be authorised to run the necessary consultation process using the proposed table of fares contained in Table 7 of the report and implement the changes (subject to there being no comments received).

9. **CHARITY STREET COLLECTION POLICY**

The Committee considered a report, T34 previously circulated, that reviewed minor amendments to the Council's Charity Street Collection Policy.

The Senior Licensing Officer advised the Committee that, although there was no legal requirement to have such a policy, it was good practice to agree to one. The existing policy was good but had been found wanting in some places. It was quite hard to understand, so some words had been stripped out and the layout changed making the guidance clearer. A lot of applicants had not read the policy, so had submitted faulty applications. The new policy set out how to deal with those applications. The policy had also been amended to allow more time for applicants to organise their applications, to adjust collection times to shop opening hours, to increase the number of collections permitted and to clarify the meaning of 'at a meeting in the open air'. These amendments would make the policy more flexible and, as there would be no detrimental impact from the changes, there was no requirement to go out to consultation.

Councillor Mike Bradley asked if collectors would have identification. The Senior Licensing Officer confirmed that all the organisations would have a copy of the street collection policy and would have proper badges for identification.

It was resolved:

That the amended policy be adopted with immediate effect.

10. **LICENSING OFFICER'S UPDATE**

The Committee considered a report, T35 previously circulated, that provided an update on the work of Officers in the Licensing Department.

The Senior Licensing Officer advised the Committee that the department was preparing for the introduction of the new Animal Welfare Regulations, which were due to come into force on 1st October. A working group of neighbouring authorities would look at ways to implement the Regulations across the county with a degree of consistency. The guidance offered by the Secretary of State was appalling, as suggestions offered had not been listened to. This would lead

to more work being required and more hassle in implementing the Regulations, making it more difficult for home-boarders to comply. The Department of the Environment, Food and Rural Affairs had invited comments on its draft guidance but its wording was poor and had not been scrutinised properly. One problem related to its 'star' rating system, where any new operator would not be permitted to obtain a 5 star rating as it would be automatically designated a high risk. This designation could be open to challenge, as it would be an unreasonable assumption. It also overlooked the boarding of cats, other parts of the guidance were unclear and this would not allow the Council to have a choice over its own policy.

Councillor Mike Bradley asked whether the Committee could back up the comments made by officers to give the arguments more weight. It was suggested that this suggestion could aid the comments made and the Chairman was happy to write a letter to the relevant Minister on behalf of the Committee.

The Senior Licensing Officer stated that the remaining work of the department was proceeding with no issues, although one taxi driver had their licence revoked due to some inappropriate behaviour.

The report was noted.

11. **FORWARD AGENDA PLAN**

The Committee considered its forward agenda plan.

The Environmental Services Manager revealed that there would be no business for the Committee to consider at its July meeting, so it was agreed that the July meeting be cancelled.

The meeting closed at 10.45am.

TITLE: HACKNEY CARRIAGE FARES – CONSIDERATION OF COMMENTS RECEIVED FOLLOWING CONSULTATION.

COMMITTEE: LICENSING COMMITTEE

DATE: 12 SEPTEMBER 2018

AUTHOR: SENIOR LICENSING OFFICER

[T96]

1.0 ISSUE

1.1 To consider comments submitted in response to the taxi tariff of fares amendment notice published on Friday 29 June.

2.0 RECOMMENDATION(S)

2.1 That Members consider the content of this report, and the comments received following the required consultation period (**Appendix 1**), and approve the amended table of fares set out in Table 3 at paragraph 5.5 of this report to come into effect on or before the 1 October 2018 deadline.

3.0 BACKGROUND

3.1 On Wednesday 20 June 2018 Members considered a detailed report from officers which outlined the reasons why a change to the existing tariff of fares could be justified. Having considered this report, Members authorised Officers to publish a notice of the proposed tariff of fares in accordance with the controlling legislation. In addition to placing this notice, all existing hackney carriage proprietors were notified directly.

3.2 During the consultation period, a total of six objections were received from members of the licensed trade (**Appendix 1**). No comments were received from any other parties consulted, including members of the public.

4.0 SUMMARY

4.1 **Table 1** on the following page provides a summary of the main points raised in the objections received, officer comments on the points raised, and any suggested revisions that officers recommend to accommodate or otherwise those points:

Table 1

Objection point	Officer comment	Revision
Changing the Rate 2 switchover time on Saturday and removing Sunday rate will result in fewer taxis being available at these times.	Whilst it was the intention of Officers to amend the Rate 2 changeover time on Saturday, it was not the intention of Officers to remove an incentive to work on Sundays.	Adjust the table of fares to include a specific Sunday tariff.
Whilst moving the Rate 2 changeover time during the week will incentivise working on the weekend evenings, it will not result in more drivers working Monday to Thursday evening, as the majority of drivers have early morning school runs to complete during the week.	The change in switchover time may affect the working pattern of some drivers, but it is not anticipated that it will affect all drivers, as not all drivers have school runs to fulfil. There is a need to incentivise drivers to work later during the week, to provide a service to those returning to the district at a later hour.	No change is recommended.
Changing the Rate 2 changeover time will result in a 30p per journey decrease for drivers operating from the station between the busiest time between 6pm to 8.30pm.	The intention of the review of the table of fares was not to reduce a driver's potential income. It is true, (as was pointed out in the initial report) that the change in time that Rate 2 can be charged would reduce a fare by 20p (not 30p as contained in the objection). It was felt that this impact would be offset by the gains to be made overall, however, it would seem that there is a lot of opposition to the change of timings mainly stemming from the loss of potential income during the 7pm to 11pm period. Officers feel that it is essential to adjust the time to achieve a higher number of drivers working the later shifts, but believe a compromise can be achieved.	Adjust the table of fares to increase the proposed Rate 1 fare of £3.70 to match the current Rate 2 charge of £4.00.
Changing the per passenger charge to a larger fee, but only when more than four passengers are present instead of more than one passenger amounts to a reduction in	This comment is correct. The reason for this proposal was to ensure that the fare paid reflects the type of vehicle being used, and was transparent. It can be argued that the costs of carrying up to four passengers is arguably the	Although Officers feel that the current system is not transparent, and is difficult to justify, Officers also feel that the potential impacts of adopting the proposal will be far greater than initially thought, and more

<p>income to four seat vehicle drivers.</p>	<p>same as carrying one passenger, but the cost in providing a larger vehicle is on the whole proportionately higher. However, it is clear from the objections received that this is a surcharge that is utilised more often than Officers had believed was the case, and therefore, if this was proposal was to be implemented the gains from a main tariff increase would be eroded for the drivers of these smaller vehicles, which represent 40% (45 vehicles) of our taxi fleet.</p>	<p>work should be undertaken before taking any steps to change this part of the tariff.</p> <p>Officers recommend keeping the existing surcharge structure, but also recommend amending the wording to exempt all persons under 18 and disability helpers from counting towards this total.</p>
<p>The rate change makes it cheaper to hire a taxi after midnight on a Bank Holiday than it is during the day itself.</p>	<p>This comment is correct. This anomaly was not picked up by officers when composing the proposed table of fares.</p>	<p>Adjust the table of fares to read "All journeys commenced from 00:00 on a Bank Holiday through to 07:00 the following day.</p>
<p>The additional passenger rate in vehicles seating over 4 persons should be per passenger therefore up to £4 extra per journey.</p>	<p>The proposal to introduce a nominal charge for the 5th to 8th passengers where a vehicle is capable of carrying more than 4 passengers is to reflect the proportionately more expensive costs of providing this type of vehicle. To charge every passenger would be disproportionate and could result in very large fares for very short journeys i.e. £7.70 for one mile.</p>	<p>As mentioned above, Officers recommend not implementing the proposed change to additional passenger surcharges at this point in time to allow any adopted changes to settle in, and to enable more work to be undertaken on the potential impacts of adopting a change to this surcharge.</p>
<p>The loss of a booking fee will mean that any jobs under five miles will result in a lower fare under the new fares than the current fares.</p>	<p>This statement is not entirely correct. The booking fee of 50p per journey is only permitted when hired from a location other than a rank. So, pre-booked work under 5 miles in distance will not benefit, but immediate hire jobs will benefit from the fare increase straightaway.</p>	<p>The proposal to make Rate 1 £4.00 instead of £3.70 would remove any potential losses.</p>
<p>Charging £7 on a Bank Holiday to travel from the station to the Cathedral is too much.</p>	<p>The table of fares is the maximum a driver may charge it is not compulsory to charge that amount. It will be entirely up to the driver to decide the level of fare they are willing to work a Bank Holiday for,</p>	<p>No change is recommended.</p>

	providing the maximum is not exceeded.	
Proposal is based only on petrol, and licence fees and doesn't take into account living expenses	This comment is not correct. The original report took into account inflationary factors, and specifically mentions cost of living factors (paragraph 5.2)	No change is recommended.

4.2 In addition to the points raised above, a couple of alternative tariff options were suggested by the trade, and these are discussed in the following paragraphs.

Suggestion 1

4.2.1 The meter should start at a £3 flag rate, and increase by 20p at each 167.6yds making a first mile rate of £5.10, and a two mile rate of £7.20. The lack of additional information suggests that this is a one rate suggestion.

4.2.2 Rate 1 - 7am to 7pm start rate £4, 1st mile at £6.10, two mile rate at £8.20.
Rate 2 - 7pm to 7am start rate £4.50, 1st mile at £6.60, two mile rate at £8.70
Weekend rate same as rate 2

4.2.3 The options in paragraph 4.2.1 and 4.2.2 would see significant increases in fares over and above those currently charged, and those of the proposal consulted upon.

Suggestion 2

4.2.4 Change the rate distance rate to 22p per click.

4.2.5 This change would result in pennies being required to pay for part mile journeys.

Suggestion 3

4.2.6

Rate	First mile	For each 160 yards or uncompleted part thereof	Waiting time per minute	Two mile cost	Five mile cost
1 (7am to 7pm Monday to Friday & 7am to 1pm Saturday) (excl. Bank Holidays)	£4.00	£0.20	£0.40	£6.20	£12.80
2 (7pm to 7am Monday to Saturday & 1pm Saturday to 7am Monday)(excl. Bank Holidays)	£4.50	£0.20	£0.40	£6.70	£13.30
3 (Bank Holidays excl. 7pm 24/12 to midnight 25/12, and 7pm 31/12 to midnight 1/1)	£6.50	£0.20	£0.40	£8.70	£15.30

4 (7pm 24/12 to midnight 25/12, and 7pm 31/12 to midnight 1/1)	£7.50	£0.30	£0.40	£9.70	£16.30
Persons carried in excess of 1 (two children under 12 shall count as one person, and children under the age of 3 shall not be counted)				£0.25 per additional person, per trip	
Soiling charge				Not to exceed to £90	
Booking fee				£0.50	
Luggage per item carried in the boot				£0.25	

4.2.7

Rate	First 160 yards	For each 160 yards or uncompleted part thereof	Waiting time per minute	One mile cost	Two mile cost	Five mile cost
1 (7am to 7pm Monday to Friday & 7am to 1pm Saturday) (excl. Bank Holidays)	£2.40	£0.20	£0.40	£4.40	£6.60	£13.20
2 (7pm to 7am Monday to Saturday & 1pm Saturday to 7am Monday)(excl. Bank Holidays)	£3.40	£0.20	£0.40	£5.40	£7.60	£14.20
3 (Bank Holidays excl. 7pm 24/12 to midnight 25/12, and 7pm 31/12 to midnight 1/1)	£4.40	£0.20	£0.40	£6.40	£8.60	£15.20
4 (7pm 24/12 to midnight 25/12, and 7pm 31/12 to midnight 1/1)	£5.00	£0.30	£0.40	£8.00	£11.30	£21.20
Persons carried in excess of 1 (two children under 12 shall count as one person, and children under the age of 3 shall not be counted)				£0.25 per additional person, per trip		
Soiling charge				Not to exceed to £90		
Booking fee				£0.50		
Luggage per item carried in the boot				£0.25		

4.2.8 The difference between the two options in paragraphs 4.2.6 and 4.2.7 is the initial hire or “flag” rate. In 4.2.6, the same charge will be payable for journeys between zero and one mile (£4.00), whereas the option in 4.2.7 would see £2.40 only cover 160yds or 1/11th of a mile, and a mile would cost £4.40.

4.2.9 The options in paragraph 4.2.6 and 4.2.7 mirror the current table of fares with regards to changeover times and surcharges, thereby retaining the status quo in the eyes of the public and trade, but as mentioned above, the way in which the fares for short journeys add up would change.

5 CONCLUSIONS

- 5.1 The comments received have highlighted some anomalies with the proposed table of fares consulted upon. The main one being the omission of a Sunday tariff, and the Bank Holiday rate cut off time not running to the correct end time.
- 5.2 Objections have been raised to the altering of the changeover times and the loss of, or altering of, some of the surcharges currently permitted.
- 5.3 As detailed above in paragraphs 4.2.1 to 4.2.9 some of the objectors have made suggestions as to how they would like to see the current table of fares replaced. Whilst they seem mathematically possible with regards to how the taximeters are calibrated, the impact of these suggestions would see increases in the fares payable well above those suggested as being reasonable in the first report. **Table 2** below illustrates this:

Table 2

Rate 1 comparison							
Distance	Current fares	Consultation (% increase over current)	Option 4.2.1	Option 4.2.2	Option 4.2.4	Option 4.2.6	Option 4.2.7
First 160yrd	N/A	N/A	N/A	N/A	N/A	N/A	£2.40
Flag	N/A	N/A	£3.00	£4.00	N/A	N/A	N/A
1	£3.50	£3.70 (5.7%)	£5.10 (45%)	£6.10 (74.2%)	£3.70 (5.7%)	£4.00 (14.2%)	£4.40 (25%)
2	£5.50	£5.80 (5.4%)	£7.20 (30.9%)	£8.20 (49%)	£6.01 (9%)	£6.20 (12.7%)	£6.60 (11%)
5	£11.50	£12.10 (5.2%)	£13.50 (17.3%)	£14.50 (26%)	£12.94 (12.5%)	£12.80 (11%)	£13.20 (14.7%)
Rate 2 comparison							
Distance	Current fares	Consultation (% increase over current)	Option 4.2.1	Option 4.2.2	Option 4.2.4	Option 4.2.6	Option 4.2.7
First 160yrd	N/A	N/A	N/A	N/A	N/A	N/A	£3.40
Flag	N/A	N/A	£3.00	£4.50	N/A	N/A	N/A
1	£4.00	£5.55 (38.7%)	£5.10 (27.5%)	£6.60 (65%)	£3.70 (-7.5%)	£4.50 (12.5%)	£5.40 (35%)
2	£6.00	£7.65 (27.5%)	£7.20 (20%)	£8.70 (45%)	£6.01 (0%)	£6.70 (11.6%)	£7.60 (26.6%)
5	£12.00	£13.95 (16.2%)	£13.50 (12.5%)	£15.00 (25%)	£12.94 (7%)	£13.30 (10.8%)	£14.20 (18.3%)

- 5.4 Taking on board the content of the objections received, Officers believe that there is scope to amend the proposal to arrive at a solution that will create a balance between the needs of the public who require affordable access to a suitable number of vehicles at all times of the day and night, whilst not prejudicing those who provide that service.

5.5 **Table 3** below is largely based on the table of fares Members approved for consultation in June 2018, but it has been amended to create this balance.

Table 3

Rate	First mile (% increase over current fare / actual amount in £'s)	For each 167.6 yards or uncompleted part thereof	Waiting time per minute	Two mile cost (% increase over current fare / actual amount in £'s)	Five mile cost (% increase over current fare / actual amount in £'s)
1 (7am to 11pm Monday to Saturday) (excl. Bank Holidays)	£4.00 (14.2% / 50p)	£0.20	£0.40	£6.10 (10.9% / 60p)	£12.40 (7.8% / 90p)
2 (11pm to 7am Monday to Saturday) (excl. Bank Holidays)	£5.50 (37.5% / £1.50)	£0.20	£0.40	£7.60 (26.6% / £1.60)	£13.90 (15.8% / £1.90)
3 (7am Sunday to 7am Monday) (excl. Bank Holidays)	£4.50 (12.5% / 50p)	£0.20	£0.40	£6.60 (10% / 60p)	£12.90 (7.5% / 90p)
4 (All Bank Holidays from midnight to 7am the following day)	£7.00 (27% / £1.50)	£0.30	£0.40	£10.15 (35.3% / £2.65)	£19.60 (45% / £6.10)
Each passenger in excess of one (persons under the age of 18, and person(s) accompanying a passenger who requires assistance due to their physical or mental condition shall not be counted)				£0.25 per person, per trip	
Soiling charge				Not to exceed to £150	

5.6 **Table 3** if adopted will have the following impacts:

- (i) By upping Rate 1 to £4 from the suggested £3.70 the issue of drivers losing money due to the Rate 2 changeover time moving from 7pm to 11pm is overcome. The only impact of this change is that drivers who choose only to work between 7pm and 11pm will effectively see no increase in the amount they can charge under the new tariff.
- (ii) By adding a specific Sunday tariff, the issue of losing an incentive to work weekends has on the whole been removed, as drivers working Friday evening, Saturday evening and Sunday will see increases in the rates they can charge, and those working Saturday during the day will see no decrease in the rate they can charge. The only impact of the new tariff will be that drivers who only work Saturday afternoons will not see any change in the rate that can charge under this new tariff.

(iii) By increasing the Rate 2 charge significantly, there is an incentive to work more of the night-time economy hours where anecdotally provision has been lacking.

(iv) Retaining the additional per passenger charges, removes the potential for the proposed changes to the main tariffs to erode potential gains, and allows Officers more time to assess the implications of the proposed change.

5.7 If Members determine to approve the table of fares in **Table 3** above, **Table 4** illustrates the impact that this will have on our fares compared to those in the local area:

Table 4

Neighbouring authority fares - comparison to current ECDC fares				
Council	2 mile fare (Rate 1)	2 mile fare (Rate 2)	Last increased	Flag rate (Rate 1) (Rate 2 in brackets)
Fenland	£5.30 (6)	£7.90 (2)	2012	£3.30 (£4.90) - 1760 yards (1 mile)
South Cambs	£6.30 (2)	£7.30 (4)	2018	£2.90 (£3.90) - 100.6 yards
Hunts	£5.60 (3)	£6.20 (6)	2011	£4.10 (£4.70) - 234.66 yards
Cambs City	£6.50 (1)	£7.50 (3)	2017	£2.90 (£3.90) - 98.43 yards
Forest Heath	£5.60 (3)	£6.80 (5)	2014	£2.60 (£3.10) - 718 yards
St. Edmundsbury	£5.40 (5)	£8.10 (1)	2015	£3.80 (£5.70) - 1760 yards (1 mile)
East Cambs	£5.50 (4)	£6.00 (7)	2013	£3.50 (£4.00) - 1760 yards (1 mile)
Neighbouring authority fares - comparison to Table 3 proposed ECDC fares				
Council	2 mile fare (Rate 1)	2 mile fare (Rate 2)	Last increased	Flag rate (Rate 1) (Rate 2 in brackets)
Fenland	£5.30 (6)	£7.90 (2)	2012	£3.30 (£4.90) - 1760 yards (1 mile)
South Cambs	£6.30 (2)	£7.30 (5)	2018	£2.90 (£3.90) – 100.6 yards
Hunts	£5.60 (4)	£6.20 (7)	2011	£4.10 (£4.70) – 234.66 yards
Cambs City	£6.50 (1)	£7.50 (4)	2017	£2.90 (£3.90) – 98.43 yards
Forest Heath	£5.60 (4)	£6.80 (6)	2014	£2.60 (£3.10) – 718 yards
St. Edmundsbury	£5.40 (5)	£8.10 (1)	2015	£3.80 (£5.70) - 1760 yards (1 mile)
East Cambs	£6.10 (3)	£7.60 (3)	2018	£4.00 (£5.50) - 1760 yards (1 mile)

5.8 Whilst **Table 4** is not a factor that should be relied upon in isolation to justify a rate change, (or not as the case may be), it is useful to see where our rates would sit amongst neighbouring areas with relatively similar economic pressures. As Members will note, the slightly amended tariff of fares would see ECDC sitting mid-table in both of the main tariffs.

- 5.9 As I explained on my initial report to Members in June, reviewing a table of fares is a very difficult process to undertake. If you set them too high, the public may choose another option, which can result in lower overall income to the very people that requested the review. If fares are set too low, the trade can't afford to make a living and the public ultimately suffer from a poor transport service.
- 5.10 The individual breakdown of the table of fares can also have an impact on individuals. On the driver's side, some drivers may benefit more than others, and as Members have read in the objections, if the table is not set correctly, there is the potential that some drivers may end up losing money due to their shift pattern. On the public side, the lack of incentives to work unsociable hours may result in poor provision of service at these times.
- 5.11 Having considered all of the information available, it is considered that the rates in **Table 3** balance these difficult factors, and should result in all drivers earning more money, and no drivers earning less money as a direct impact of the rate change, as well as better provision of service during the night-time economy hours.

6.0 FINANCIAL IMPLICATIONS

- 6.1 From a customer point of view, the only proposal in **Table 3** that exceeds the level consulted upon is the rate 1 charge, which is 30p more per journey than that shown on the notice. The other rates are equal to or slightly less than those consulted upon. Due to this, Officers do not consider it to be necessary to place a further notice seeking additional views.
- 6.2 From a proprietor's point of view the only impact will be the level to which an individual may benefit, which is determined by the pattern they choose to work.
- 6.3 The table of fares contains the maximums that a driver may charge. A driver is free to charge less, where they consider it appropriate.
- 6.4 An Equality Impact Assessment (EIA) has been completed showing there is no adverse impact on the community.

7.0 APPENDICES

- 7.1 Appendix 1 Consultation Responses
- 7.2 Appendix 2 Equality Impact Assessment (EIA)

Background Documents**Location****Contact Officer**

Local Government
(Miscellaneous Provisions)
Act 1976

Room SF208
The Grange,
Ely

Stewart Broome
Senior Licensing Officer
(01353) 616477

Button on Taxis – Fourth
Edition

Taxi Tariff 2013

From: Jamie@a2b
Sent: 02 July 2018 10:25
To: Licensing
Subject: Re: Licensing - Hackney Carriage Fares, give in one hand and take it away in another
Categories: Stewart

To East Cambs licensing,

I am emailing today to object to the proposed (supposed) 'price increase', give it in one hand and take it away in another, springs to mind.

Increasing the length of time we run on rate 1 and decreasing rate 2 dramatically, kills this deal.

Kind Regards,

Jamie Edmunds
Managing Director



On 28 Jun 2018, at 14:34, Stewart Broome <Stewart.Broome@eastcambs.gov.uk> wrote:

Good afternoon

I am writing to you to advise you of the outcome of last week's Licensing Committee, held following the request of the trade to review the taxi fares chart.

Members of the Licensing Committee considered the report (which can be read in full by clicking on the link below) and agreed to consult on the proposal which is attached as a pdf to this email. This notice will be appearing in the local press on Monday 2 July.

http://www.eastcambs.gov.uk/sites/default/files/agendas/li200618_T33.pdf

Members of the trade, and any other person may now submit an objection if they do not agree with any part of the proposal. These objections (if received) will be heard by the Licensing Committee on Wednesday 12 September 2018.

Please note, although any objection which relates to the proposal will have to be heard by Members, any person who wishes to submit a comment is strongly recommended to provide full reasons for their objection rather than simply stating, "I do not agree with this".

As the notice states, if no objections are received the new fares will come into effect on 1 August 2018. At whichever point the fares change Officers will look to arrange for a meter company to visit a local car-park to save you all having to travel to a provider.

More information will be made available as and when available, but if you have any questions, please do not hesitate to contact us.

From: Richard Lee >
Sent: 02 July 2018 17:09
To: Stewart Broome
Subject: Re: Licensing - Hackney Carriage Fares

Hi Stewart

I have had comments made to myself regarding the rate 2 hours that will no longer apply to Saturdays 1pm to Mondays 7am.

The night shift and week end drivers are not happy that they will be working at the same rate's as drivers are for standard Monday to Friday rate's

In fact they have asked why the times have been altered at all and why the Tariff's where not increased to the original Tariff hours.

I think it will lead to major problems as the feeling is they will not work Week end days if it is not rate 2 Tariff which will lead to Major shortages on the ranks on Saturdays and Sundays.

By Increasing the rate 2 Tariff from 11pm to 7am you are creating an incentive to work at week ends but will not alter the number of Taxi's available at this time during Monday's to Thursdays as the vast majority of these drivers have School runs early the next morning.

By taking the rate 2 Tariff from Saturday 1 pm to 11 pm and also Sunday hours you are taking the Incentive away and will lead to a decrease of Taxi's during these hours.

Regards

Richard Lee
Fencabs Ltd
56 Market St, Ely, Cambs
CB7 4LS
Mob

On 28 June 2018 at 14:34, Stewart Broome <Stewart.Broome@eastcambs.gov.uk> wrote:

Good afternoon

I am writing to you to advise you of the outcome of last week's Licensing Committee, held following the request of the trade to review the taxi fares chart.

Members of the Licensing Committee considered the report (which can be read in full by clicking on the link below) and agreed to consult on the proposal which is attached as a pdf to this email. This notice will be appearing in the local press on Monday 2 July.

From: rodger goodson < >
Sent: 04 July 2018 11:10
To: Stewart Broome; licencing@eastcambs.gov.uk
Subject: Hackney Fares

With regards to the notice to fix fares for hackney carriage vehicles dated 28.06.18

we feel that this is a decrease instead of an increase,
changing the times to 7am - 11pm is a large decrease to us who operate from the railway station because the busy times are between 6pm and 8.30pm, this will mean that we will be getting a decrease of 30p on all the trips
therefore we would like the times to stay the same as they are at present

the 11pm start rate of £5.55 is not going to work as no one will charge the odd 5p and it will make a trip from the station to Morton Close or pow approx. £9 which customers will not want to pay as it makes the fare increased by approx. £2

The £7.40 start on a Bank holiday would make a short trip to market square very expensive, increasing the fare by £1.90. A more reasonable rate would be a £6 start on Bank holidays, increasing the rate at present by 50p

Charging for persons over 4 will only apply to 6 and 8 seater taxis making this a decrease (if charged to the customer) for the 4 seater taxi drivers

There is also no new weekend rate which is needed , from 12 noon Saturday to 7am Monday (we have this rate now) and want to keep it.

the above rates would open a window of opportunity for the two larger taxi companies to increase their business, when they use their discounted rates around Ely, ie £3.50 and £4

Unless all taxis are made to work of the meter at all times these new rates will push the smaller independent drivers and companies out of business

so we feel a fair rate increase charge should be as follows;

Option 1;

The meter runs like other counties ie Cambridge, starting at £3 and moving straight away by 20p at each 167.6 yards, this would mean that shorter journeys would have a slight increase and we would be able to offer a discount on longer journeys

Option 2;

7am - 7pm start rate £4 leaving the 20p per 167.6 yards
7pm - 7am start rate £4.50 leaving the 20p per 167.6 yards
weekend rate to start at £4.50 with 20p per 167.6 yards

on talking to other taxi drivers around Ely option 1 would be the preferred choice

Regards Julie & Rodger Goodson

From: Cliff Smith < >
Sent: 05 July 2018 00:02
To: Stewart Broome
Subject: Notes on Taxi Fares

Dear Stewart,

I am one of your licenced taxi drivers, and I heard that the taxi fares might be about to be reviewed, as I had some ideas for changes to the Public and Bank Holiday rates I thought I would write to you.

In passing I came across the agenda and documents for the licensing committee on 20.6.2018 on the internet and have the following observations:

The decision list suggests that a consultation period will be arranged concerning a proposed new fare structure, Table 7, I assume this will come out to the trade at some point with a published timescale. I am writing this in anticipation of such a consultation, I hope you don't mind.

For your information, the internet list of documents has a link to the minutes which takes you to the Decision List, not the Draft Minutes.

Re: Agenda item 5, 20 June 2018

Thank you for the comprehensive and transparent approach taken to this report. I have the following comments/observations on the section numbers shown:

3.2

I believe it would be beneficial to change the ruling outlined in this section and treat journeys wholly within the district the same as journeys starting within the district and ending outside of the district. That is, to make it possible for a journey wholly within the district to be charged at more than the metered fare by agreement in advance with the customer.

The reality is that this is already done in a number of cases, and by officially permitting it customers will have a wider selection of suppliers to choose from.

This would be particularly beneficial in such a rural area where it is not unusual for people to travel between, or indeed within, villages some distance from Ely City. For example, according to current regulations a taxi company may choose to refuse to take a job say from Wilburton to the Doctor's surgery in Haddenham or Stretham because it would not be cost effective to travel from/to Ely for this fare. There may not be any suitable public transport available at the required time and the customer, who may be prepared to pay a 'reasonable' fare could end up paying what might be considered an 'unreasonable' fare due to lack of competition, as some companies will follow the regulations.

Of course such a change would not prevent the metered price being charged if considered appropriate by a particular taxi company, such as one based in one of the mentioned villages, in which case they would no doubt get the majority of such work.

Section 5.4 refers to private hire vehicles which are able to do what has been described above, I don't know what percentage of licenced vehicles are private hire, but I suspect that they can be difficult to book at certain times for the public. In fact I think there is an argument for only one type of taxi as the public generally do not differentiate and will often happily either get into a private hire vehicle on the street without pre-booking or get into a booked hackney carriage and pay an agreed fare higher than that which would be metered.

4.3

The source of the fuel figures listed is not attributed, I assume they represent a UK average. They 'felt' a bit low to me so I took a look at my receipts for April, March and February 2018, being the most readily available. I arrived at

average prices of 1.257, 1.242 and 1.271 respectively. While my figures are consistently higher than those listed, it is only by an average of 2p per litre which is less than I had expected. As long as your figures are consistent then the specific values won't have an impact on the conclusions you are drawing.

4.12

I note that the cost of a taxi driver licence has gone up 150% in 4 years, and is continuing to increase.

4.16

I find the DoT statistics interesting, although I would suggest that the figures in our rural area are likely to be significantly different. For example, a journey to Heathrow airport is 103 miles from Ely according to Google which based on the figures shown would incur a fare of 212 pounds. I suspect about 130 would be more likely for what is a competitive market in this area. Also, I would suggest that 350 miles a year from journeys of over 25 miles is rather low for this area.

However, again, given a consistent set of figures your comparison should be valid.

4.17

I do not understand this table. There is a column headed Total which does not hold the total of the numbers in the other columns?

6.0

I appreciate the conclusion that it is appropriate to increase the fares, and that consideration should be given to both drivers and passengers.

However, I disagree with the proposed changes to the hours when the various rates apply. I would suggest keeping the hours broadly as they are, but to include an extension of Public and Bank Holidays, currently from 00:00 to 23:59 the same day, to 00:00 on the Public and Bank Holiday to 07:00 the following day. This would reduce the scenario where it is cheaper to go home in a taxi after midnight on a Public and Bank Holiday than it is to come out during the day or in the evening.

I would also suggest extending Rate 4 to include Easter day, and for Rate 4 like Rate 3 to cover the whole day and continue on until the next normal rate change time (07:00 the following day). All Tesco stores in England close on Christmas Day and Easter Day.

In addition, I suggest having a different distance rate for rate 2 and 3 as well as rate 4, possibly with less of a difference in the flag rate. Currently those taking short journeys pay proportionately more than those on long journeys on the higher rates. For example on the current rates taking a journey of less than a mile on a Public or Bank Holiday costs an extra 2 pounds, while taking a journey of 300 miles also costs an extra 2 pounds. While this is excellent value for the passenger, the driver gets the same additional fare for a 5 minute job as he does for driving all day, 2 pounds.

Note: The proposed change doesn't include a different time frame for rate 2 at the weekend.

6.4

The loss of extended rate 2 hours on Saturdays and Sundays will be significant.

The loss of the booking fee will also counteract the increase for a significant number of jobs. Essentially any jobs less than 5 miles will incur a smaller fee under the proposed fare structure than the existing one if booked. For my jobs last week, 92% were booked. The DoT statistics suggest that 72% of journeys are less than 5 miles.

I note that some authorities allow a surcharge for card payments.

Also, the proposed charge for more than 4 passengers is the lowest in the area, with some introducing separate rates for larger vehicles.

6.5

I suspect arrivals at the station are based on train times rather than the taxi fare.

I would agree with the point regarding the number of passengers, however as someone that often drives 8 seater vehicles I would like the over 4 passenger surcharge to apply to all passengers, therefore giving a maximum surcharge of 4 pounds rather than 2 pounds. These are minimal figures compared with double the cost for two 4 seater taxis.

However, I can appreciate a desire to attempt to keep things simple and keep the number of rates and extras down to avoid confusion and also incorrect use.

7.0

As stated it is difficult to tell the impact of the proposed changes in real life, there are so many factors to be considered. But as a snapshot of one group of jobs which represents my last week (Sunday 24th to Saturday 30th June 2018), you may be interested in the figures below:

Day	7am-7pm	7pm-11pm	11pm-7am	Total	Current(R1 R2)	Proposed(R1 R2)
Sunday	4	5	1	10	0 10	9 1
Thursday	2	6	0	8	2 6	8 0
Friday	2	8	10	20	2 18	10 10
Saturday	0	6	6	12	0 12	6 6

This specific set of figures shows a swing of 58% (29) of my total jobs (50) last week changing from rate 2 to rate 1 under the proposed fare structure. Given that fares for the proposed rate 1 are always lower than the current rate 2, I would anticipate an overall reduction in takings (and therefore income) on this basis.

7.3

I suspect if there is any impact on driver's behaviour resulting from the proposed changes it would be to discourage them from staying later in the evening and coming out at weekends, particularly at the station.

In conclusion, I would like you to accept this email as a formal response and objection to the proposed fare structure outlined in Table 7.

Specifically I object to:

- the change in hours of operation proposed for rates 1 and 2

Specifically I would like to see:

- an extension to rate 3 and rate 4 hours for them to run through to the next 'normal' rate change (7am)
- an extension to rate 4 to include Easter Day
- a bigger differential between rates, by changing the distance amount
- a bigger differential for vehicles with more than 4 passengers

Kind regards
Clifford Smith
JNT/218

Ps

My suggestions for rate changes are given below, although I have not worked through them fully I feel they would work.

Leave the rates unchanged except for:

- change the drop yardage for all rates as per your proposal
- change the rate 2 distance amount to 22p
- change the rate 3 distance amount to 30p

- change the rate 4 flag rate to 6.50
- change rate 3 to finish at the next 'normal' rate change after the end of day, 7am
- change rate 4 to finish at the next 'normal' rate change after the end of day, 7am
- change rate 4 to include Easter Day

pps

In addition, when it comes to considering standardising the colour of taxis, I believe that one of the most common car colours on the road (Silver) should not be chosen. This is based on the assumption that the intention is to try and make taxis stand out from other vehicles and hence reduce the likelihood of passengers getting into an unlicensed vehicle. I've noticed some authorities tend to use a pair of colours.



Virus-free. www.avast.com

From: Susan < .>
Sent: 11 July 2018 15:21
To: Stewart Broome
Subject: fare increases

I now write in reply to your proposed taxi fare increases:

We would not be in support of these we as a company work from Ely train station and as I'm sure you know pay approx. £1000
Per annum to be there these prices would play into the hands of A10 and fencabs who as we know do not run on the meter
To ask the general public inc OAP s to pay £7 plus to run them from the station to Ely cathedral on a bank holiday would be outrageous !
We are not happy with the fact that you don't seem to accept any unsociable working hours i.e only changing the tariff after 11pm
At night and not recognising Sunday work at all
We would be in support of Jr cars proposals either option 1 or 2
all your calculations are based on taxi fares petrol consumption badges plates etc etc
I would like to add that since the last fare increase of 2013 we have all had to live in a house paying mortgages, rent , council tax
Electricity gas water food etc etc which have steadily increased some more than others.
So we fully support a change but it must be the right one as we could be looking at another 5 year pay freeze

Many thanks
Sue and Neil
Cornell taxis

Sent from [Mail](#) for Windows 10

From: Eve Humphrey >
Sent: 21 July 2018 22:34
To: Licensing
Cc:
Subject: Fwd: Proposed new Hackney Carriage fares
Categories: Stewart

Sent from my iPad

From: Eve Humphrey
Date: 21 July 2018 at 21:37:40 BST

Subject: Proposed new Hackney Carriage fares

Senior Licensing Officer,
East Cambs District Council,
CB6 4EE.

Eve Humphrey,
Licensed Taxi
Proprietor & Driver
CB7 5SN

20/07/2018

Dear Sir,

I am writing to you and the Licensing Committee to object to your proposed new fares. I have thought a lot about this, and as I work from the station and my car arrives at 2pm and finishes after the last train at 00.30 hrs, every day of the week,, I can see that your proposed new fares, as you wish to change the rate times, would see us losing money every day and night. Yes it's time for a rate change, but 20p extra on Rate 1 and only 10p per subsequent mile, is not enough, and if it only changes to rate 2 at 11pm we are all going to lose money. The people who come on the late trains won't pay £5.55 min fare (proposed Rate 2), so they will walk most probably. I've been working there for 10 years, and I know what fares customers are happy with. They never complain when we add on 25p or 50p for 1 or 2 extra passengers, but if we go with the proposed fares we will lose that as well. We are also expected to remain working the antisocial hours of Saturday afternoon and evening, and all day Sunday for the reduced fare of £3:70 with no surcharges. The rate 3 for all Bank Holidays of £ 7.40 for first mile and subsequent mile £3.15 will not be well received either, customers have only just got used to paying £5.50, so I know they will either walk or choose a private hire car that is cheaper. The booking fee of 50p, plus the luggage charge of 25p per piece carried outside the passenger compartment appears to have gone also, another reason to lose money. Overall the fares have been decreased for us, but we still have to pay our mortgages and the higher cost of living, and I might add also the fuel has gone up drastically in the last few months, and we have been paying up to 137.9p per litre of diesel, and I just recently paid £250 for my taxi license plate, plus £150 each for myself and husband for our license renewals.

I would like to suggest my proposals for the new Hackney Carriage fares, being 2 options.
OPTION 1

Tariff 1

All journeys commenced after 07:00 hours and before 19:00 hrs Monday to Friday, then after 07:00 hrs and before 13:00 hrs on Saturday (excluding Bank Holidays)

First mile £4.00
For each additional 160 yards or part thereof £0.20 (£2.20/mile)

Tariff 2

All journeys commenced after 19:00 hours and before 07:00 hours Monday to Friday, and Saturday commenced after 13:00 hrs and before 07:00 Monday (excluding bank holidays)

First mile £4.50
For each additional 160 yards or part thereof £0.20
(ie a 2 mile fare = £6:70 on Rate 2)

Tariff 3

All journeys commenced after 00:00 hrs and before 23.59 on Bank holidays (excluding 19:00 24 Dec - 23.59 25th Dec, and 19hrs 31st Dec - 23.59hrs 1st Jan)

First mile £6.50.
For each additional 160yards or part thereof. £0.20
(ie a 2 mile fare = £7:70 on Rate 3)

Tariff 4

All journeys commenced after 19.00 on 24th December and before 23:59 hrs on 25th December, and all journeys commenced before 19:00 hrs on 31st December and before 23:59 1st January

First mile £7:50
For each additional 160yards or part thereof £0.30(£3:30/mile)
(ie a 2 mile fare = £10:80 on Rate 4)

OPTION 2

Tariff 1

(same times as for Option 1)

First 160 yards or part thereof. £2:40
For each additional 160 yards or part thereof £0:20
(ie first full mile =£4:40, plus each additional mile is £2:20)

Tariff 2

(Same times as for Option 1)

First 160yds or part thereof. £3:40
For each additional 160 yards or part thereof. £0:20
(ie first full mile =£5:40, plus each additional mile is £2:20)

Example:- Witchford 4 mile fare at present £10:00 would be £12:00 on new rate 2, not excessive especially as price freeze for 5 yrs.

Tariff 3 (Bank Holidays only, excluding Xmas and New year times)

(same times as option 1)

First 160 yards or part thereof. £4.40
For each additional 160 yards or part thereof. £0:20
(ie first full mile = £6.40, plus each additional is £2:20)

Tariff 4 (Xmas and New Year)

(Same times as Option 1)

First 160 yards or part thereof. £5:00
For each additional 160 yards or part thereof. £0:30

(ie first full mile = £8:00, plus each additional mile is £3:30)

Booked journey surcharge = £0:50

For each article of luggage carried outside the passenger compartment. =
£0:25

For each passenger in excess of one (two children under the age of 12 shall count as one
person, and children under the age of 3 shall not be counted) = £0:25

Waiting time

For each period of one minute. = £0:40

Everyone I've spoken to at the rank would prefer to keep the same times for the rate changes
we've had for at least 10 yrs, also most would prefer to keep the surcharges the same.

I hope you will consider these proposed Hackney Carriage fares:

Kind regards

Eve Humphrey

EQUALITY IMPACT ASSESSMENT – INITIAL SCREENING TEMPLATE (IST)

Initial screening needs to take place for all new/revised Council policies. The word ‘policy’, in this context, includes the different things that the Council does. It includes any policy, procedure or practice - both in employment and service delivery. It also includes proposals for restructuring, redundancies and changes to service provision. This stage must be completed at the earliest opportunity to determine whether it is necessary to undertake an EIA for this activity.

Name of Policy:	Taxi Table of Fares
Lead Officer (responsible for assessment):	Stewart Broome
Department:	Licensing
Others Involved in the Assessment (i.e. peer review, external challenge):	
Date Initial Screening Completed:	31/8/2018

(a) What is the policy trying to achieve? i.e. What is the aim/purpose of the policy? Is it affected by external drivers for change? What outcomes do we want to achieve from the policy? How will the policy be put into practice?

The charging policy for the districts Hackney Carriages hopes to achieve a balance between the rights of the taxi proprietors to make a living and the needs of the district to have an affordable, reliable transport service at all times of the day and night.

(b) Who are its main beneficiaries? i.e. who will be affected by the policy?

Taxi proprietors and members of the public

(c) Is this assessment informed by any information or background data? i.e. consultations, complaints, applications received, allocations/take-up, satisfaction rates, performance indicators, access audits, census data, benchmarking, workforce profile etc.

Yes, a consultation process is legally required

(d) Does this policy have the potential to cause a positive or negative impact on different groups in the community, on the grounds of any of the protected characteristics? (please tick all that apply):

Ethnicity	<input type="checkbox"/>	Age	<input type="checkbox"/>
Gender	<input type="checkbox"/>	Religion or Belief	<input type="checkbox"/>
Disability	<input type="checkbox"/>	Sexual Orientation	<input type="checkbox"/>
Gender Reassignment	<input type="checkbox"/>	Marriage & Civil Partnership	<input type="checkbox"/>
Pregnancy & Maternity	<input type="checkbox"/>	Caring Responsibilities	<input type="checkbox"/>

Please explain any impact identified: i.e. What do you already know about equality impact or need? Is there any evidence that there is a higher or lower take-up by particular groups? Have there been any demographic changes or trends locally? Are there any barriers to accessing the policy or service?

No

(e) Does the policy affect service users or the wider community?

YES

- (f) Does the policy have a significant effect on how services are delivered?
- (g) Will it have a significant effect on how other organisations operate?
- (h) Does it involve a significant commitment of resources?
- (i) Does it relate to an area where there are known inequalities, e.g. disabled people's access to public transport etc?

NO
NO
NO
NO

If you have answered **YES** to any of the questions above, then it is necessary to proceed with a full equality impact assessment (EIA). If the answer is **NO**, then this judgement and your response to the above questions will need to be countersigned by your Head of Service and then referred to the Council's Equal Opportunities Working Group (EOWG) for scrutiny and verification. Please forward completed and signed forms to the Principal HR Officer.

Signatures:

Completing Officer:	<u>Stewart Broome</u>	Date:	<u>31/8/2018</u>
	<u>Liz Knox</u>		<u>3/9/2018</u>
Head of Service:	_____	Date:	_____

EQUALITY IMPACT ASSESSMENT (EIA) FORM

Name of Policy:	Taxi Table of Fares
Lead Officer (responsible for assessment):	Stewart Broome
Department:	Licensing
Others Involved in the Assessment (i.e. peer review, external challenge):	
Date EIA Completed:	31/8/18

What is an Equality Impact Assessment (EIA)?

As part of any effective policy development process, it is important to consider any potential risks to those who will be affected by the policy's aims or by its implementation. The Equality Impact Assessment (EIA) process helps us to assess the implications of our decisions on the whole community, to eliminate discrimination, tackle inequality, develop a better understanding of the community we serve, target resources efficiently, and adhere to the transparency and accountability element of the Public Sector Equality Duty.

The word 'policy', in this context, includes the different things that the Council does. It includes any policy, procedure or practice - both in employment and service delivery. It also includes proposals for restructuring, redundancies and changes to service provision.

(a) **What is the policy trying to achieve?** i.e. What is the aim/purpose of the policy? Is it affected by external drivers for change? What outcomes do we want to achieve from the policy? How will the policy be put into practice?

The charging policy for the districts Hackney Carriages hopes to achieve a balance between the rights of the taxi proprietors to make a living and the needs of the district to have an affordable, reliable transport service at all times of the day and night.

(b) **Who are its main beneficiaries?** i.e. who will be affected by the policy?

Taxi proprietors and members of the public

(c) **Is the EIA informed by any information or background data (quantitative or qualitative)?** i.e. consultations, complaints, applications received, allocations/take-up, satisfaction rates, performance indicators, access audits, census data, benchmarking, workforce profile etc.

A statutory public notice was published in a local paper, and a 28 day consultation period occurred.

(d) **Does this policy have the potential to cause a positive or negative impact on different groups in the community, on the grounds of any of the protected characteristics?** (please tick all that apply)

Ethnicity	<input type="checkbox"/>	Age	<input type="checkbox"/>
Gender	<input type="checkbox"/>	Religion and Belief	<input type="checkbox"/>
Disability	<input type="checkbox"/>	Sexual Orientation	<input type="checkbox"/>
Gender Reassignment	<input type="checkbox"/>	Marriage & Civil Partnership	<input type="checkbox"/>
Pregnancy & Maternity	<input type="checkbox"/>	Caring Responsibilities	<input type="checkbox"/>

Please explain any impact identified: i.e. What do you already know about equality impact or need? Is there any evidence that there is a higher or lower take-up by particular groups? Have there

been any demographic changes or trends locally? Are there any barriers to accessing the policy or service?

No

(e) Does the policy have a differential impact on different groups?	NO
(f) Is the impact <i>adverse</i> (i.e. less favourable)?	NO
(g) Does it have the potential to disadvantage or discriminate unfairly against any of the groups in a way that is unlawful?	NO

(h) How have you engaged stakeholders in gathering evidence or testing the policy proposals? Who was involved, how and when where they engaged? Does the evidence show potential for differential impact? How will you mitigate any negative impacts? Where there is the potential for an adverse impact that cannot be addressed immediately, these should be highlighted in your recommendations and objectives at the end of the EIA.

A statutory public notice was published in a local paper, and a 28 day consultation period occurred.

* The Consultation Register is available to assist staff in consulting with the Council’s stakeholders.

(i) Summarise the findings of your research and/or consultation (please use a separate sheet if necessary).

Six responses were received. Details have been presented in a report for Member consideration.

(j) What are the risks associated with the policy in relation to differential impact and unmet needs/requirements? i.e. reputation, financial, breach of legislation, service exclusion, lack of resources, lack of cooperation, insufficient budget etc.

None

(k) Use the information gathered in the earlier stages of your EIA to make a judgement on whether there is the potential for the policy to result in unlawful discrimination or a less favourable impact on any group in the community, and what changes (if any) need to be made to the policy.

Option 1:	No major change - the evidence shows that the policy is robust and no potential for discrimination.	
Option 2:	Adjust the policy - to remove barriers or to better promote equality.	X
Option 3:	Continue the policy - despite potential for adverse impact or missed opportunity to promote equality, provided you have satisfied yourself that it does not unlawfully discriminate.	
Option 4:	Stop and remove the policy – if the policy shows adverse effects that cannot be justified.	

(l) Where you have identified the potential for adverse impact, what action can be taken to remove or mitigate against the potential for the policy to unlawfully discriminate or impact less favourably on one or more communities in a way that cannot be justified? Include key activities that are likely to have the greatest impact (max. 6). Identified actions should be specified in detail for the first year but there may be further longer term actions which need to be considered. To ensure that your actions are more than just a list of good intentions, include for each: the person responsible for its completion, a timescale for completion, any cost implications and how these will be addressed. It is essential that you incorporate these actions into your service plans.

Amendments have been suggested, and Members will ultimately determine the outcome.

This completed EIA will need to be countersigned by your Head of Service. **Please forward completed and signed forms to the Principal HR Officer.**

All completed EIAs will need to be scrutinised and verified by the Council's Equal Opportunities Working Group (EOWG) and published on the Council's Intranet to demonstrate to local people that the Council is actively engaged in tackling potential discrimination and improving its practices in relation to equalities. Please be aware that you may be asked to attend a half-an-hour session to summarise the findings of the EIA to the Scrutiny and Verification panel.

Signatures:

Completing Officer:	Stewart Broome	Date:	31/8/18

	Liz Knox	Date:	3/9/18
Head of Service:	_____	Date:	_____

TITLE: GAMBLING ACT 2005 LICENSING STATEMENT OF PRINCIPLES – THREE YEAR REVIEW

COMMITTEE: LICENSING COMMITTEE

DATE: 12 SEPTEMBER 2018

AUTHOR: SENIOR LICENSING OFFICER

[T97]

1.0 ISSUE

1.1 To approve the revised version of the Council’s Gambling Act 2005 - Statement of Principles for Licensing.

2.0 RECOMMENDATION(S)

2.1 That Members consider the content of this report, and approve the revised version of the Gambling Act 2005 - Statement of Principles for Licensing, subject to such amendments that they consider appropriate having considered the content of this report.

2.2 That Members recommend the approved Gambling Act 2005 - Statement of Principles for Licensing to full Council for adoption to come into effect on 31 January 2019, following a period of publication to be not less than 28 days.

3.0 BACKGROUND

3.1 The draft Statement of Principles of Licensing was presented to the Licensing Committee on 11 April 2018 and formal consultation took place between 1 May 2018 and 30 June 2018.

3.2 Officers received two responses from those consulted. One response did not relate to the consultation and for this reason has not been included in this report. The other response was from Gosschalks Solicitors on behalf of the Association of British Bookmakers (the “ABB”). This response asks that Members note their views on regulatory practice, and they also ask Members to consider making a small number of amendments to the policy. This response can be found as **Appendix 1** to this report.

4.0 SUMMARY

4.1 **Table 1** on the following page provides an overview of the suggestions made by the ABB in their official response.

Table 1

Current policy wording	ABB comment	Proposed amendment
<p>16.14 The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives.</p>	<p>This sentence seems incomplete, as it does not elude to what the consequences of this satisfaction would be and they suggest adding “if an application is to be refused” or similar wording to this.</p>	<p>16.14 The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives, if an application is to be refused.</p>
<p>16.16 The council will expect the local risk assessment to consider as a minimum:</p> <ul style="list-style-type: none"> <input type="checkbox"/> whether the premises is in an area of deprivation <input type="checkbox"/> whether the premises is in an area subject to high levels of crime and/or disorder the ethnic profile of residents in the area <input type="checkbox"/> the demographics of the area in relation to vulnerable groups <input type="checkbox"/> the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather 	<p>The ABB would request that references to their local risk assessment taking into account the ethnic profile of the area, and the affluence of the area be removed, as they believe that these statements suggest a predetermination by the Authority that persons from an area of lower affluence or of a certain ethnicity are more prone to commit crime associated with gambling activity, or are automatically vulnerable.</p>	<p>Members are advised that the text “the ethnic profile of residents in the area” was included as there is research that suggests problem gambling is more prevalent in persons from an ethnic minority background compared to those from a non-ethnic minority background. There are also studies which have suggested a link between problem gambling and a person’s economic status. Whilst it is true that a person’s ethnicity and affluence does not automatically make them vulnerable to the harms of gambling, or automatically lead them into a life of crime in order to fund a gambling addiction, Officers believe that these two considerations should remain in the policy, as the policy is not designed to look at individuals but reflects society as a whole, and the views of current academia.</p>
<p>16.34 Betting machines The Licensing Authority will, in line with Gambling Commission Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under the</p>	<p>The ABB have asked that Members consider adding a section to clarify that these sections do not affect the legal rights afforded by section 178 of the Gambling Act 2005.</p>	<p>Officers suggest adding the following to the policy:</p> <p>16.37 Nothing contained in paragraphs 16.34 to 16.36 is intended to override the provisions of section 172 of the Gambling Act 2005 to provide gaming machines under the authority of a Premises Licence.</p>

<p>age of 18 to bet) or by vulnerable persons, when considering the number, nature and circumstances of betting machines an operator proposes to offer.</p> <p>16.35 When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, among other things, shall take into account:</p> <ul style="list-style-type: none"> <input type="checkbox"/> the size of the premises; <input type="checkbox"/> the number of counter positions available for person to person transactions; and <input type="checkbox"/> the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons. <p>16.36 In deciding whether to impose conditions to limit the number of betting machines, each application will be considered on its own merit and account will be taken of codes of practice or guidance issued under the Act.</p>		
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5 CONCLUSIONS

5.1 The Association of British Bookmakers (ABB) have provided a very constructive document for member's consideration. Although the comments in this document do not discuss the items listed in **Table 2** on the following page (which were the items for consultation), they do provide very useful feedback on the sections dealing with local risk assessments and gaming machines.

Table 2

<p>1) Removal of 'non-commercial' from 'incidental non-commercial lottery' in section 33.6 to reflect the change made by The Legislative Reform (Exempt Lotteries) Order 2016.</p> <p>2) Removal of references to a premises needing to be ready to provide gambling functions before a licence can be issued in paragraph 16.8, as a</p>

result of the Gambling Commission removing references to this requirement from their Guidance to Licensing Authorities 5th Edition.

3) Plans information added in paragraph 16.9.

5.2 Members are not bound to follow the suggestions provided by Officers in **Table 1**.

5.3 The main consultation items in **Table 2** have not received any adverse comments, and reflect legislative changes or changes to statutory guidance and for that reason, Members are recommended to recommend Council to adopt these changes as consulted.

6.0 FINANCIAL IMPLICATIONS

6.1 There are no cost implications over and above the normal costs of administering the 2005 Act.

6.2 An Equality Impact Assessment (EIA) has been completed showing there is no adverse impact on the community.

7.0 APPENDICES

7.1 Appendix 1 ABB response

7.2 Appendix 2 Equality Impact Assessment (EIA)

Background Documents

	<u>Location</u>	<u>Contact Officer</u>
The Gambling Act 2003		
Gambling Commission guidance for Local Authorities.	Room SF208 The Grange, Ely	Senior Licensing Officer (01353) 616477
Gambling Commission: Strengthening social responsibility: LCCP amendments		



BY EMAIL ONLY
Licensing Section
East Cambridgeshire District Council

Please ask for: Richard Taylor
Direct Tel:
Email:
Our ref:
Your ref:
Date: 27 June 2018

Dear Sir/Madam,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

Please see below for the ABB's response to the Council's current consultation on the draft gambling policy statement.

This response starts by setting out the ABB's approach in areas relevant to the local authority's regulation of betting shop premises, and its commitment to working with local authorities in partnership. The response finishes by highlighting matters within the policy statement which the ABB feels may need to be addressed.

Betting shops have been part of the British high street for over 50 years and ensuring a dialogue with the communities they serve is vital.

The ABB recognises the importance of the gambling policy statement in focusing on the local environment and welcomes the informed approach this will enable operators to take for example, with regard, to the new requirements for local area risk assessments and ensuring the right structures are in place in shops that are appropriate for that area.

Whilst it is important that the gambling policy statement fully reflects the local area, the ABB is also keen to ensure that the statutory requirements placed on operators and local authorities under the Gambling Act 2005 remain clear; this includes mandatory conditions (for instance, relating to Think 21 policies) and the aim to permit structure. Any duplication or obscuring of these within new processes would be detrimental to the gambling licensing regime. The ABB also believes it is important that the key protections already offered for communities, and clear process

(including putting the public on notice) for objections to premises licence applications, continue to be recognised under the new regime.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that numbers as of March 2017 were 8,788 - a decline of 349 since March 2014, when there were 9,137 recorded.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA), developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms, which established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *"desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."*

The framework builds on earlier examples of joint working between councils and the industry, for example the Medway Responsible Gambling Partnership which was launched by Medway Council and the ABB in December 2014. The first of its kind in Britain, the voluntary agreement led the way in trialing multi-operator self-exclusion. Lessons learned from this trial paved the way for the national multi-operator self-exclusion scheme now in place across the country. By phoning a free phone number (0800 294 2060) a customer who is concerned they are developing a problem with their gambling can exclude themselves from betting shops close to where they live, work and socialise. The ABB is working with local authorities to help raise awareness of the scheme, which is widely promoted within betting shops.

The national scheme was first trialed in Glasgow in partnership with Glasgow City Council. Cllr Paul Rooney, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, described the project as "*breaking new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator.*"

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities. These partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015. By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

Local area risk assessments

Since April 2016, under new Gambling Commission LCCP provisions, operators have been required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy, and any local area profile, in their risk assessment. These must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or for a new premises licence.

The ABB fully supports the implementation of risk assessments which will take into account risks presented in the local area, such as exposure to vulnerable groups and crime. The new requirements build on measures the industry has already introduced through the ABB Responsible Gambling Code to better identify problem gamblers and to encourage all customers to gamble responsibly.

This includes training for shop staff on how to intervene and direct problem gamblers to support services, as well as new rules on advertising including banning gaming machine advertising in shop windows, and the introduction of Player Awareness Systems which use technology to track account based gaming machine customers' player history data to allow earlier intervention with any customers whose data displays known 'markers of harm'.

Best practice

The ABB is committed to working pro-actively with local authorities to help drive the development of best practice with regard to local area risk assessments, both through responses to consultations such as this and directly with local authorities. Both the ABB and its members are open and willing to engage with any local authority with questions or concerns relating to the risk assessment process, and would encourage them to make contact.

Westminster Council is one local authority which entered into early dialogue with the industry, leading to the development of and consultation on draft guidance on the risk assessment process, which the ABB and our members contributed to. Most recently one operator, Coral, has been working closely with the Council ahead of it issuing its final version of the guidance, which we welcome.

The final guidance includes a recommended template for the local area risk assessment which we would point to as a good example of what should be expected to be covered in an operator's risk assessment. It is not feasible for national operators to submit bespoke risk assessments to each of the c.350 local authorities they each deal with, and all operators have been working to ensure that their templates can meet the requirements set out by all individual local authorities.

The ABB would be concerned should any local authority seek to prescribe the form of an operator's risk assessment. This would not be in line with better regulation principles. Operators must remain free to shape their risk assessment in whichever way best meets their operational processes.

The ABB has also shared recommendations of best practice with its smaller independent members, who although they deal with fewer different local authorities, have less resource to devote to developing their approach to the new assessments. In this way we hope to encourage a consistent application of the new rules by operators which will benefit both them and local authorities.

Concerns around increases in the regulatory burden on operators

The ABB is concerned to ensure that any changes in the licensing regime at a local level are implemented in a proportionate manner. This would include if any local authority were to set out overly onerous requirements on operators to review their local risk assessments with unnecessary frequency, as this could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to operate consistently with the three licensing objectives.

Any increase in the regulatory burden would severely impact ABB members at a time when overall shop numbers are in decline, and operators are continuing to absorb the impacts of significant recent regulatory change. This includes the increase to 25% of Machine Games Duty, limits to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Employing additional licence conditions

It should continue to be the case that additional conditions are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called "Think 21". This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and the ABB, and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%. The ABB has seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

Other concerns

Where a local area profile is produced by the licensing authority, this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

Considerations specific to the Gambling Act 2005 Statement of Principles 2019

On behalf of the ABB we welcome the light touch approach to the policy and in particular the statement within the foreword that recognises the importance of the gambling sector. We also welcome the acknowledgement within paragraph 16.24 that the mandatory and default conditions imposed by the Gambling Commission will normally be sufficient to regulate a gambling premises and that additional conditions will only be considered in exceptional circumstances.

It appears that the first sentence of paragraph 16.14 may be incomplete. This states that "*The Council will need to be satisfied that there is sufficient evidence that the particular location of the premises will be harmful to the licensing objectives*" but it does not state what the consequence of

that satisfaction would be. We assume that the words “if an application is to be refused” or similar words would complete the sentence and give it sense.

Paragraph 16.16 should be amended. This paragraph contains a list of bullet points that the Council expects operators to take into account when considering a local area risk assessment. The first bullet point refers to whether the premises is in an area of deprivation.

The purpose of the risk assessment is to assess the local risks to the licensing objective posed by the provision of gambling facilities at the premises and to dictate policies, procedures and control measures to mitigate those risks. It is impossible to see how the relevant affluence of an area could impact upon the licensing objectives unless the Licensing Authority has predetermined that persons of a certain income level or in a certain socio-economic bracket are more likely to commit crime or are automatically vulnerable. We are certain that the Licensing Authority has not made this determination and as issues of deprivation cannot be relevant to an assessment of risk to the licensing objectives then this reference should be removed.

Similarly, the reference to “*the ethnic profile of residents in the area*” should be removed as once again, we are certain the that Licensing Authority has not predetermined that persons in a certain ethnic group are automatically vulnerable or more or less likely to commit crime associated with gambling.

Paragraph 16.34 to 16.36 inclusive explain the Licensing Authority’s approach to betting machines. These paragraphs would be assisted if it were made clear that whilst the Licensing Authority may limit the number of betting machines in a premise, as the holder of a Gambling Act 2005 premises licence, gaming machines may be available for use. Section 172(8) Gaming Act 2005 provides that the holder of a betting premises licence may make up to four category B, C or D gaming machines available for use. This number may not be altered by the Licensing Committee.

Conclusion

The ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, the ABB and its members already do this successfully in partnership with local authorities now. This includes through the ABB Responsible Gambling Code, which is mandatory for all members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff.

We would encourage local authorities to engage with us as we continue to develop both these codes of practice, which are in direct support of the licensing objectives, as well as our processes around local area risk assessments.

Yours faithfully,



GOSSCHALKS

EQUALITY IMPACT ASSESSMENT (EIA) FORM

Name of Policy:	Gambling Act 2005 – Statement of Principles for Licensing
Lead Officer (responsible for assessment):	Stewart Broome
Department:	Licensing
Others Involved in the Assessment (i.e. peer review, external challenge):	
Date EIA Completed:	31/8/18

What is an Equality Impact Assessment (EIA)?

As part of any effective policy development process, it is important to consider any potential risks to those who will be affected by the policy's aims or by its implementation. The Equality Impact Assessment (EIA) process helps us to assess the implications of our decisions on the whole community, to eliminate discrimination, tackle inequality, develop a better understanding of the community we serve, target resources efficiently, and adhere to the transparency and accountability element of the Public Sector Equality Duty.

The word 'policy', in this context, includes the different things that the Council does. It includes any policy, procedure or practice - both in employment and service delivery. It also includes proposals for restructuring, redundancies and changes to service provision.

- (a) **What is the policy trying to achieve?** i.e. What is the aim/purpose of the policy? Is it affected by external drivers for change? What outcomes do we want to achieve from the policy? How will the policy be put into practice?

The Licensing Authority has a statutory duty to produce and review a Statement of Principles for Licensing under the Gambling Act 2005 every three years or sooner if deemed necessary in order to issue permissions under the Act.

- (b) **Who are its main beneficiaries?** i.e. who will be affected by the policy?

Persons wishing to conduct gambling activities in the district.

- (c) **Is the EIA informed by any information or background data (quantitative or qualitative)?** i.e. consultations, complaints, applications received, allocations/take-up, satisfaction rates, performance indicators, access audits, census data, benchmarking, workforce profile etc.

Yes – a full consultation took place between 1 May 2018 and 30 June 2018. One response was received.

- (d) **Does this policy have the potential to cause a positive or negative impact on different groups in the community, on the grounds of any of the protected characteristics?** (please tick all that apply)

Ethnicity	<input type="checkbox"/>	Age	<input type="checkbox"/>
Gender	<input type="checkbox"/>	Religion and Belief	<input type="checkbox"/>
Disability	<input type="checkbox"/>	Sexual Orientation	<input type="checkbox"/>
Gender Reassignment	<input type="checkbox"/>	Marriage & Civil Partnership	<input type="checkbox"/>
Pregnancy & Maternity	<input type="checkbox"/>	Caring Responsibilities	<input type="checkbox"/>

Please explain any impact identified: i.e. What do you already know about equality impact or need? Is there any evidence that there is a higher or lower take-up by particular groups? Have there been any demographic changes or trends locally? Are there any barriers to accessing the policy or service?

N/A

(e) Does the policy have a differential impact on different groups?	NO
(f) Is the impact <i>adverse</i> (i.e. less favourable)?	NO
(g) Does it have the potential to disadvantage or discriminate unfairly against any of the groups in a way that is unlawful?	NO

(h) How have you engaged stakeholders in gathering evidence or testing the policy proposals? Who was involved, how and when where they engaged? Does the evidence show potential for differential impact? How will you mitigate any negative impacts? Where there is the potential for an adverse impact that cannot be addressed immediately, these should be highlighted in your recommendations and objectives at the end of the EIA.

A full consultation took place between 1 May 2018 and 30 June 2018.

* The Consultation Register is available to assist staff in consulting with the Council’s stakeholders.

(i) Summarise the findings of your research and/or consultation (please use a separate sheet if necessary).

One comment was received that praised the policy, but offered a few comments on how to improve it. Members will determine whether to accept the proposals from the consultee response.

(j) What are the risks associated with the policy in relation to differential impact and unmet needs/requirements? i.e. reputation, financial, breach of legislation, service exclusion, lack of resources, lack of cooperation, insufficient budget etc.

None

(k) Use the information gathered in the earlier stages of your EIA to make a judgement on whether there is the potential for the policy to result in unlawful discrimination or a less favourable impact on any group in the community, and what changes (if any) need to be made to the policy.

Option 1:	No major change - the evidence shows that the policy is robust and no potential for discrimination.	X
Option 2:	Adjust the policy - to remove barriers or to better promote equality.	
Option 3:	Continue the policy - despite potential for adverse impact or missed opportunity to promote equality, provided you have satisfied yourself that it does not unlawfully discriminate.	
Option 4:	Stop and remove the policy – if the policy shows adverse effects that cannot be justified.	

(I) Where you have identified the potential for adverse impact, what action can be taken to remove or mitigate against the potential for the policy to unlawfully discriminate or impact less favourably on one or more communities in a way that cannot be justified? Include key activities that are likely to have the greatest impact (max. 6). Identified actions should be specified in detail for the first year but there may be further longer term actions which need to be considered. To ensure that your actions are more than just a list of good intentions, include for each: the person responsible for its completion, a timescale for completion, any cost implications and how these will be addressed. It is essential that you incorporate these actions into your service plans.

This completed EIA will need to be countersigned by your Head of Service. **Please forward completed and signed forms to the Principal HR Officer.**

All completed EIAs will need to be scrutinised and verified by the Council’s Equal Opportunities Working Group (EOWG) and published on the Council’s Intranet to demonstrate to local people that the Council is actively engaged in tackling potential discrimination and improving its practices in relation to equalities. Please be aware that you may be asked to attend a half-an-hour session to summarise the findings of the EIA to the Scrutiny and Verification panel.

Signatures:

Completing Officer:	Stewart Broome	Date: <u>31/8/2018</u>
	Liz Knox	Date: <u>3/9/2018</u>
Head of Service:		Date: _____

TITLE: CHANGES TO ANIMAL WELFARE LICENSING

COMMITTEE: LICENSING COMMITTEE

DATE: 12 SEPTEMBER 2018

AUTHOR: SENIOR LICENSING OFFICER

[T98]

1.0 PURPOSE OF REPORT

- 1.1 To inform Members of the forthcoming changes to the way in which animal boarding establishments, dog breeding establishments, pet shops and riding establishments are licensed.
- 1.2 To inform Members of the commencement of responsibility for the licensing of “the keeping or training of animals for exhibition”.
- 1.3 To ask Members to approve amendments to the existing Animal Licensing Policy to reflect the legal changes created by the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- 1.4 To ask Members to approve amendments to the existing fee structure for animal welfare licensing to reflect the legal changes.
- 1.5 To ask Members to give delegated authority to the Monitoring Officer to make the necessary amendments to the Council’s Constitution to reflect the legal changes from 1st October 2018.

2.0 RECOMMENDATION(S)

- 2.1 That Members approve the proposed fee structure contained in **Table 3** to take effect from 1 October 2018.
- 2.2 That Members approve the draft version of the Animal Licensing Policy at **Appendix 1** to take effect from 1 October 2018.
- 2.3 That Members give delegated authority to the Monitoring Officer to make the necessary amendments to the Council’s Constitution (the Licensing Committee and Licensing Sub-Committee’s terms of reference and Officer Delegation table) to reflect the legal changes from the 1 October 2018 (**Appendix 2**).

3.0 BACKGROUND

- 3.1. The Council is at present responsible for the regulation of a variety of animal-related businesses, as well as the keeping of specified dangerous animals by individuals. The licence types currently issued by the Council are:

- **Animal boarding establishment licences** (for businesses accommodating dogs or cats – e.g. kennels, catteries, home boarders, pet day care)
- **Dog breeding establishment licences** (premises used for, or in connection with, the commercial breeding of dogs)
- **Pet shop licences** (any business which keeps animals with a view to selling them as pets)
- **Riding establishment licences** (premises which keep horses and ponies for hire for riding, or for riding tuition – excluding livery stables)
- **Zoo licences** (wild animals kept for exhibition to members of the public)*
- **Dangerous wild animal licences** (certain types of wild animals kept for personal use)*

* Zoo licences and Dangerous wild animal licences are not affected by the new regulations coming into effect on 1 October 2018, and will not be discussed further.

3.2 The current number of licences issued by the Council are as follows:

Table 1

Licence Type	Number	Expiry
Kennels and catteries	14	31 December annually
Home boarding of dogs	10	31 December annually
Doggy day care	2	31 December annually
Pet shop	5	31 December annually
Riding establishment	5	12 months from grant
Dog breeding	12	12 months from grant

3.3. In addition to the licences issued by the Council, Cambs County Council Trading Standards are currently responsible for registering any performing animals based within the county. Trading Standards have advised Officers that they have four registered performing animal licence holders in our district.

3.4. Currently there are numerous pieces of legislation and secondary legislation that regulate the six licence types set out in paragraph 3.1. These are listed below:

- Animal Boarding Establishments Act 1963
- Breeding of Dogs Act 1973 and 1991
- Breeding and Sale of Dogs (Welfare) Act 1999
- Sale of Dogs (Identification Tag) Regulations 1999
- Breeding of Dogs (Licensing Records) Regulations 1999
- Dangerous Wild Animals Act 1976

- vii) Pet Animals Act 1951 and Pet Animals Act 1951 (Amendment) Act 1983
 - viii) Riding Establishments Act 1964 and 1970
 - ix) Zoo Licensing Act 1981
 - x) Performing Animals (Regulation) Act 1925
 - xi) Animal Welfare Act 2006
- 3.5 In addition to the legislation above, the Council approved an Animal Welfare Licensing Policy in 2016 which contains specific conditions based around model conditions issued by the Chartered Institute of Environmental Health (CIEH), and the now historic Local Authorities Coordinators of Regulatory Services (LACORS). Although based around the model conditions, the Council was permitted to tailor the policy and conditions to suit their local circumstances.
- 3.6 Inspections are conducted annually by an officer or, where legally required, a veterinary surgeon, and subject to a satisfactory inspection, the licence is renewed for a further twelve months.
- 3.7 The Animal Welfare Act 2006 allowed the Department for the Environment, Food and Rural Affairs (DEFRA) to pass regulations that could repeal or amend any of the primary licensing Acts or create new forms of licences. In April 2018 DEFRA exercised this power and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (“2018 Regulation”) were passed by Government. This new law will take effect on 1 October 2018. The following pieces of legislation have been repealed or amended by the 2018 Regulation, so as to no longer have effect in England:
- i) Animal Boarding Establishments Act 1963
 - ii) Breeding of Dogs Act 1973 and 1991
 - iii) Breeding and Sale of Dogs (Welfare) Act 1999
 - iv) Pet Animals Act 1951 and Pet Animals Act 1951 (Amendment) Act 1983
 - v) Riding Establishments Act 1964 and 1970
 - vi) Performing Animals (Regulation) Act 1925
- 3.8 All current licence holders were invited to a meeting on 3 August 2018 at the Council so Officers could give them a presentation of the new rules, and answer any queries they had.
- 4.0 SUMMARY
- 4.1 The 2018 Regulation introduced the following:
- i) All activities to be covered by one licence, where more than one activity occurs on a premises, such as dog boarding and breeding.
 - ii) Up to three year licence durations, and the 31 December fixed renewal date has been removed where previously present.
 - iii) Council discretion to set conditions has been removed. All conditions are now statutory.

- iv) Performing animal licensing has been transferred to District Councils from County Councils.
- v) Statutory guidance for each specific licensable activity has been introduced, as well as statutory procedural guidance that officers must have regard to.
- vi) New definitions of what is, and what isn't a licensable activity.
- vii) A new star rating scheme (based on standards of welfare and risk).
- viii) The right for Councils to suspend, vary or revoke licences.
- ix) Obligatory training for all inspecting officers.

4.2 Items i) to v) above are self-explanatory, but the following paragraphs give a brief overview of the items listed as vi) to ix) above.

4.2.1 Definitions of licensable activities

4.2.1.1 Pet Shop

- Selling animals as pets (or with a view to their being later resold as pets) in the course of a business including keeping animals in the course of a business with a view to their being so sold or resold

4.2.1.2 Animal Boarding

- Providing or arranging for the provision of accommodation for other people's cats or dogs in the course of a business on any premises where the provision of that accommodation is a purpose of the business by:
 - i) Providing boarding for cats;
 - ii) Providing boarding in kennels for dogs;
 - iii) Providing home boarding for dogs;
 - iv) Providing day care for dogs.

4.2.1.3 Riding Establishment

- Hiring out horses in the course of a business for either riding, instruction in riding, or both.

4.2.1.4 Dog Breeding

- Breeding three or more litters of puppies in any 12-month period; or breeding dogs and advertising a business of selling dogs.

4.2.1.5 Performing Animal

- Keeping or training animals for exhibition in the course of a business for educational or entertainment purposes, either to any audience attending in person, or by the recording of visual images of them by any form of technology, or both.

4.2.2 Star rating scheme

- 4.2.2.1 The star rating is worked out by assessing the welfare standards and the risk level of the premises in question. Where a premises has more than one activity, the lowest star rating is the one set for the whole establishment.
- 4.2.2.2 The number of compulsory inspections is determined by the star rating.
- 4.2.2.3 Establishments with less than 3 years trading history are classed as high risk and are not entitled to receive more than 4 stars.
- 4.2.2.4 Each piece of specific activity guidance has standards and higher standards, and the higher standards are split into compulsory and optional. In order to be considered as meeting the higher standards, a licence holder must meet all of the compulsory higher standards and a set number (50%) of the optional higher standards.
- 4.2.2.5 Ratings are assessed:
- at the point of initial or renewal inspection, or
 - at any other point in time, if requested by the licence holder, or
 - following an unannounced or additional inspection.
- 4.2.2.6 The licence holder has a right of appeal to the Licensing Authority, but ultimately if they do not agree with the rating they can seek a judicial review.
- 4.2.2.7 The rating must be displayed on the licence, and the licence must be clearly and prominently displayed on the premises.
- 4.2.2.8 **Table 2** on the following page explains the link between rating and licence duration.

Table 2

Scoring Matrix		Welfare Standards		
		Minor Failings (existing business that are failing to meet minimum standards)	Minimum Standards (as laid down in the schedules and guidance)	Higher Standards (as laid down in the guidance)
Risk	Low Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	3 Star 2yr licence Min 1 unannounced visit within 24 month period	5 Star 3yr licence Min 1 unannounced visit within 36 month period
	Higher Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	2 Star 1yr licence Min 1 unannounced visit within 12 month period	4 Star 2yr licence Min 1 unannounced visit within 24 month period

4.2.3 Suspension, Variation and Revocation

4.2.3.1 The new rules allow the Council to suspend, vary or revoke a licence. There is a right of appeal to the First Tier Tribunal over any such decision made. Full reasons must be given, but the decision can be made by Officers, subject to the Council’s scheme of delegation permitting this.

4.2.4 Officer training

4.2.4.1 A new requirement has been introduced for all inspecting officers to be suitably qualified. This is defined as:

- a) Any person holding a Level 3 certificate granted by a body, recognised and regulated by the Office of Qualifications and Examinations Regulation which oversees the training and assessment of persons in inspecting and licensing animal activities businesses, confirming the passing of an independent examination. A person is only considered to be qualified to inspect a particular type of activity if their certificate applies to that activity, or;
- b) Any person holding a formal veterinary qualification, as recognised by the Royal College of Veterinary Surgeons (“RCVS”), together with a relevant RCVS continuing professional development record, or
- c) Until October 2021, any person that can show evidence of at least one year of experience in licensing and inspecting animal activities businesses.

4.2.4.2 The Council's Licensing Officer and Senior Licensing Officer are able to fulfil the requirements of c) above, but it will be necessary for at least one officer to be trained to the standard required by a) above before October 2021. Early indications suggest a minimum cost of £1,000 is expected for such a qualification.

4.3 Fees

4.3.1 The ability for licences to last up to three years, and the fact that the duration of a licence is assessed at the point of initial inspection (which is only commenced after an application is submitted), means that our current fee structure will no longer be fit for purpose from 1 October 2018.

4.3.2 The 2018 regulation states:

(1) A local authority may charge such fees as it considers necessary for:

- (a) the consideration of an application for the grant, renewal or variation of a licence including any inspection relating to that consideration, and for the grant, renewal or variation,
- (b) the reasonable anticipated costs of consideration of a licence holder's compliance with these Regulations and the licence conditions to which the licence holder is subject in circumstances other than those described in sub-paragraph (a) including any inspection relating to that consideration,
- (c) the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator, and
- (d) the reasonable anticipated costs of compliance with regulation 29.

(2) The fee charged for the consideration of an application for the grant, renewal or variation of a licence and for any inspection relating to that consideration must not exceed the reasonable costs of that consideration and related inspection.

4.3.3 It is envisaged that administering this new law will take more time, and therefore more resource consuming than the current system. However, it is impossible at this point in time to predict the exact level of this extra demand. The one definite is that it will not lower the amount of resources required, even with some licences no longer requiring compulsory annual inspections.

4.3.4 **Table 3** on the following page is based around the cost recovery fees currently charged. These fees have then been adjusted to take into account the impact of the need for fewer inspections and renewals to those licence holders who are assessed as being 3, 4 or 5 star establishments. The fees for multiple year licences have a nominal budget inflationary adjustment of 2% per annum built in to the maintenance fee columns.

- 4.3.5 The proposed fees also reflect the ability for licence holders to request re-inspections for re-rating or variation purposes. This has been separated from the overall licence fee in order to ensure that the cost of these optional inspections is carried by the premises requesting them, and not the trade as a whole.
- 4.3.6 Where licensable animal activities are taking place under a primary authority partnership such as that set up between The Pet Industry Federation and The City of London Corporation, it is possible for a franchise holder to obtain a licence to arrange boarding for dogs and/or cats, but 'hosts' they use may not have to. For example, a licence can be held at a premises to home board dogs but no dogs are boarded there, instead 'hosts' at different locations board dogs on behalf of the licence holder and the owner of the dog. In such circumstances, it is necessary to reflect the fact that these hosts will need to be inspected either by the home authority or the authority where the host is based to ensure suitability.

For this reason, "boarding arrangers" will be charged based on the number of hosts they have upon initial application, and the licence holder will be required to pay the variation fee per additional host they use. Where the new host is located outside of the East Cambridgeshire District Council area, the fee payable would be home authority's published inspection fee, as this is the fee the Council itself would be charged to have the inspection carried out.

4.3.6 The following table sets out a fees proposal that reflects the legal changes mentioned above:

Table 3

Licensable Activity		Application fee	Initial rating or re-rating inspection fee	Maintenance fee			Variation of a licence requiring a re-inspection	Copy of licence, change of details not requiring an inspection
				1 yr	2 yr	3 yrs		
Boarding of animals	Up to 10 animals	£48.00	£72	£218	£440	£666	£72	£10.50
	11 to 30 animals		£96				£96	
	31 to 60 animals		£120				£120	
	61 to 99 animals		£144				£144	
	100+ animals		£168				£168	
Dog Breeding	N/A		£24 + VET fee				£24 + VET fee	
Hiring of Horses	N/A		£24 + VET fee	£24 + VET fee				
Selling Animals as Pets	N/A		£120	£120				
Exhibiting Animals	N/A		£72	N/A	N/A	£666	£72	

Where an animal welfare establishment conducts more than one licensable activity on the same site, only one application fee will be payable, however, the total fee chargeable will be calculated by adding the combined charges of the activity with the highest fee to 50% of the applicable maintenance fee for the additional activities.

Example 1: An establishment with boarding for 50 dogs & 10 cats, where they also breed dogs in a 5 star rated premises the total fee will be: £1,191.00 (£48 + £120 + £24 + £666 + £333) in total for a three year licence + the legally required VET inspection fee for the breeding part of the business which will be paid directly to the veterinary surgeon.

Example 2: A boarding arranger rated at 4 stars, who uses five host premises all with a capacity less than 10 animals in the ECDC area will be required to pay: £848.00 (£48 + (5 x £72) + £440) in total for a two year licence. Where a host is located outside the ECDC area, the inspection fee will be the home authority's published inspection fee.

5.0 IMPLICATIONS

- 5.1 Implementing the new law is compulsory, but it is likely that some licence holders may not meet the minimum standards required from day one.
- 5.2 The new star rating scheme determines the length of licence for all but performing animal licensing, which in turn determines the number of inspections that need to be undertaken. The current fee takes into account the time taken to conduct one annual inspection, as well as the administration time to process the application, and a relevant portion of the general running costs of the service for a fixed period (12 months in most cases). As the new rules allow licences to last for longer periods of time, our fee structure will need amending, as explained in paragraph 4.3 of this report.
- 5.3 Where the Council considers that the new conditions and/or guidance notes are not adequate, or are unclear, it is not possible to amend them. Officers believe there are a number of conditions that are unclear, and have asked DEFRA for clarification.

6.0 FINANCIAL IMPLICATIONS

- 6.1 The legal changes have had to have an impact on the fees set by the Licensing Authority, as in some cases an annual inspection will not be required, and no annual renewal process will be required. Therefore, it would be unlawful to charge for such items. Overall, it is expected that despite some individual licence holders requiring fewer inspections and renewals, administering the new rules is going to take more resource than that currently used, although it is impossible to say by exactly how much. The fees in paragraph 4.3 have been adjusted to reflect the new law based on current information. Depending upon how resource intense administering the new law turns out to be, the maintenance part of the fee may need to be adjusted up or down in future years.
- 6.2 Depending on the number of operators attaining 3, 4 or 5 stars, the total income from animal welfare licensing will decrease between a total of £1,000 and £6,000 over the first three year period.
- 6.3 There is no option to have a one, two or three year licence (as the star rating determines the length of the licence). This means that existing licence holders deemed to be 3, 4, or 5 star establishments will be required to pay a larger upfront sum than in previous years. Although these licences will ultimately be cheaper, finding this larger sum of money upfront may be problematic for some.

7.0 CONCLUSION

- 7.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 is the single biggest amalgamation of multiple licence types since the Licensing Act 2003. It has replaced six key pieces of controlling legislation, and has introduced a number of new procedural changes including,

statutory conditions, formal officer training, a star rating scheme, and multi-year licences.

7.2 In order to fulfil the Council's statutory duties under the new law, it is essential that:

- i) the existing policy is amended to reflect the new rules;
- ii) the fee structure is amended to reflect the new rules;
- iii) the Council's Constitution is amended to reflect the change of legislation, and to ensure that the Licensing Committee and Licensing Sub-Committee terms of reference are accurate, and the Officer scheme of delegation is amended to enable efficient administration of the new rules.

7.3 It is not clear what the true impact of this new law will be on the Licensing Authority's resources, and whether the existing resources we have available to us will be sufficient to absorb the expected work levels. Officers will analyse this as the new law settles into place, and report back to Members at a future meeting.

7.4 It is also unfortunately the case that very poor information has been provided by DEFRA, and despite contacting representatives of DEFRA to seek clarification on key parts of the new legislation, no firm answers have been received. Due to this it is entirely possible that certain parts of the policy, and fee structure may have to be amended at some point in the near future.

7.4 An Equality Impact Assessment (EIA) has not been completed for this report item, as the recommendations are due to legislative changes.

8.0 APPENDICES

8.1 Appendix 1 Animal Welfare Policy

8.2 Appendix 2 Amended terms of reference and officer delegation amend

Background Documents**Location****Contact Officer**

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

Room SF208
The Grange,
Ely

Stewart Broome
Senior Licensing Officer
(01353) 616477

Animal Welfare Act 2006

Procedural guidance for animal activity licensing 2018



East Cambridgeshire District Council

Animal Licensing Policy

Effective date: TBC

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1 INTRODUCTION

East Cambridgeshire District Council ('the Council') is responsible for licensing a number of activities relating to the welfare of animals under a number of different Acts of Parliament, and the Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018. This legislation is aimed at protecting animals, and makes it an offence for any person to possess, own or keep animals in order to carry out certain businesses, or have possession of certain animals within the district, without first being licensed by the Council.

1.1 LICENCES ISSUED BY EAST CAMBRIDGESHIRE DISTRICT COUNCIL

- Animal Welfare licence
- Dangerous Wild Animal licence
- Zoo licence

Animal Welfare licences can authorise any or all of the following activities on one premises:

- Providing or arranging for the provision of boarding for cats and dogs by:
 - i) Providing boarding for cats
 - ii) Providing boarding in kennels for dogs
 - iii) Providing home boarding for dogs
 - iv) Providing day care for dogs
- Selling animals as pets
- Hiring out horses for riding or instruction
- Breeding of dogs
- Keeping or training animals for exhibition

1.2 THE LEGISLATION

1.2.1 Various pieces of legislation exist that give the Council the power to regulate animal establishment licensing:

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (the '2018 Regulations')
Dangerous Wild Animals Act 1976
Zoo Licensing Act 1981
Animal Welfare Act 2006

1.2.2 Each piece of legislation covers its own application process, including veterinary inspections where necessary, rights of appeal and offences. This Policy sits beneath the various pieces of controlling legislation, and seeks to provide a framework for implementing the requirements of the controlling legislation.

1.2.3 Under this Council's Constitution, the authority to grant animal licences has been delegated to the Environmental Services Manager, who may further delegate as appropriate.

1.3 THE ANIMAL WELFARE ACT 2006

1.3.1 The Animal Welfare Act 2006 (the '2006 Act') came into force on 6th April 2007,

consolidating much of the existing animal health and welfare legislation. It introduced a 'duty of care' on people to ensure the needs of any animal for which they are responsible are met. A person does not have to be the owner of the animal for the 'duty of care' to apply.

- 1.3.2 It also creates a new offence of failing to provide for the needs of animals in your care, increases the penalties for animal abuse, and allows the courts to disqualify a person from being in charge of animals.
- 1.3.3 The 2006 Act also placed a responsibility on numerous enforcement agencies to ensure the Act is observed. The Council is one of these enforcement agencies.
- 1.3.4 The 2006 Act also made it unlawful to sell or transfer ownership of an animal to a person under the age of 16 unless they are accompanied by a person over 16 years of age, or they have consent of a parent or guardian.
- 1.3.5 The 2006 Act enabled "Codes of Practice" to be created. These codes of practice apply to anyone who owns or is responsible for the type of animal covered by the specific code and not just those holding licences. Failing to comply with any code of practice is not an offence, but failing to comply with them may be relied upon to establish liability, and compliance with them may be relied upon to negate liability. For these reasons, it is essential that applicants and licence holders observe them.
- 1.3.6 The 2006 Act allowed the Department for the Environment, Food and Rural Affairs (Defra) to pass regulations that may repeal or amend any of the primary licensing Acts or create new forms of licences. In April 2018 Defra exercised this power and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 were passed by the Government. This new law took effect on 1 October 2018.

2 LICENSING OF ANIMAL ESTABLISHMENTS

The legislation listed in section 1.2.1 of this Policy sets out the individual application requirements and standards the Council must be satisfied of before it can grant a licence. With the exception of the new 2018 Regulations (which prescribe the general and specific conditions that a Licensing Authority must attach to a licence) each of the enabling Acts permits the Council to devise and attach conditions to a licence (in addition to any mandatory conditions that must be observed) that the Council feels are necessary or expedient to ensure the requirements of the individual Acts are upheld. The common principle with all conditions is the promotion of animal welfare.

2.1 PRINCIPLES OF LICENSING

- 2.1.1 When carrying out its functions in accordance with the legislation listed in section 1.2.1 the Council will seek to promote the following objectives:
 - Animal welfare ("the five needs")
 - Public safety
 - Prevention of nuisance (where legally permitted)
 - Integration with other relevant strategies and legal requirements
 - Pro-active enforcement, and positive relationships.

The following sections 2.2 to 2.6 discuss these principles further.

2.2 'THE FIVE NEEDS'

2.2.1 Section 9 of the 2006 Act introduced five overarching principles of animal welfare, known as the 'five needs'. It is the duty of any person responsible for an animal to ensure that each of these five needs are met.

The 'five needs' are:

- a) the need for a suitable environment;
(by providing an appropriate environment, including shelter and a comfortable resting area)
- b) the need for a suitable diet;
(by ready access, where appropriate, to fresh water and a diet to maintain full health)
- c) the need to be able to exhibit normal behaviour patterns;
(by providing sufficient space, proper facilities and the company of an animal of its own kind, where appropriate)
- d) any need to be housed with, or apart from, other animals; and
(by providing the company of an animal of its own kind, where appropriate)
- e) the need to be protected from pain, suffering, injury and disease.
(by prevention or rapid diagnosis and treatment, and ensuring conditions and treatment which avoid mental suffering)

2.3 PUBLIC SAFETY

In addition to the danger to the welfare of animals by unlicensed or irresponsible animal owners there is also a danger that may arise to members of the public. For instance, the effect of diseases affecting animals, or harmful bacteria stemming from poor hygiene could spread and affect other members of the public, and their animals, as well as the establishment's staff and owner.

Additionally licence holders that permit members of the public onto their premises have a duty to ensure that they do not put them at risk of illness or injury. Public safety will therefore be a paramount consideration by the Council at all times.

Legally, only hiring out horses for riding and instruction and keeping or training animals for exhibition are required to hold public liability insurance to avoid formal action being taken against them, but to protect both the licence holder and members of the public who visit licensed premises, all licence holders are advised to have in place appropriate public liability insurance for the type of business they run.

2.4 PREVENTION OF NUISANCE

Nuisance can arise from noise and odours, and applicants will need to demonstrate how they will control these two factors when applying for a licence.

Where legally permitted by the Acts mentioned in section 1.2.1 of this policy, the Council will:

- refuse to grant a licence where the granting of the application appears not to be in the public interest on the grounds of nuisance.
- impose suitable conditions to ensure that no unacceptable nuisance is created from the activities of the licence holder.
- use the powers contained in the Environmental Protection Act 1990, as part of any enforcement action, where considered necessary.

2.5 INTEGRATION WITH OTHER RELEVANT STRATEGIES AND LEGAL REQUIREMENTS

There are a number of different areas that may affect, or be affected by, licence holders or potential licence holders under the primary legislation, and where necessary these will be considered by the Council in carrying out its functions.

In addition to being licensed to carry out certain activities, a licence holder and their premises may need to comply with other legislation such as planning and building regulations. Where the appropriate permissions or consents are not in place, or where they are being breached, the Council may take enforcement action which could lead to the closure of such premises. The subsequent effect on the welfare of the animal(s) could be damaging, therefore, the Council will not grant a licence where the appropriate planning permissions or building control consents are not in place.

Under Section 17 of the Crime and Disorder Act 1998, local authorities must have regard to the likely effect of the exercise of their functions, and do all that they can to prevent crime and disorder in their area. This Policy has regard to the likely impact of such licences on related crime and disorder in the District.

This Policy should be read in conjunction with, and without prejudice to, other existing National and European Union legislation, such as the Human Rights Act 1998 and the Equalities Act 2010.

Applicants in rented accommodation are also required to seek permission from their private landlord or housing association prior to submitting an application.

2.6 PRO-ACTIVE ENFORCEMENT and POSITIVE RELATIONSHIPS

By developing this policy, the Council has taken a positive step in the control and regulation of activities requiring a licence under the legislation contained in section 1.2.1. Part of the process of adopting this policy involved a 12 week consultation with existing licence holders, veterinary surgeons, trade bodies, and bodies concerned with the welfare of animals. An objective of this policy is to maintain positive relations with all involved in the welfare of animals, and any person who holds a licence, or any person who approaches the Council for a licence.

The Council will carry out its regulatory responsibilities in a fair, consistent, transparent and proportionate manner based upon evidence received or obtained, or risk assessments that justify action to be taken.

The Licensing Authority will always seek to work with licence holders and applicants to promote animal welfare prior to considering legal recourse.

3 APPLYING FOR A LICENCE

Each licence type has its own application process and requirements that the Council need to take into consideration before granting a licence. Details on how to apply for a licence can be found on the Council's website, and the requirements are also listed on the specific application forms which are also available from the Council's website.

4 GRANTING OR REFUSING A LICENCE

Each of the Acts mentioned in section 1.2.1 states clearly the criteria which the Council must be satisfied of before any licence is granted. Where the relevant Licensing Officer is not satisfied that the relevant legal requirements are met, or where an Environmental Health Officer of the Council or Veterinary Surgeon has raised concerns that the legal requirements or standards are not met or they are unlikely to be met, the applicant for the licence will be notified. The applicant will have the opportunity to address these matters in the hope of satisfying the relevant criteria.

If the relevant Licensing Officer of the Council feels that the application should be refused they will submit a report to the Environmental Services Manager to determine the matter. The appeal procedures applicable to each application vary, and applicants will be advised of their rights when notified of such refusal.

5 CONDITIONS OF LICENCE

Licences issued under the Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 will be subject only to the statutory conditions contained within the legislation.

Dangerous Wild Animal and Zoo licensing will be subject to any such mandatory conditions contained in the legislation, in addition to any conditions considered necessary following an inspection by a suitably qualified inspector. Where a licensing authority places conditions on a licence they will be based wherever practicable on existing codes of best practice, and industry standards produced by organisations such as, but not limited to;

- a) Defra;
- b) British Veterinary Association;
- c) National Trade Associations.

In promoting the Council's five licensing principles, complying with these conditions will be considered to be a minimum standard. Where a licensed establishment falls below the standard expected during the currency of the licence, the Licensing Authority may commence formal action in order to ensure animal welfare is not compromised. This could lead to the variation, suspension, revocation or refusal to renew a licence, and/or a formal prosecution being commenced.

6 STAR RATING SCHEME – ANIMAL WELFARE LICENCE ONLY

The Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 introduced a star rating scheme that all licence holders are subject to, and once awarded must be displayed on the licence, and any advertising that the establishment conducts. The star rating is calculated using two criteria, risk and quality (standards). Each activity has

normal and higher standards contained in the specific guidance for that activity. Compliance with the normal standards is sufficient to obtain a licence, but would not be sufficient to obtain a longer period of licence or a higher star rating.

It is possible to appeal the star rating awarded, and it is possible to request a re-assessment inspection if improvement works are undertaken, and you wish to have your star rating reviewed.

Star ratings and therefore licence duration can be lowered/ reduced during the term of a licence if failings are evidenced.

For more information, please see the relevant page on the Council's website.

7 ADVICE FOR NEW APPLICANTS

- 7.1 New applicants are advised to contact the Council's Licensing Officers at their earliest opportunity, preferably before an application is made. This allows the Officers to provide advice, as well as clarifying any areas of uncertainty.
- 7.2 Licences will be effective for between one and six years from the date of issue depending upon the licence type, and other factors such as the premises star and/or risk rating.
- 7.3 All licences that have not been renewed by their expiry date will cease to exist and trading must cease until such time as a new licence has been granted. For certain animal welfare licences, trading may continue during application period (the period between submitting an application and a licence being granted, or refused) providing the application was submitted before the expiry date.
- 7.4 Individuals issued a licence in accordance with the Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018 must submit their renewal application at least 10 weeks prior to the expiry date.

8 COMPLAINT HANDLING

Where the Council receives a complaint regarding one of its licence holders, the matter will be investigated by Officers to ensure that animal welfare issues are not being undermined. The Council will not become involved in third party issues, but where licence failings are identified Officers will work with the licence holder to ensure the reason for the complaint does not happen again. However, if the investigation uncovers failings likely to cause animal welfare issues, formal action is likely to be taken to remove the licence.

9 DEPARTURE FROM POLICY

In exercising its discretion in carrying out its regulatory functions, East Cambridgeshire District Council will have regard to this Policy document and the principles set out therein.

Notwithstanding the existence of this policy, each application will be considered on its own merits. Where an applicant is able to demonstrate that a minor departure from the requirements set out in this policy, (based on their own individual circumstances), would still achieve the licensing principles, the Environmental Services Manager may authorise a licence to be issued accordingly.

Where it is necessary for the Council to depart substantially from this policy, clear and compelling reasons for doing so will be given. The Environmental Services Manager may authorise a departure from the policy in accordance with this section if he/she considers it necessary in the specific circumstances, and he/she will advise members at the next available Licensing Committee.

Where a condition of a licence, or process of application is mandatory it will not be possible to override these requirements using this provision.

10 AMENDMENTS TO THE POLICY

Any significant amendment to this Policy will only be implemented after further consultation with the trade and the public. All such amendments to this Policy will be undertaken in accordance with the Council's Constitution.

For the purpose of this section, any significant amendment is defined as one that:

- a) is likely to have a significant financial effect on licence holders, or
- b) is likely to have a significant procedural effect on licence holders, or
- c) is likely to have a significant effect on the community.

Any minor amendments to this Policy may be authorised by the Environmental Services Manager and undertaken in accordance with the Council's Constitution. Minor amendments are any amendments not defined as significant in a), b) or c) above in this section.

11 DEFINITIONS

TERM	DEFINITION
Authorised Officer	any Officer of the Council authorised under the Council's Scheme of Delegation as contained within the Constitution
Council	East Cambridgeshire District Council
the 'Act'	The Animal Welfare Act 2006
Environmental Services Manager	The current post holder, (or their equivalent following any subsequent restructure), or any nominated person authorised by the Council's Scheme of Delegation
2018 Regulation	The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
Policy	East Cambridgeshire District Council's Animal Licensing Policy
Defra	Department for Environment, Food and Rural Affairs
LACORS	Local Authorities Co-ordinators of Regulatory Services
PTIA	Pet Trade Industry Association (now known as the Pet Care Trust)
CIEH	Chartered Institute Of Environmental Health
AWF	Animal Welfare Foundation
RSPCA	Royal Society for the Prevention of Cruelty to Animals

APPENDIX A – GENERAL CONDITIONS APPLICABLE TO ALL “2018 REGULATION” ANIMAL WELFARE LICENCES

Licence display

1. (1) A copy of the licence must be clearly and prominently displayed on any premises on which the licensable activity is carried on.

(2) The name of the licence holder followed by the number of the licence holder's licence must be clearly and prominently displayed on any website used in respect of the licensable activity.

Records

2. (1) The licence holder must ensure that at any time all the records that the licence holder is required to keep as a condition of the licence are available for inspection by an inspector in a visible and legible form or, where any such records are stored in electronic form, in a form from which they can readily be produced in a visible and legible form.

(2) The licence holder must keep all such records for at least three years beginning with the date on which the record was created.

Use, number and type of animal

3. (1) No animals or types of animal other than those animals and types of animal specified in the licence may be used in relation to the relevant licensable activity.

(2) The number of animals kept for the activity at any time must not exceed the maximum that is reasonable taking into account the facilities and staffing on any premises on which the licensable activity is carried on.

Staffing

4. (1) Sufficient numbers of people who are competent for the purpose must be available to provide a level of care that ensures that the welfare needs of all the animals are met.

(2) The licence holder or a designated manager and any staff employed to care for the animals must have competence to identify the normal behaviour of the species for which they are caring and to recognise signs of, and take appropriate measures to mitigate or prevent, pain, suffering, injury, disease or abnormal behaviour.

(3) The licence holder must provide and ensure the implementation of a written training policy for all staff.

Suitable environment

5. (1) All areas, equipment and appliances to which the animals have access must present minimal risks of injury, illness and escape and must be constructed in materials that are robust, safe and durable, in a good state of repair and well maintained.

(2) Animals must be kept at all times in an environment suitable to their species and condition (including health status and age) with respect to:

- (a) their behavioural needs,
- (b) its situation, space, air quality, cleanliness and temperature,
- (c) the water quality (where relevant),
- (d) noise levels,
- (e) light levels,
- (f) ventilation.

(3) Staff must ensure that the animals are kept clean and comfortable.

(4) Where appropriate for the species, a toileting area and opportunities for toileting must be provided.

(5) Procedures must be in place to ensure accommodation and any equipment within it is cleaned as often as necessary and good hygiene standards are maintained and the accommodation must be capable of being thoroughly cleaned and disinfected.

(6) The animals must be transported and handled in a manner (including for example in relation to housing, temperature, ventilation and frequency) that protects them from pain, suffering, injury and disease.

(7) All the animals must be easily accessible to staff and for inspection and there must be sufficient light for the staff to work effectively and observe the animals.

(8) All resources must be provided in a way (for example as regards frequency, location and access points) that minimises competitive behaviour or the dominance of individual animals.

(9) The animals must not be left unattended in any situation or for any period likely to cause them distress.

Suitable diet

6. (1) The animals must be provided with a suitable diet in terms of quality, quantity and frequency and any new feeds must be introduced gradually to allow the animals to adjust to them.

(2) Feed and (where appropriate) water intake must be monitored, and any problems recorded and addressed.

(3) Feed and drinking water provided to the animals must be unspoilt and free from contamination.

(4) Feed and drinking receptacles must be capable of being cleaned and disinfected, or disposable.

(5) Constant access to fresh, clean drinking water must be provided in a suitable

receptacle for the species that requires it.

(6) Where feed is prepared on the premises on which the licensable activity is carried on, there must be hygienic facilities for its preparation, including a working surface, hot and cold running water and storage.

Monitoring of behaviour and training of animals

7. (1) Active and effective environmental enrichment must be provided to the animals in inside and any outside environments.

(2) For species whose welfare depends partly on exercise, opportunities to exercise which benefit the animals' physical and mental health must be provided, unless advice from a veterinarian suggests otherwise.

(3) The animals' behaviour and any changes of behaviour must be monitored and advice must be sought, as appropriate and without delay, from a veterinarian or, in the case of fish, any person competent to give such advice if adverse or abnormal behaviour is detected.

(4) Where used, training methods or equipment must not cause pain, suffering or injury.

(5) All immature animals must be given suitable and adequate opportunities to—
 - (a) learn how to interact with people, their own species and other animals where such interaction benefits their welfare, and
 - (b) become habituated to noises, objects and activities in their environment.

Animal handling and interactions

8. (1) All people responsible for the care of the animals must be competent in the appropriate handling of each animal to protect it from pain, suffering, injury or disease.

(2) The animals must be kept separately or in suitable compatible social groups appropriate to the species and individual animals and no animals from a social species may be isolated or separated from others of their species for any longer than is necessary.

(3) The animals must have at least daily opportunities to interact with people where such interaction benefits their welfare.

Protection from pain, suffering, injury and disease

9. (1) Written procedures must—
 - (a) be in place and implemented covering:
 - (i) feeding regimes,
 - (ii) cleaning regimes,
 - (iii) transportation,

- (iv) the prevention of, and control of the spread of, disease,
- (v) monitoring and ensuring the health and welfare of all the animals,
- (vi) the death or escape of an animal (including the storage of carcasses);

(b) be in place covering the care of the animals following the suspension or revocation of the licence or during and following an emergency.

(2) All people responsible for the care of the animals must be made fully aware of these procedures.

(3) Appropriate isolation, in separate self-contained facilities, must be available for the care of sick, injured or potentially infectious animals.

(4) All reasonable precautions must be taken to prevent and control the spread among the animals and people of infectious diseases, pathogens and parasites.

(5) All excreta and soiled bedding for disposal must be stored and disposed of in a hygienic manner and in accordance with any relevant legislation.

(6) Sick or injured animals must receive prompt attention from a veterinarian or, in the case of fish, an appropriately competent person and the advice of that veterinarian or, in the case of fish, that competent person must be followed.

(7) Where necessary, animals must receive preventative treatment by an appropriately competent person.

(8) The licence holder must register with a veterinarian with an appropriate level of experience in the health and welfare requirements of any animals specified in the licence and the contact details of that veterinarian must be readily available to all staff on the premises on which the licensable activity is carried on.

(9) Prescribed medicines must be stored safely and securely to safeguard against unauthorised access, at the correct temperature, and used in accordance with the instructions of the veterinarian.

(10) Medicines other than prescribed medicines must be stored, used and disposed of in accordance with the instructions of the manufacturer or veterinarian.

(11) Cleaning products must be suitable, safe and effective against pathogens that pose a risk to the animals and must be used, stored and disposed of in accordance with the manufacturer's instructions and used in a way which prevents distress or suffering of the animals.

(12) No person may euthanase an animal except a veterinarian or a person who has been authorised by a veterinarian as competent for such purpose or—

(a) in the case of fish, a person who is competent for such purpose;

(b) in the case of horses, a person who is competent, and who holds a licence or certificate, for such purpose.

(13) All animals must be checked at least once daily and more regularly as necessary

to check for any signs of pain, suffering, injury, disease or abnormal behaviour and vulnerable animals must be checked more frequently.

(14) Any signs of pain, suffering, injury, disease or abnormal behaviour must be recorded and the advice and further advice (if necessary) of a veterinarian (or in the case of fish, of an appropriately competent person) must be sought and followed.

Emergencies

10. (1) A written emergency plan, acceptable to the local authority, must be in place, known and available to all the staff on the premises on which the licensable activity is carried on, and followed where necessary to ensure appropriate steps are taken to protect all the people and animals on the premises in case of fire or in case of breakdowns of essential heating, ventilation and aeration or filtration systems or other emergencies.
- (2) The plan must include details of the emergency measures to be taken for the extrication of the animals should the premises become uninhabitable and an emergency telephone list that includes the fire service and police.
- (3) External doors and gates must be lockable.
- (4) A designated key holder with access to all animal areas must at all times be within reasonable travel distance of the premises and available to attend in an emergency.

APPENDIX B – SPECIFIC CONDITIONS APPLICABLE TO BOARDING CATS AND DOGS

PART 1 - Providing boarding for cats

Interpretation

1. In this Part:

“cat unit” means the physical structure and area that comprises a sleeping area and an exercise run;

“exercise run” means an enclosed area forming part of the cat unit attached to and with direct and permanent access to the sleeping area;

“premises” means the premises on which the licensable activity of providing boarding for cats is carried on.

Suitable environment

2. (1) Cats within the premises must be prevented from coming into direct contact with other animals from outside the premises.
- (2) There must be a safe, secure, waterproof roof over the entire cat unit.
- (3) A cat unit may only be shared by cats from the same household.
- (4) Communal exercise areas are not permitted.
- (5) Each cat unit must be clearly numbered and there must be a system in place which ensures that information about the cat or cats in each cat unit is available to all staff and any inspector.
- (6) Each cat unit must provide the cat with sufficient space to—
- (a) walk,
 - (b) turn around,
 - (c) stand on its hind legs,
 - (d) hold its tail erect,
 - (e) climb,
 - (f) rest on the elevated area, and
 - (g) lie down fully stretched out, without touching another cat or the walls.
- (7) Each cat unit must have sufficient space for each cat to sit, rest, eat and drink away from the area where it urinates and defecates.
- (8) Cats must have constant access to their sleeping area.

(9) A litter tray and safe and absorbent litter material must be provided at all times in each cat unit and litter trays must be regularly cleaned and disinfected.

(10) Each cat unit must include an elevated area.

(11) Adjoining cat units must have solid barriers covering the full height and full width of the adjoining wall.

(12) Any gaps between cat units must be a minimum of 0.6 metres wide.

(13) Any cat taken out of a cat unit must be secured in a suitable carrier.

(14) The sleeping area must form part of the cat unit and be free from draughts.
Monitoring of behaviour and training of cats

3. (1) There must be an area within each cat unit in which the cat can avoid seeing other cats and people outside the cat unit if it so chooses.

(2) Each cat unit must include a facility for scratching and any surface within a cat unit available for scratching must either be disinfected between uses by different cats or disposed of.

(3) All cats must be provided with toys or feeding enrichment (or both) unless advice from a veterinarian suggests otherwise.

(4) All toys and other enrichment items must be checked daily to ensure they remain safe and must be cleaned and disinfected at least weekly.

Records

4. A register must be kept of all the cats on the premises which must include:

(a) the dates of each cat's arrival and departure,

(b) each cat's name, age, sex, neuter status and a description of it or its breed,

(c) each cat's microchip number, where applicable,

(d) the number of any cats from the same household,

(e) a record of which cats (if any) are from the same household,

(f) the name, postal address, telephone number (if any) and email address (if any) of the owner of each cat and emergency contact details,

(g) in relation to each cat, the name, postal address, telephone number and email address of a local contact in an emergency,

(h) the name and contact details of each cat's normal veterinarian and details of any insurance relating to the cat,

(i) details of each cat's relevant medical and behavioural history, including details of any treatment administered against parasites and restrictions on exercise,

- (j) details of each cat's diet and related requirements,
- (k) any required consent forms,
- (l) a record of the date or dates of each cat's most recent vaccination, worming and flea treatments, and
- (m) details of any medical treatment each cat is receiving.

Protection from pain, suffering, injury and disease

5. (1) A cat must remain in its assigned cat unit, except when it is moved to an isolation cat unit or to a holding cat unit.
- (2) Where any other activity involving animals is undertaken on the premises, it must be kept entirely separate from the area where the activity of providing boarding for cats takes place.
- (3) All equipment must be cleaned and disinfected before a cat is first introduced into a cat unit.
- (4) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.
- (5) A holding cat unit must only be used in an emergency and must not be used for longer than is necessary and in any event for no longer than a total of 12 hours in any 24-hour period.
- (6) In this paragraph, "holding cat unit" means a cat unit, separate from any other cat unit, in which a cat may be housed temporarily.

PART 2 - Providing boarding in kennels for dogs

Interpretation

6. In this Part:

"exercise run" means an enclosed area forming part of a kennel unit attached to and with direct access to the sleeping area;

"kennel unit" means the physical structure and area that consists of a sleeping area and an exercise run;

"premises" means the premises on which the licensable activity of providing boarding in kennels for dogs is carried on.

Suitable environment

7. (1) Dogs within the premises must be prevented from coming into contact with other animals from outside the premises.
- (2) In each kennel unit, the sleeping area must:
- (a) be free from draughts;

(b) provide the dog with sufficient space to:

- (i) sit and stand at full height,
- (ii) lie down fully stretched-out,
- (iii) wag its tail,
- (iv) walk, and
- (v) turn around,

without touching another dog or the walls;

(c) have a floor area which is at least twice the area required for the dog in it to lie flat; and

(d) if built after the date on which these Regulations come into force, have a floor area of at least 1.9 square metres.

(3) Each kennel unit must be clearly numbered and there must be a system in place which ensures that information about the dog or dogs in each kennel unit is available to all staff and any inspector.

(4) Each dog must have constant access to its sleeping area.

(5) Each dog must have a clean, comfortable and warm area within its sleeping area where it can rest and sleep.

(6) Each exercise run must have a single, safe, secure, waterproof roof over a minimum of half its total area.

(7) Where a dog poses a health or welfare risk to other dogs, it must be kept on its own in a kennel unit and, if that kennel unit adjoins another kennel unit, any adjoining wall must be of full height and width so as to prevent the dog from coming into physical contact with any other dog.

(8) Only dogs from the same household may share a kennel unit.

Monitoring of behaviour and training

8. (1) Any equipment that a dog is likely to be in contact with and any toy provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.

(2) All dogs must be provided with toys or feeding enrichment (or both) unless advice from a veterinarian suggests otherwise.

(3) All toys and other enrichment items must be checked daily to ensure they remain safe and must be cleaned and disinfected at least weekly.

(4) Each dog must be exercised at least once daily away from its kennel unit as appropriate for its age and health.

(5) Any dog which, on the advice of a veterinarian, cannot be exercised must be

provided with alternative forms of mental stimulation.

(6) There must be an area within each kennel unit in which a dog can avoid seeing people and other dogs outside the kennel unit if it so chooses.

Records

9. (1) A register must be kept of all the dogs on the premises which must include—
- (a) the dates of each dog's arrival and departure;
 - (b) each dog's name, age, sex, neuter status, microchip number and a description of it or its breed;
 - (c) the number of any dogs from the same household;
 - (d) a record of which dogs (if any) are from the same household;
 - (e) the name, postal address, telephone number (if any) and email address (if any) of the owner of each dog and emergency contact details;
 - (f) in relation to each dog, the name, postal address, telephone number and email address of a local contact in an emergency;
 - (g) the name and contact details of the dog's normal veterinarian and details of any insurance relating to the dog;
 - (h) details of each dog's relevant medical and behavioural history, including details of any treatment administered against parasites and restrictions on exercise;
 - (i) details of the dog's diet and related requirements;
 - (j) any required consent forms;
 - (k) a record of the date or dates of each dog's most recent vaccination, worming and flea treatments;
 - (l) details of any medical treatment each dog is receiving.
- (2) When outside the premises, each dog must wear an identity tag which includes the licence holder's name and contact details.

Protection from pain, suffering, injury and disease

10. (1) Where any other activity involving animals is undertaken on the premises, it must be kept entirely separate from the area where the activity of providing boarding for dogs in kennels takes place.
- (2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.
- (3) A holding kennel unit must only be used in an emergency and must not be used for longer than is necessary and in any event for no longer than a total of 12 hours in any 24-hour period.

(4) In sub-paragraph (3), “holding kennel unit” means a kennel unit, separate from any other kennel unit, in which a dog may be housed temporarily.

PART 3 - Providing home boarding for dogs

Interpretation

11. In this Part:

“designated room” means a room within the home allocated to a dog;

“home” means a domestic dwelling on which the licensable activity of providing home boarding for dogs is carried on.

Home

12. (1) Dogs must be accommodated within the home.

(2) The home must include—

(a) direct access to a private, non-communal, secure and hazard-free external area, and

(b) at least two secure physical barriers between any dog and any entrance to or exit from it.

Suitable environment

13. (1) Dogs from different households may only be boarded at the same time with the written consent of every owner.

(2) Each dog must be provided with its own designated room where it can, if necessary, be kept separate from other dogs.

(3) Each dog must have a clean, comfortable and warm area within its designated room where it can rest and sleep.

(4) Each designated room must have a secure window to the outside that can be opened and closed as necessary.

(5) A dog must not be confined in a crate for longer than three hours in any 24-hour period.

(6) A dog must not be kept in a crate unless—

(a) it is already habituated to it,

(b) a crate forms part of the normal routine for the dog, and

(c) the dog’s owner has consented to the use of a crate.

(7) Any crate in which a dog is kept must be in good condition and sufficiently large for the dog to sit and stand in it at full height, lie flat and turn around.

Suitable diet

14. Each dog must be fed separately in its designated room unless its owner has given written consent to the contrary.

Monitoring of behaviour and training

15. (1) Any equipment that a dog is likely to be in contact with and any toy provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.

(2) Each dog must be exercised at least once daily as appropriate for its age and health.

(3) Dogs which on the advice of a veterinarian cannot be exercised must be provided with alternative forms of mental stimulation.

Housing with or apart from other dogs

16. (1) Written consent must be obtained from the owner or owners (as the case may be) to keep dogs together in a designated room.

(2) Unneutered bitches must be prevented from mating.

(3) If any person aged under 16 years resides at the home, there must be procedures in place to regulate the interactions between the dogs and that person.

Records

17. (1) A register must be kept of all the dogs accommodated in the home which must include:

(a) the dates of each dog's arrival and departure;

(b) each dog's name, age, sex, neuter status, microchip number and a description of it or its breed;

(c) the number of any dogs from the same household;

(d) a record of which dogs (if any) are from the same household;

(e) the name, postal address, telephone number (if any) and email address (if any) of the owner of each dog and emergency contact details;

(f) in relation to each dog, the name, postal address, telephone number and email address of a local contact in an emergency;

(g) the name and contact details of each dog's normal veterinarian and details of any insurance relating to the dog;

(h) details of each dog's relevant medical and behavioural history, including details of any treatment administered against parasites and restrictions on exercise;

(i) details of each dog's diet and related requirements;

- (j) any required consent forms;
- (k) a record of the date or dates of each dog's most recent vaccination, worming and flea treatments;
- (l) details of any medical treatment each dog is receiving.

(2) When outside the premises, each dog must wear an identity tag which includes the licence holder's name and contact details.

Protection from pain, suffering, injury and disease

18. (1) Before a dog is admitted for boarding, all equipment to be used by or in relation to that dog must be cleaned and disinfected.
- (2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.

PART 4 - Providing day care for dogs

Interpretation

19. In this Part, "premises" means the premises on which the licensable activity of providing day care for dogs is carried on.

No overnight stay

20. No dog may be kept on the premises overnight.

Suitable environment

21. (1) Each dog must be provided with:
- (a) a clean, comfortable and warm area where it can rest and sleep, and
 - (b) another secure area in which water is provided and in which there is shelter.
- (2) Each dog must have access to areas where it can—
- (a) interact safely with other dogs, toys and people, and
 - (b) urinate and defecate.
- (3) There must be an area where any dog can avoid seeing other dogs and people if it so chooses.

Suitable diet

22. Any dog that requires specific feed due to a medical condition must be fed in isolation.

Monitoring of behaviour and training

23. (1) All dogs must be screened before being admitted to the premises to ensure that they are not afraid, anxious or stressed in the presence of other dogs or people and do

not pose a danger to other dogs or staff.

(2) Any equipment used that is likely to be in contact with the dogs and any toys provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.

Housing apart from other dogs

24. (1) Unneutered bitches must be prevented from mating.

(2) Dogs which need to be isolated from other dogs must be provided with alternative forms of mental stimulation.

Records

25. (1) A register must be kept of all the dogs on the premises which must include—

(a) the date of the dog's attendance;

(b) the dog's name, age, sex, neuter status, microchip number and a description of it or its breed;

(c) the name, postal address, telephone number (if any) and email address (if any) of the owner and emergency contact details;

(d) the name and contact details of the dog's normal veterinarian and details of any insurance relating to the dog;

(e) details of the dog's relevant medical and behavioural history, including details of any treatment administered against parasites and any restrictions on exercise;

(f) details of the dog's diet and relevant requirements;

(g) any required consent forms;

(h) a record of the date or dates of the dog's most recent vaccination, worming and flea treatments;

(i) details of any medical treatment the dog is receiving.

(2) When outside the premises, each dog must wear an identity tag which includes the licence holder's name and contact details.

Protection from pain, suffering, injury and disease

26. (1) The dogs must be supervised at all times.

(2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.

(3) Any journeys in a vehicle must be planned to minimise the time dogs spend in the vehicle.

APPENDIX C – HORSE RIDING ESTABLISHMENTS

Interpretation

1. In this Schedule, “client” means a person for whose use a horse is hired out.

Eligibility

2. (1) The licence holder must:
 - (a) hold an appropriate formal qualification, or have sufficient demonstrable experience and competence, in the management of horses, and
 - (b) hold a valid certificate of public liability insurance which:
 - (i) insures the licence holder against liability for any injury sustained by, and the death of, any client, and
 - (ii) insures any client against liability for any injury sustained by, and the death of, any other person, caused by or arising out of the hire of the horse.
- (2) The certificate mentioned in sub-paragraph (1)(b) must be clearly and prominently displayed on the premises.

Supervision

3. (1) The activity must not at any time be left in the charge of a person aged under 18 years.
 - (2) No horse may be hired out except under the supervision of a person aged 16 years or more unless the licence holder is satisfied that the person hiring the horse is competent to ride without supervision.
 - (3) The following must be clearly and prominently displayed on the premises:
 - (a) the full name, postal address (including postcode) and telephone number of the licence holder or other person with management responsibilities in respect of the activity;
 - (b) instructions as to the action to be taken in the event of a fire or other emergency.

Suitable environment

4. (1) It must be practicable to bring all the horses on the premises under cover.
 - (2) Suitable storage must be provided and used for feed, bedding, stable equipment and saddlery.
 - (3) All arena surfaces must be suitable for purpose, well drained, free of standing water and maintained regularly to keep them level.

Suitable diet

5. (1) At all times when any horses are kept at grass, adequate pasture, shelter and clean water must be available for them.

(2) Supplementary feed and nutrients must be provided to any horse when appropriate.

(3) Each horse must be fed a balanced diet of a quantity and at a frequency suitable for its age, health and workload to enable it to maintain an appropriate physical condition.

Protection from pain, suffering, injury and disease

6. (1) The horses must be maintained in good health and must be in all respects physically fit.

(2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented

(3) A daily record of the workload of each horse must be maintained and available for inspection at any reasonable time.

(4) Each horse must be suitable for the purpose for which it is kept and must not be hired out if, due to its condition, its use would be likely to cause it to suffer.

(5) Any horse found on inspection to be in need of veterinary attention must not be returned to work until the licence holder has, at the licence holder's expense, obtained from and lodged with the local authority a veterinary certificate which confirms that the horse is fit for work.

(6) Each horse's hooves should be trimmed as often as is necessary to maintain the health, good shape and soundness of its feet and any shoes should be properly fitted and in good condition.

(7) An area suitable for the inspection of horses by a veterinarian must be provided.

(8) The following must not be hired out:

(a) a horse aged under 3 years;

(b) a mare heavy with foal;

(c) a mare whose foal has not yet been weaned.

(9) The licence holder must keep a register of all horses kept for the licensable activity on the premises, each such horse's valid passport showing its unique equine life number and a record of its microchip number (if any).

Equipment

7. All equipment provided to clients must be in good and safe condition and available for inspection at any reasonable time.

APPENDIX D – SELLING ANIMALS AS PETS

Interpretation

1. In this Schedule:

“prospective owner” means a person purchasing an animal to keep or to be kept as a pet;

“premises” means the premises on which the licensable activity of selling animals as pets (or with a view to their being later resold as pets) is carried on;

“purchaser” means a person purchasing an animal to keep as a pet or with a view to it later being resold as a pet.

Records and advertisements

2. (1) A register must be maintained for all the animals or, in the case of fish, all the groups of fish, on the premises which must include:

- (a) the full name of the supplier of the animal,
- (b) the animal’s sex (where known),
- (c) (except in the case of fish) the animal’s age (where known),
- (d) details of any veterinary treatment (where known),
- (e) the date of birth of the animal or, if the animal was acquired by the licence holder, the date of its acquisition,
- (f) the date of the sale of the animal by the licence holder, and
- (g) the date of the animal’s death (if applicable).

(2) Where an animal is undergoing any medical treatment:

- (a) this fact must be clearly indicated:
 - (i) in writing next to it, or
 - (ii) (where appropriate) by labelling it accordingly, and
- (b) it must not be sold.

(3) Any advertisement for the sale of an animal must:

- (a) include the number of the licence holder’s licence,
- (b) specify the local authority that issued the licence,
- (c) include a recognisable photograph of the animal being advertised,
- (d) (except in the case of fish) display the age of the animal being advertised,
- (e) state the country of residence of the animal from which it is being sold, and
- (f) state the country of origin of the animal.

Prospective sales: pet care and advice

3. (1) The licence holder and all staff must ensure that any equipment and accessories being sold with an animal are suitable for the animal.

(2) The licence holder and all staff must ensure that the prospective owner is provided with information on the appropriate care of the animal including in relation to—
 - (a) feeding,
 - (b) housing,
 - (c) handling,
 - (d) husbandry,
 - (e) the life expectancy of its species,
 - (f) the provision of suitable accessories, and
 - (g) veterinary care.
(3) Appropriate reference materials on the care of all animals for sale must be on display and provided to the prospective owner.

(4) The licence holder and all staff must have been suitably trained to advise prospective owners about the animals being sold.

(5) The licence holder and all staff must ensure that the purchaser is informed of the country of origin of the animal and the species, and where known, the age, sex and veterinary record of the animal being sold.

Suitable accommodation

4. (1) Animals must be kept in housing which minimises stress including from other animals and the public.

(2) Where members of the public can view or come into contact with the animals, signage must be in place to deter disturbance of the animals.

(3) Dangerous wild animals (if any) must be kept in cages that are secure and lockable and appropriate for the species.

(4) For the purposes of sub-paragraph (3), “dangerous wild animal” means an animal of a kind specified in the first column of the Schedule to the Dangerous Wild Animals Act 1976(1).

Purchase and sale of animals

- 5 (1) The purchase, or sale, by or on behalf of the licence holder of any of the following is prohibited:
 - (a) unweaned mammals;
 - (b) mammals weaned at an age at which they should not have been weaned;
 - (c) non-mammals that are incapable of feeding themselves;

(d) puppies, cats, ferrets or rabbits, aged under 8 weeks.

(2) The sale of a dog must be completed in the presence of the purchaser on the premises.

Protection from pain, suffering, injury and disease

6. (1) All animals for sale must be in good health.

(2) Any animal with a condition which is likely to affect its quality of life must not be moved, transferred or offered for sale but may be moved to an isolation facility or veterinary care facility if required until the animal has recovered.

(3) When arranging for the receipt of animals, the licence holder must make reasonable efforts to ensure that they will be transported in a suitable manner.

(4) Animals must be transported or handed to purchasers in suitable containers for the species and expected duration of the journey.

APPENDIX E – BREEDING OF DOGS

Advertisements and sales

1. (1) The licence holder must not advertise or offer for sale a dog—
 - (a) which was not bred by the licence holder;
 - (b) except from the premises where it was born and reared under the licence;
 - (c) otherwise than to:
 - (i) a person who holds a licence for the activity described in paragraph 2 of Schedule 1; or
 - (ii) a keeper of a pet shop in Wales who is licensed under the Pet Animals Act 1951(1) to keep the shop, knowing or believing that the person who buys it intends to sell it or intends it to be sold by any other person.
- (2) Any advertisement for the sale of a dog must—
 - (a) include the number of the licence holder's licence,
 - (b) specify the local authority that issued the licence,
 - (c) include a recognisable photograph of the dog being advertised, and
 - (d) display the age of the dog being advertised.
- (3) The licence holder and all staff must ensure that any equipment and accessories being sold with a dog are suitable for it.
- (4) The licence holder and all staff must ensure that the purchaser is informed of the age, sex and veterinary record of the dog being sold.
- (5) No puppy aged under 8 weeks may be sold or permanently separated from its biological mother.
- (6) A puppy may only be shown to a prospective purchaser if it is together with its biological mother.
- (7) Sub-paragraphs (5) and (6) do not apply if separation of the puppy from its biological mother is necessary for the health or welfare of the puppy, other puppies from the same litter or its biological mother.

Suitable environment

2. (1) Each dog must have access to a sleeping area which is free from draughts and an exercise area.
- (2) Each dog must be provided with sufficient space to:
 - (a) stand on its hind legs,
 - (b) lie down fully stretched out,

- (c) wag its tail,
 - (d) walk, and
 - (e) turn around, without touching another dog or the walls of the sleeping area.
- (3) The exercise area must not be used as a sleeping area.
- (4) Part or all of the exercise area must be outdoors.
- (5) There must be a separate whelping area for each breeding bitch to whelp in which contains a suitable bed for whelping.
- (6) Each whelping area must be maintained at an appropriate temperature (between and including 26 and 28 degrees centigrade) and include an area which allows the breeding bitch to move away from heat spots.
- (7) Each dog must be provided with constant access to a sleeping area.
- (8) A separate bed must be provided for each adult dog.
- (9) No puppy aged under 8 weeks may be transported without its biological mother except—
- (a) if a veterinarian agrees for health or welfare reasons that it may be so transported, or
 - (b) in an emergency.
- (10) No breeding bitch may be transported later than 54 days after the date of successful mating except to a veterinarian.
- (11) No breeding bitch may be transported earlier than 48 hours after whelping except to a veterinarian where it is not otherwise practicable or appropriate for that person to attend to the bitch.
- (12) Each dog's sleeping area must be clean, comfortable, warm and free from draughts.
- (13) In this paragraph, "exercise area" means a secure area where dogs may exercise and play.

Suitable diet

3. Staff must:

- (a) ensure that each puppy starts weaning as soon as it is capable of ingesting feed on its own,
- (b) provide each breeding bitch with feed appropriate to its needs,
- (c) provide each puppy with feed appropriate for its stage of development, and
- (d) ensure that each puppy ingests the correct share of the feed provided.

Monitoring of behaviour and training

4. (1) The licence holder must implement and be able to demonstrate use of a documented socialisation and habituation programme for the puppies.

(2) Each dog must be provided with toys or feeding enrichment (or both) unless advice from a veterinarian suggests otherwise.

(3) Except in the circumstances mentioned in sub-paragraph (4), all adult dogs must be exercised at least twice daily away from their sleeping area.

(4) Where a veterinarian has advised against exercising a dog, the dog must be provided with alternative forms of mental stimulation.

(5) Any equipment that a dog is likely to be in contact with and any toy provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.

Housing with or apart from other dogs

5. (1) Each adult dog must be provided with opportunities for social contact with other dogs where such contact benefits the dogs' welfare.

(2) Each adult dog must be given suitable and adequate opportunities to become habituated to handling by people.

(3) Procedures must be in place for dealing with dogs that show abnormal behaviour.

(4) There must be an area within each sleeping area in which dogs can avoid seeing people and other dogs outside the sleeping area if they so choose.

Protection from pain, suffering, injury and disease

6. (1) All dogs for sale must be in good health.

(2) Any dog with a condition which is likely to affect materially its quality of life must not be moved, transferred or offered for sale but may be moved to an isolation facility or veterinary care facility if required until it has recovered.

(3) The licence holder must ensure that no bitch:
 - (a) is mated if aged less than 12 months;
 - (b) gives birth to more than one litter of puppies in a 12-month period;
 - (c) gives birth to more than six litters of puppies in total;
 - (d) is mated if she has had two litters delivered by caesarean section.
(4) The licence holder must ensure that each puppy is microchipped and registered to the licence holder before it is sold.

(5) No dog may be kept for breeding if it can reasonably be expected, on the basis of its genotype, phenotype or state of health that breeding from it could have a detrimental effect on its health or welfare or the health or welfare of its offspring.

(6) The health, safety and welfare of each dog must be checked at the start and end of every day and at least every four hours during the daytime.

(7) Breeding bitches must be adequately supervised during whelping and the licence holder must keep a record of—

- (a) the date and time of birth of each puppy,
- (b) each puppy's sex, colour and weight,
- (c) placentae passed,
- (d) the number of puppies in the litter, and
- (e) any other significant events.

(8) The licence holder must keep a record of each puppy sale including:

- (a) the microchip number of the puppy,
- (b) the date of the sale, and
- (c) the age of the puppy on that date.

(9) The licence holder must keep a record of the following in relation to each breeding dog:

- (a) its name,
- (b) its sex,
- (c) its microchip and database details,
- (d) its date of birth,
- (e) the postal address where it normally resides,
- (f) its breed or type,
- (g) its description,
- (h) the date or dates of any matings, whether or not successful,
- (i) details of its biological mother and biological father,
- (j) details of any veterinary treatment it has received, and
- (k) the date and cause of its death (where applicable).

(10) In addition to the matters mentioned in sub-paragraph (7), the licence holder must keep a record of the following in relation to each breeding bitch:

- (a) the number of matings,
- (b) its age at the time of each mating,
- (c) the number of its litters,
- (d) the date or dates on which it has given birth, and
- (e) the number of caesarean sections it has had, if any.

(11) Unless the licence holder keeps the dog as a pet, the licence holder must make arrangements for any dog no longer required for breeding to be appropriately rehomed.

(12) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.

(13) The licence holder must keep a record of any preventative or curative healthcare (or both) given to each dog.

(14) Where any other activity involving animals is undertaken on the premises on which the licensable activity of breeding dogs is carried on, it must be kept entirely separate from the area where that licensable activity is carried on.

APPENDIX F – KEEPING OR TRAINING ANIMALS FOR EXHIBITION

Insurance

1. The licence holder must hold valid public liability insurance in respect of the licensable activity of keeping or training animals for exhibition.

Emergencies

2. A written policy detailing contingency measures in the event of the breakdown of a vehicle used to transport the animals or any other emergency must be available to all staff.

Suitable environment

3. Suitable temporary accommodation must be provided for all the animals at any venue where they are exhibited.

Monitoring of behaviour and training

4. The animals must be trained by competent staff and given suitable and adequate opportunities to become habituated to being exhibited, using positive reinforcement.

Housing with or apart from other animals

5. (1) Social animals must not be exhibited if their removal from and reintroduction to the group with which they are usually housed causes them or any other animal within that group stress, anxiety or fear.

(2) Animals must be prevented from coming into contact with each other during any exhibition where such contact would be likely to cause any of them to show signs of aggression, fear or distress.

(3) All persons likely to come into contact with the animals during an exhibition must be briefed about how to behave around the animals so as to minimise anxiety, fear and stress in the animals.

(4) No female animal with unweaned offspring may be removed from its home environment and newborn, unweaned or dependent offspring must not be removed from their mothers.

Records

6. The licence holder must keep a list of each animal kept, or trained, for exhibition with all the information necessary to identify that animal individually (including its common and scientific names) and must provide the local authority with a copy of the list and any change to it as soon as practicable after the change.

Protection from pain, suffering, injury and disease

7. (1) A register must be kept of each animal exhibited or to be exhibited which must include:

(a) the full name of its supplier,

(b) its date of birth,

(c) the date of its arrival,

(d) its name (if any), age, sex, neuter status, description and microchip or ring number (if applicable),

(e) the name and contact details of the animal's normal veterinarian and details of any insurance relating to it,

(f) details of the animal's relevant medical and behavioural history including details of any treatment administered against parasites and any restrictions on exercise or diet,

(g) a record of the date or dates of the animal's most recent vaccination, worming and flea treatments, and

(h) the distance to and times taken for it to travel to and from each exhibition event.

(2) A record of when the animals are exhibited must be kept and an animal rotation policy must be put in place to ensure that the animals have enough rest between and during exhibition events.

(3) All the animals used in exhibition events must be in good physical and mental health.

(4) The exhibited animals must be suitable for the specific conditions, type of enclosure and actions involved in the exhibition.

(5) Any equipment, chemicals and other materials used in the exhibition must not cause the animals pain, discomfort, fatigue or stress.

(6) The animals must be transported in suitable, secure and appropriately labelled carriers.

(7) The licence holder or the licence holder's staff must undertake a risk assessment before each exhibition event.

(8) The animals must not be handled by persons whose behaviour appears at the time to be influenced by the consumption of alcohol or by any psychoactive substance.

APPENDIX G – DANGEROUS WILD ANIMALS

General

1. These Standard Conditions will apply to all licences unless disapplied or varied by the Environmental Services Manager.
2. The granting of a licence for a Dangerous Wild Animal 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 Dangerous Wild Animals Act 1976 (as amended).

Standard conditions

3. While any animals are being kept under the authority of this licence;
 - (a) the animal shall be kept by no person other than the person specified in the licence,
 - (b) the animal shall normally be held at such premises as specified in the licence,
 - (c) the animal shall not be moved from those premises except for veterinary treatment or with the written consent of the Council
 - (d) the licence holder shall hold a current insurance policy which insures him/her, and any other person entitled to keep the animal under the authority of this licence, against liability for any damage which may be caused by the animal, the terms of such policy being satisfactory in the opinion of the Council,
 - (e) the public liability insurance required in (iv) above shall provide cover to a minimum of ten million pounds. This figure may be reduced according to the number and species of animals, however, a minimum cover of ten million pounds is required unless stated otherwise on the licence.
4. The species and number of animals of each species which may be kept under the authority of this licence shall be restricted to those specified in the Schedule of Animals attached to the licence.
5. The licence holder shall, at all reasonable times, make available the licence to any person entitled to keep any animal under the authority of the licence.
6. Any change in species, or increase in numbers of a species, will only be permitted if written consent of the Council is first obtained and the Schedule of Animals attached to the licence is amended by the Council.

Special conditions

6. Given the unique nature of these establishments, the Council may impose specific special conditions relating to the individual premises based on the species and number of each species kept. These conditions would be imposed in consultation with a specialist veterinary surgeon, or other recognised expert, and attached to the licence as a Schedule of Special Conditions.

APPENDIX H – ZOO CONDITIONS

General

1. These Standard Conditions will apply to all licences unless disapplied or varied by the Environmental Services Manager.
2. The granting of a licence for a Zoo 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 Zoo Licensing Act 1981 (as amended).
3. The licence holder must ensure that the establishment is covered by adequate and suitable public liability insurance and, where necessary, adequate and suitable employers liability insurance. Proof of this to be deposited with the Licensing Authority.

Standard conditions

All licences issued by the Council will be subject to DEFRA's Standards of Modern Zoo Practice as published on the DEFRA website.

As DEFRA's document is a 'live document', last updated in September 2012, it is not practical to list the document in its entirety. All establishments will be inspected by specialist veterinary surgeons using the inspection form contained within the DEFRA document having regard to the standards set by DEFRA.

As each establishment is unique, the Council may amend the standards required by DEFRA where recommended by a specialist veterinary surgeon. Unless a licence specifically states otherwise, the DEFRA Standards of Modern Zoo Practice will apply.

(i) LICENSING COMMITTEE

APPENDIX 2

1. CONSTITUTION

- 1.1 The Committee comprises 11 Members of the Council, who shall be appointed annually. Its quorum is 5.

2. OBJECTIVES

- 2.1 To deal efficiently and fairly with matters referred to it, as openly as possible.
2.2 Through licensing policies to protect and promote good practice.
2.3 To balance the interests of applicants with the interests of residents and other interested parties.

3. TERMS OF REFERENCE

The Committee's terms of reference shall be:

- 3.1 To set policies and determine applications in relation to the functions of the Council with respect to:
- (a) Licences for licensable activities under the Licensing Act 2003.
 - (b) Powers and duties under the Gambling Act 2005 not reserved by law to full Council, and in particular:
 - (i) To make recommendations on the Statement of Principles to full Council;
 - (ii) To adopt a Sub-Committee Hearing procedure.
 - (c) The registration of persons and premises in relation to tattooing, cosmetic piercing, semi-permanent skin colouring, acupuncture, electrolysis, temporary markets, and sex establishments.
 - (d) The licensing of caravan sites and other moveable dwellings, and the provision and management of local authority caravan sites.
 - (e) Hackney Carriage and their drivers, private hire vehicles, their drivers and operators.
 - (f) Charity Street and House to House collections and Street Trading Consents
 - (g) Animal Welfare licences.
 - (h) Scrap Metal dealer licences
 - (i) Any other statutory licensing scheme, the administration of which is the responsibility of the Council.

4. DELEGATION TO THE COMMITTEE

- 4.1 The Committee has delegated authority to act on behalf of the Council in respect of all the functions specified in Part 3 above.
Note – Responsibility for the conducting of Hearings in relation to applications under 3.1 (a), (b), (e), (f), (g) and (h) above has been delegated to the Licensing Sub-Committee.

5. DELEGATION TO OFFICERS

- 5.1 The Environmental Services Manager or Director Operations or Legal Services Manager are authorised to act on behalf of the Committee in relation to any matter within their respective remits of immediate urgency which must be dealt with before the next meeting of the Committee, provided:
- (a) the Chairman or Vice-Chairman of the Committee is consulted prior to delegated decisions being made;
 - (b) the Service Delivery Champion is consulted prior to any action taken under this delegated power;

- (c) spokespersons of minority groups are notified immediately of any action taken under this delegated power;
- (d) action taken shall be as soon as practicable reported to the next Committee ; and
- (e) it excludes any decision which is by law expressly vested in the Council.

5.2 There shall be delegated to Environmental Services Manager or Director Operations or Legal Services Manager the exercise of any power or function of the Council in routine matters falling within their remit related to the implementation of agreed strategies and programmes and established policies and procedures and within existing budgets after appropriate consultation with the Chair of the relevant Committee.

5.3 For the avoidance of doubt this delegation shall include the powers of entry and inspection of premises, seizure of goods, etc, service of notices, carrying out of works, commencement of enforcement and legal proceedings and the power to authorise others to exercise such powers.

This delegation shall not be taken to include any matter reserved by law to the Full Council.

5.4 There are further delegated to the officers indicated below the exercise of any power or function of the Council relating to the matters etc out below under the Listed Acts or any amendment, modification, or re-enactment of those Acts, or Regulations/Orders made under those Acts.

Legislation	Delegated Officer
Animal Health Act 1981	Environmental Services Manager or Director (Operations) or Legal Services Manager
Animal Welfare 2006	
Anti-Social Behaviour Act 2003	
Anti-Social Behaviour, Crime and Policing Act 2014	
Caravan Sites Act 1968 Parts I & II	
Caravan Sites and Control of Development Act 1960	
Criminal Justice and Police Act 2001 Section 19	
Dangerous Dogs Act 1991	
Dangerous Wild Animals Act 1976	
Gambling Act 2005	
Game Act 1831	
Guard Dogs Act 1975	
Housing Act 2004	
Hypnotism Act 1952	
Licensing Act 2003	
Local Government (Miscellaneous Provisions) Act 1982 – Parts II, III, and VIII, section 29, Schedule 3, and Schedule 4.	
Local Government (Miscellaneous Provisions) Act 1976 Part II	
Mobile Homes Act 2013	
Scrap Metal Dealers Act 2013	
Slaughterhouses Act 1974	
Sunbeds (Regulation) Act 2010	

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018	Environmental Services Manager or Director (Operations) or Legal Services Manager
Town Police Clauses Act 1847	
Transport Act 1980 and 1985	
Zoo Licensing Act 1981	

2. SPECIFIC OFFICER DELEGATIONS

The power to set fees and charges, and take enforcement action	Environmental Services Manager or Legal Services Manager
The power to immediately suspend or revoke a Hackney Carriage/Private Hire Drivers Licence (having consulted Chairman or Vice-Chairman of Licensing Committee).	Environmental Services Manager or Director (Operations) or Legal Services Manager
The power to grant, refuse, vary, transfer, suspend, revoke and withdraw licences permits, registrations and consents.	Environmental Services Manager or Director (Operations) or Legal Services Manager
The power to act in an emergency to obtain injunctions in any cases.	Legal Services Manager or Chief Executive
The power to commence legal proceedings in respect of the Council's functions as set out in statute (subject to being satisfied as to evidence).	Legal Services Manager or Chief Executive
The power to act for the Council in proceedings brought in the Magistrates' Court in respect of appeals against licensing decisions.	Legal Services Manager or Chief Executive
Power to act for the Council in respect of challenges to policies set out in the District Council Statement of Licensing Policy brought either under the Human Rights Act 1998 or judicial review.	Legal Services Manager or Chief Executive

LICENSING COMMITTEE

LEAD OFFICER: Liz Knox, Environmental Services Manager

ANNUAL AGENDA PLAN

DEMOCRATIC SERVICES OFFICER: Adrian Scaites-Stokes

Meeting on: 10 th October 2018 9:30am		Meeting on: 21 st November 2018 9:30am		Meeting on: 12 th December 2018 9:30am	
Deadline for reports/dispatch: 28 th September 2018		Deadline for reports/dispatch: 9 th November 2018		Deadline for reports/dispatch: 3 rd December 2018	
<ul style="list-style-type: none"> Chairman's Announcements Forward Agenda Plan Licensing Officers Update Review of Licensing Fees and Charges 	<p>S Broome</p> <p>S Broome</p>	<ul style="list-style-type: none"> Chairman's Announcements Forward Agenda Plan Licensing Officers Update Charity Collections 	<p>S Broome</p> <p>S Broome</p>	<ul style="list-style-type: none"> Chairman's Announcements Forward Agenda Plan Licensing Officers Update Private Hire and Hackney Carriage Fees (if required) 	<p>S Broome</p> <p>S Broome</p>