

West Devon Planning and Licensing Committee



West Devon
Borough
Council

Title:	Agenda								
Date:	Tuesday, 8th December, 2015								
Time:	10.00 am								
Venue:	Chamber - Kilworthy Park								
Full Members:	<p style="text-align: center;">Chairman Cllr Sellis</p> <p style="text-align: center;">Vice Chairman Cllr Benson</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Baldwin</td> <td>Cllr Moyse</td> </tr> <tr> <td>Cllr Cann OBE</td> <td>Cllr Parker</td> </tr> <tr> <td>Cllr Hockridge</td> <td>Cllr Pearce</td> </tr> <tr> <td>Cllr Mott</td> <td>Cllr Roberts</td> </tr> </table>	Cllr Baldwin	Cllr Moyse	Cllr Cann OBE	Cllr Parker	Cllr Hockridge	Cllr Pearce	Cllr Mott	Cllr Roberts
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Cllr Cann OBE	Cllr Parker								
Cllr Hockridge	Cllr Pearce								
Cllr Mott	Cllr Roberts								
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.								
Committee administrator:	Kathy Trant Specialist - Democratic Services 01803 861185								

1. Apologies for Absence

2. Declarations of Interest

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting.

[If Councillors have any questions relating to predetermination, bias or interests in items on this Agenda, then please contact the Monitoring Officer in advance of the meeting]

3. Items Requiring Urgent Attention

To consider those items which, in the opinion of the Chairman, should be considered by the Meeting as matters of urgency (if any).

4. Confirmation of Minutes

Meeting held on 10 November 2015

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PART TWO – ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PUBLIC AND PRESS ON THE GROUNDS THAT EXEMPT INFORMATION MAY BE DISCLOSED (if any).

If any, the Committee is recommended to pass the following resolution:-

RESOLVED that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting on the grounds that exempt information is likely to be disclosed as defined in Part I of Schedule 12(A) to the Act.

5. To determine whether an applicant for a Hackney Carriage drivers Licence is a 'Fit and Proper' person to hold such a licence

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6. Readmittance of public and press

7. Planning Applications & Enforcement Reports

To see Letters of Representation and further supplementary information relating to any of the planning applications on the agenda, please select the following link and enter the relevant Reference number: <http://westdevon.gov.uk/searchlanding>

(a) TPO S305	27 - 30
8. Planning Appeals Update	31 - 32
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10. Approval of Licensing Policy for Horse Drawn Hackney Carriage/Omnibus	41 - 68
11. Approval of Licensing fee for Dog Day Care Centres	69 - 80

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Agenda Item 4

At a Meeting of the **PLANNING & LICENSING COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **10th** day of **NOVEMBER 2015** at **10.00am**

Present:

Cllr D K A Sellis – Chairman	
Cllr M J R Benson – Vice-Chairman	
Cllr R E Baldwin	Cllr W G Cann OBE
Cllr L J G Hockridge	Cllr C Mott
Cllr D E Moyse	Cllr G Parker
Cllr T G Pearce	Cllr A Roberts

Lead Specialist Development Management (AHS)
Planning Officer (TJ)
Senior Specialist Environmental Health (JK)
Specialist Licensing (NW)
Solicitor (SN)
Senior Case Manager (KT)

In attendance: Cllrs P Ridgers, J Evans and J Yelland

***P&L 32 DECLARATION OF INTEREST**

Cllr C Mott declared an interest in Item 4 – Confirmation of minutes of meeting held on 13 October 2015 (Minute P&L 33 refers), by virtue of having a disclosable pecuniary interest on an application considered at that meeting and therefore not being in attendance at that meeting. She abstained from the vote on the minutes.

Cllr T G Pearce declared a personal interest in all applications by virtue of being on the Management Board of Devon Building Control Partnership. He remained in the meeting throughout and took part in the debate and vote on all items.

***P&L 33 CONFIRMATION OF MINUTES**

The Minutes of the Planning and Licensing Committee Meeting held on 13 October 2015 (page 1 to the Agenda), were confirmed and signed by the Chairman as a correct record.

***P&L 34 PLANNING, LISTED BUILDING AND ENFORCEMENT REPORTS**

The Committee considered the applications prepared by the Lead Specialist – Development Management and considered also the comments of Town and Parish Councils together with other representations received, which were listed within the presented agenda reports and summarised below, and **RESOLVED:**

PLANNING APPLICATION REPORT

Case Officer: Thomas Jones

Ward: Drewsteignton

Ward Member: Cllr Ridgers

Application No: 00715/2015

Agent/Applicant:

Aardvark EM Ltd
Higher Ford
Wiveliscombe
Taunton
Somerset TA4 2RL

Murex Martin Solar Limited
Mells Park
Mells
Somerset
BA11 3QB

Site Address: Land at Martin Farm, Whiddon Down, Okehampton EX20 2QL

Development: Installation of solar pv array (site area 11.82ha, estimated output 5MW, approximately 19,230 panels) with associated infrastructure landscaping, access and cable route.

Reason item is being put before Committee:

At the request of the Ward Member in light of the level of local interest

COMMITTEE DECISION: Approval subject to conditions covering:

Standard time limit

Accord with plans

Unsuspected contamination

Landscape / Biodiversity (Prior to Commencement [PTC])

Duration 30 years

Notification of Operational Commencement

Materials (PTC)

Fencing

CCTV (PTC)

Construction Management Plan (PTC)

Highway road condition survey (PTC)

GPDO

External lighting (PTC)

Archaeology

Noise emanating from the development shall not impact unreasonably upon residential amenity as judged by the Local Planning Authority

Removal of equipment and reinstatement of site to current condition after 30 years, or within six months of cessation of economic life of panels, whichever is the sooner.

The Proposal:

It is proposed to install 19,230 solar photovoltaic (pv) panels to provide up to 5MW of energy to the National Grid. The connection point is off site with the associated cable run to be provided by the District Network Operator (DNO). As such, this is permitted development. Permission is sought for 30 years, after which the installation would be removed and the land revert to its current state.

Consultations:

South West Water.

County Highways Authority (DCC)

Environment Agency

Police Architectural Liaison Officer

Natural England
Historic England
County Archaeologist
Landscape Specialist
Ecology Specialist
Borough Engineer
Drewsteignton Parish Council
Dartmoor Preservation Association.
Dartmoor National Park Authority.

Representations

Some 15 letters of representation have been received from separate addresses in relation to the proposed development, 14 in objection, including South Tawton Parish Council, and 1 in support. The detail can be seen on the Council's website.

Speakers:

Mrs Trippet – representing objectors
Mr Courtier – landowner
Cllr P Ridgers – Ward Member

Conclusion:

During debate, Members raised concerns particularly in relation to access, importance of archaeology on the site, lack of response from Dartmoor National Park, drainage and the loss of agricultural land. The Ward Member supported the Parish Council in its support of this application and noted how the scheme had been revised to mitigate any adverse impact. Members also noted the importance of the site visit held on 29 October 2015 to properly assess the site and the impact of the proposal. Officers confirmed that the list of conditions were headline only and that the conditions when applied to any permission would be set out in full detail.

***P&L 35 PLANNING APPEALS UPDATE**

The Committee received and noted the updated list of Planning Appeals including enforcement appeals. The Lead Specialist Development Management presented an additional paper that set out more detail in respect of appeal decisions since 1 April 2015.

P&L 36 REVIEW OF STATEMENT OF LICENSING POLICY FOR 2016-2021

The Committee was presented with a report that set out how Section 5 of the Licensing Act 2003 required that Licensing Authorities had in place a Statement of Licensing policy with respect to the exercise of its licensing functions and that the policy was reviewed at least every five years. The current policy had been adopted in December 2010 and it was therefore necessary for an updated Statement of Licensing Policy to be reviewed and adopted.

The Licensing Specialist confirmed that the area of jurisdiction for the Licensing Authority, unlike the Planning Authority, included Dartmoor National Park.

It was then **RECOMMENDED** that Council be **RECOMMENDED** that:

1. The Licensing Committee considered the draft Licensing Policy (presented at Appendix A to the report) and responses receive during the public consultation and makes any changes it deems necessary;
2. The Licensing Committee recommends to Council that the draft Licensing Policy, as amended, is adopted at the meeting on 8 December 2015 for the period 7 January 2016 to 6 January 2012; and
3. Should further responses be received after 28 October, responsibility for including any minor changes that may be required are delegated to the Community of Practice Lead for Environmental health in agreement with the Planning and Licensing Committee Chairman.

P&L 37 THREE YEARLY REVIEW OF GAMBLING STATEMENT OF LICENSING PRINCIPLES

The Committee was presented with a report that set out that the Council as Licensing Authority had responsibilities under the Gambling Act 2005 to issue premises licences, registrations, various types of permits and temporary permissions in respect of premises where it was proposed that gambling take place. The Act required that the Licensing Authority prepare and publish a statement of the principles that it proposed to apply in exercising its functions under the Act during the three year period that the Policy was in force. This fourth review of the Policy must be adopted in advance of January 2016.

It was then **RECOMMENDED** that Council be **RECOMMENDED** that:

1. The Licensing Committee considered the draft Statement of Principles and responses receive during the public consultation and made any changes it deemed necessary; and
2. The draft Statement of Principles, as amended, is adopted at the meeting on 8 December 2015 for the period 31 January 2016 to 30 January 2019.

P&L 38 APPROVAL OF PARK HOMES FEES AND CHARGES POLICY

The Committee was presented with a report that recommended the adoption of the Park Home Fees Policy and fees.

The Senior Specialist Environmental Health introduced the report and outlined some of the elements in more detail. He confirmed that the full cost of the licences would be met by park owners but that the Authority was not entitled to make any profit and any fees should reflect a cost neutral position to the Council.

It was then **RECOMMENDED** that Council be **RECOMMENDED** to adopt the Park Homes Fees Policy and fees.

***P&L 39 UPDATE ON LICENCES ISSUED FROM 1 OCTOBER 2014 TO 30
SEPTEMBER 2015**

The Committee received and noted the list of Licences issues from 1 October 2014 to 30 September 2015.

(The Meeting terminated at 12.15pm)

Dated this

Chairman

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Agenda Item 7a

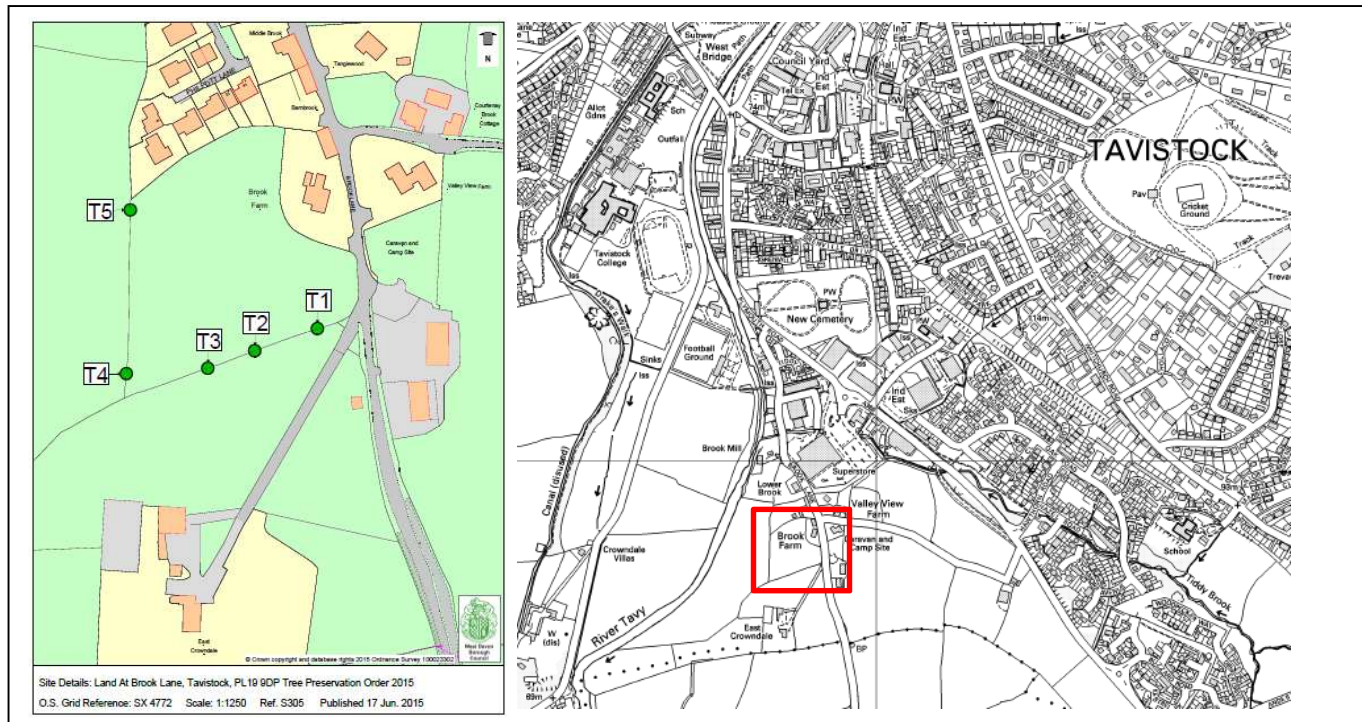
TREE PRESERVATION ORDER REPORT; TPO S305 WDBC (Land at Brook Lane, Tavistock) TPO 2015

TPO REF: S305 - West Devon Borough Council (Land at Brook Lane, Tavistock, PL19 9DP)
Tree Preservation Order 2015

LOCATION: Trees within boundary hedgerow of land adjacent to Brook Farm, Brook Lane, Tavistock

PARISH: Tavistock **WARD:** Tavistock South West

DATE TPO MADE: 24 June 2015



PROPOSAL

A provisional Tree Preservation Order (TPO) has been made on 5 (five) trees within the boundary hedgerows to the west and south of Brook Farm, Brook Lane, Tavistock

The Council has powers and duties to protect trees of significant public amenity value. These powers are in relation to Tree Preservation Orders are in Part VIII of the Town and Country Planning Act 1990 as amended and in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

There is currently one objection to the provisional TPO and accordingly the case has come to Committee for consideration.

RECOMMENDATION: Tree Preservation Order S305 is CONFIRMED as served.

Notifications

1. Planning Agent acting on behalf of land owner - One objection – the TPO should not be confirmed

BACKGROUND, SITE AND SURROUNDINGS

The Tree Preservation Order was served on trees within a boundary hedgerow on land next to Brook Farm. The field that the hedgerow bounds was the subject of a Planning Application 00233/2015 which sought Outline permission for the development of 23 dwellings comprising of 15 open market and 8 affordable/local needs units with associated access road, parking and external works. This application was refused on 21 July 2015; it is now at Appeal /15/3131710.

The trees have been protected in recognition of the contribution they make to screening views from adjacent open countryside to west and south, and in particular if the site should be developed in the future.

THE OBJECTION REPRESENTATIONS:

Since the Order was made and served, one formal objection has been received as follows: (A full version of the corresponding letters of objection can be seen in Appendix 1)

1. Mr E Persse of EJFP Planning, Tavistock has objected on behalf of the owner Piers Thomas Turner and those with an interest in the land Finance Solutions Limited

The full objection is contained within an email of the 21st July 2015. It is summarised as follows:

The objector's points are as follows (*in italic*) with the case officer's comments afterwards;

- 1. Removal of the trees would not have a significant detrimental impact upon public amenity because they are not particularly visible*
- 2. Trees should not only be considered on their visual presence*
- 3. The trees are not significant in the local surroundings*

The Council have assessed the trees and note the objector's points. However, in assessing the trees the Council is satisfied that they do contribute to the local character and should the site be developed in the future, the trees offer screening to the wider landscape. Officers are also satisfied that the trees would not preclude development of the field, subject to design, layout and scale.

ISSUES

A Tree Preservation Order is provisional for a period of six months to allow for any objections to be considered and accommodated if reasonable. It also gives the Local Planning Authority opportunity to rectify any errors.

The six months on TPO S305 expires on 24th December 2015 within which time the Council needs to decide whether to:

- confirm the Order as served
- not confirm the Order at all (in which case it will lapse)
- confirm the Order with modifications (e.g. removing trees)

If nothing is done by 24th December 2015, then the current Tree Preservation Order will lapse and the trees will no longer be protected.

CONCLUSION

The issue for Members to consider is the merit of protecting the five trees as scheduled in the provisional Tree Preservation Order S305.

The trees are located within field boundaries to the west of Brook Lane, Tavistock. The field has been the subject of a planning application which WDBC refused and is now currently at Appeal. The trees can be seen from the adjacent public highway.

The key support for confirming the Tree Preservation Order that they are considered important in the wider landscape for their screening should the field successfully secure planning consent in the future.

If TPO S305 is not confirmed by 24th December 2015 then it will lapse and the trees will no longer be protected.

In consideration of all the factors set out above and Government guidance, the Council recommends that Tree Preservation Order S305 is CONFIRMED as served.

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WEST DEVON BOROUGH COUNCIL **Agenda Item 8**

PLANNING & LICENSING COMMITTEE

PLANNING APPEALS UPDATE from 29-Oct-2015 to 25-Nov-2015

APPLICATION NO : [00684/2015](#)
APPELLANT : Mr G Jones
PROPOSAL : Householder application for complete renewal of roof from existing 30 degree pitch to 40 degree pitch, raising of wall plate height by 350mm, and two storey extension to east end of the rear of the property
LOCATION : Broad Oak Farm, Sowton Road, Yelverton, Devon, PL20 6DB
APPEAL STATUS : **APPEAL LODGED**
APPEAL START DATE : 13-Nov-2015
APPEAL DECISION :
APPEAL DECISION DATE :

APPLICATION NO : [TEMP/01818](#)
APPELLANT : Mr J Carvill
PROPOSAL : Prior Approval application for the erection of an agricultural building.
LOCATION : Meadow View Farm, Exbourne, Okehampton, Devon, EX20 3SH
APPEAL STATUS : **APPEAL DECIDED**
APPEAL START DATE : 3-Jun-2015
APPEAL DECISION : Appeal Allowed
APPEAL DECISION DATE : 20-Nov-2015

APPLICATION NO : [01194/2014](#)
APPELLANT : Mrs A Murphy
PROPOSAL : Householder application for retention of fence measuring 2.6 metres.
LOCATION : 7 Kellands Lane, Okehampton, EX20 1FQ
APPEAL STATUS : **APPEAL LODGED**
APPEAL START DATE : 12-Nov-2015
APPEAL DECISION :
APPEAL DECISION DATE :

APPLICATION NO : [00336/2015](#)
APPELLANT : Murex Energy Ltd
PROPOSAL : Erection of a single wind turbine with a maximum blade tip height of 67m, formation of new vehicular access track and associated infrastructure.
LOCATION : Land at Ridgecombe Farm, Lifton, Devon, PL16 0HD
APPEAL STATUS : **APPEAL LODGED**
APPEAL START DATE : 16-Nov-2015
APPEAL DECISION :
APPEAL DECISION DATE :

WEST DEVON BOROUGH COUNCIL

PLANNING & LICENSING COMMITTEE 30 November 2015

ENFORCEMENT APPEALS UPDATE from 29-Oct-2015 to 25-Nov-2015

None

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Report to: **COUNCIL**

Date: **8 December 2015**

Title: **Development Management Scheme of Delegation**

Portfolio Area: **Customer First**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y / N**

Date next steps can be taken: **8 December 2015**
(Immediately following this Council meeting)

Author: **Anna Henderson-Smith and Catherine Bowen** Role: **Community Of Practice Lead specialist for Planning and Legal respectively**

Contact: Catherine.Bowen@swdevon.uk
Anna.Henderson-Smith@swdevon.gov.uk

Recommendations:

That the revised Planning Delegation proposals (as attached at Appendix 1) be adopted.

(NOTE: this report is also due to be considered by the Planning and Licensing Committee at its meeting on the morning of 8 December 2015).

1. Executive summary

This reports ask Members to review the Planning Scheme of Delegation to ensure that:

- a. there is a clear and readily understood process so that members of the public understand the process that their applications will go through in order to reach a decision;
- b. efficiencies are delivered to provide better customer service and swifter handing of applications leading to improved performance;
- c. the Council has the tools to improve its delivery of planning targets for both minor and major applications and the proposed changes will go some way in helping deliver these improvements;

- d. the processes are aligned across both Councils in line with T18 objectives making working practices more efficient, transparent and more robust; and
- e. working practices are easier and more robust with less opportunity for possible misinterpretation and error as the procedures and triggers for delegation will be aligned across the Councils.

2. Background

- a. The Council's Delegation Scheme is set out in part 3 of the Constitution and sets out the roles and responsibility of the Planning & Licensing Committee (P&L) together with the main areas of responsibility of the Community of Practice Planning Lead Specialist (Planning COP).
- b. The current delegation scheme (setting out the respective responsibilities of the Committee and Planning COP) is attached at Appendix 2.
- c. The Planning Delegation needs to be reviewed in order to ensure that it is more readily understood by the customer, complies with current ways of working and in order to improve the effectiveness of decision-making and timely processing of applications and enforcement action.

3. Outcomes/outputs

The proposed revised Delegation Scheme is set out in Appendix 1 attached to this report. The **main changes** to the existing Scheme are:

- a. An amendment to the time for Members to reply to requests for delegation from 7 days to 3 working days. This will enable the officers to proceed and process the applications more effectively.
- b. An increase in the number of representations (contrary to officer recommendation) required to trigger the need to seek agreement of delegation, from 1 to 5 representations. This does not imply that where fewer representations are received that they will not be seriously and professionally considered and addressed by officers, but it will mean an increase in the numbers of applications that can be completed more quickly. This does not apply to Parish & Town Councils responses where a response contrary to officer recommendation will continue to trigger the need to seek agreement to delegate.
- c. For planning enforcement matters, the reintroduction of Ward Member involvement and formal agreement to delegation of injunctions and prosecutions.
- d. Members will also note that the revised scheme at Appendix 1 also sets out issues of clarification around minor variations to section 106 agreements that will enable delivery of the intentions of the Committee without incurring delays by having to refer the matter back to Committee for clarification. Obviously substantive changes that do not accord with the Committee's intentions will be referred back to Members.

- e. Clarity has been provided about the current arrangement for multi-member wards and what happens where no representations have been received from members within the required time frame. This again will enable the applications to be progressed efficiently and will provide clarity to members of the public that the officer has clear authority to make decisions in these circumstances.
- f. The attached scheme also clarifies the authority of the Planning COP in relation the Decision Notices following Committee approval or refusal, and again this is to enable transparency and clarity to the public in the authority that the Officers have in this regard.
- g. The suggested amendments are in no way intended to disenfranchise Members but to create a smoother swifter path for those applications which are not usually called in in any case.
- h. It is intended that a Planning Protocol and Corporate Enforcement Policy will follow to sit alongside this revised scheme and provide guidance and clarity on associated issues such as lobbying of Members.

4. Options, consideration of risk and proposed way forward

- a. The attached revisions in Appendix 1 are intended to improve clarity, understanding and deliver efficiencies in the Planning and Enforcement Service in line with the Council’s T18 ways of working with the emphasis on Customer First.
- b. The reduction in the time for Member decision from 7 days to 3 working days will enable decisions to move through the process more swiftly and thus provide better customer service and swifter handing of applications leading to improved performance
- c. Arriving at a common delegation scheme with South Hams will also provide an opportunity to improve delivery of the planning service and reduce the risk of confusion and error in processing applications
- d. The alternative is to retain the existing scheme at Appendix 2 but at the risk of failing to realise the opportunity of delivering the objectives in bullet point one.

5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>The Council is required to have a Delegation Scheme setting out the roles and responsibilities of Council, its Committees and its officers. These are set out in Part 3 of the Council’s Constitution.</p> <p>In addition to the Delegation Scheme set out in the Constitution, the Council has previously agreed further detail in relation to how the Council decides its Development Management and planning Enforcement functions, and it is this delegation which members are being requested to review.</p>

		The full Council must make the final decision on the scheme to be adopted.
Financial	Y	There are no direct financial implications but the revised scheme will deliver efficiencies in both officer and member time
Risk	Y	These are addressed in the body of the report.
Comprehensive Impact Assessment Implications		
Equality and Diversity	Y	These are considered within the application process
Safeguarding	N	
Community Safety, Crime and Disorder	N	
Health, Safety and Wellbeing	N	

Supporting Information

Appendices:

Appendix 1: Proposed Revised Planning Delegation Scheme

Appendix 2: Current Planning Delegation Scheme

Appendix 1

Planning Delegation Scheme

Definitions:

- **Community of Practice Planning Lead Specialist: Planning CoP**
- **In writing: shall include email and be supported by planning reasons**
- **Planning & Licensing Committee at West Devon Borough Council: P&L Committee**
- **Working days: days which are not weekends or bank holidays**
- **Planning Application: full, outline and reserved matters only**
- **Representation: means representations from any source excluding internal consultees**

General Planning Delegation to Officers

1. Subject to paragraph 2 below, the Planning CoP has delegated authority for all functions assigned to the P & L Committee under the Town and Country Planning Acts, Orders, and Regulations (as set out in Part 3 of the Council's Constitution and as amended from time to time) except:

- Planning Applications
- Listed Building Consents
- Advertisement Consents
- TPO final confirmations (excluding emergency TPOs)
- Works to TPO trees

which in the opinion of the Planning CoP:

- are of sub-regional or district-wide significance
- relate to the Council's own land
- is an application submitted by a Councillor, (including Councillor as agent or professional advisor) or an Officer (or an immediate family member residing with the Councillor or Officer)
- ought to be determined by the P&L Committee
- in respect of which the Planning CoP receives within 21 days of notification or receipt of the application, a written request from an elected member that the application should be brought to P&L Committee giving clear and precise planning reasons in the context of the planning application in question and shall prior to the P&L Committee advise the Case Officer in writing of his/her view.

2. In the case of planning, listed building, advert and TPO applications and confirmations, where five or more written representations are received which are contrary to the Planning CoP's recommendations** and where:

- The representations are received prior to the expiry of the statutory time period and
- The representations are considered material and relevant to the planning issues, and
- Such a representation could not be dealt with adequately by the imposition of a suitable condition,

the Planning CoP shall have delegated authority to determine these only where:

- agreement to issuing a delegated decision has been sought in writing from the Ward Member(s) and,
- no written request (supported by material planning reasons) has been received from the Ward Member(s) within 3 working days of this notification

** A response from Parish & Town Councils contrary to officer recommendation will continue to trigger the need to seek agreement to delegate.

Delegation in respect of Enforcement Action

The Planning CoP has delegated authority to:

- decide that no breach has been found
- decide that it is not expedient to take enforcement action (in accordance with the Council's Enforcement Policy)
- invite regularising Planning Applications where appropriate
- carry out all enforcement action (including but not limited to) issuing and serving Planning Contravention Notices, Enforcement Notices, Untidy Site Notices, Stop Notices, Breach of Condition Notices and Building Preservation Notices
- take Prosecutions and Injunctions in respect of which Ward Member(s) have been notified in writing allowing **3 working days** for Members to request (in writing supported by planning reasons) that the proposed action is brought to the P&L Committee for decision and no such request has been received
 - SAVE that the Planning CoP has delegated authority to take a Prosecution or Injunction where the Council's position would be compromised if action is not taken urgently
- The Planning CoP may refer complex matters to the Committee at her discretion, or where there are relevant budgetary implications.

Ward Members

- For the avoidance of doubt all Members in a multi-Member ward shall be notified / consulted by the Planning CoP
- Unless a Ward Member requests an extension of time of up to 48 hours for a response, s/he must advise the Planning CoP of his/her views within three working days of receiving the notification.
- In the absence of a Ward Member consultation response within the permitted time frames, the Planning CoP shall determine the matter in accordance with the officer recommendation, without the Member's views.
- Where a Ward Member is unavailable for consultation (for whatever reason e.g. holiday, DPI or other interest) then s/he should nominate an alternative member to carry out this role and notify Member Services accordingly in writing

Action on decisions of the P&L Committee

- Where the Committee **approves** an application, the Planning CoP will issue the Approval Notice including such conditions as are reasonably required to give effect to the Committee's decision
- Where the Committee **refuses** an application which the Planning CoP recommended should be approved, it shall give the reasons for the decision but the Planning CoP shall determine the wording of the reasons for refusal

Section 106 Agreements (where P&L Committee has made 'a minded to grant' decision on the application)

The Planning CoP may:

- Authorise the execution of a section 106 agreement where required in advance of the grant of planning permission
- In consultation with the Ward Member(s), vary the terms of a section 106 agreement (or take such other action as necessary) to secure the objectives of the Committee which agreed the 106 agreement

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Agenda Item 10

Report to: **Planning and Licensing Committee**
Date: **8 December 2015**
Title: **Approval of Licensing Policy for Horse Drawn Hackney Carriage/ Omnibus**
Portfolio Area: **Customer First**
Wards Affected: **All**
Relevant Scrutiny Committee:

Urgent Decision: **Y** Approval and clearance obtained: **Y**

Date next steps can be taken: **Full Council on 8th December 2015 – see below recommendation**

Author: **James Kershaw** Role: **Senior Specialist – Environmental Health**

Contact: **01803 861278 / james.kershaw@swdevon.gov.uk**

Recommendations:

1. That the Planning and Licensing Committee recommends to Council that the draft Horse Drawn Hackney Carriage/Omnibus Policy, is adopted at the meeting on 8th December 2015.
2. That the Planning and Licensing Committee resolves to amend their resolution of the 10th February 2015 to exclude the requirement to prepare Byelaws, and to amend the proposed fees and charges, so that the fees for a driver licence shall be the same as the current hackney carriage fee, and the carriage fee shall be £200.

1. Executive summary

- 1.1 On the 10th February 2015 the Planning and Licensing Committee resolved to recommend that Council:
- (i) Adopt a procedure for the licensing of Horse Drawn Omnibuses, drivers and conductors within the West Devon Borough Council area, and for the drafting of the related licensing procedures, conditions and code of conduct, and preparation of Byelaws, together with the power to grant, revoke, suspend or refuse to transfer or renew an omnibus licence, driver, conductors licence, to the Head of Environmental Health and Housing/ Service Group Manager; and
 - (ii) To approve an initial annual fee of £550 for the application to grant an omnibus licence and £150 for the application to grant an omnibus drivers or conductors licence and to delegate the review of fees to the Planning and Licensing Committee.
- 1.2 Since this resolution was passed the community of practice for Environmental Health and Housing has developed the Horse Drawn Hackney Carriage/Omnibus Policy, which is ready for adoption.
- 1.3 Having consulted the Community of Practice Lead for Legal it is no longer felt prevalent to draft Byelaws in relation to the behaviour of the drivers, as the Council does not have any Byelaws for other types of Hackney Carriage drivers.
- 1.4 Having undertaken much wider research on the licensing arrangements with both neighbouring authorities and other local authorities with a long standing horse-drawn taxi trade, the proposed in February no longer appear to be in line with others.
- 1.5 The policy provides guidance to both applicants and the Council on how we will determine an application for a horse-drawn omnibus, and a horse-drawn omnibus driver licence.

2. Background

- 2.1 The reason for introducing this policy was on the basis of an approach made by a member of the public who wishes to run a Horse Drawn Omnibus business running between Yelverton and Burrator, and around Burrator lake.

- 2.2 There is no legal requirement for a local authority to have a licensing policy, however a policy is seen as an integral part of the decision-making process, informing and guiding any decisions. However it is important to recognise that a policy is only guidance and that the discretion of the Council is not fettered by the policy.
- 2.3 When drafting the policy the officer has taken in account policies produced by neighbouring authorities at both Plymouth City Council and Torbay Council, as well as authorities with a longstanding Horse Drawn Hackney Carriage industry such as Blackpool Borough Council.
- 2.4 The draft Policy is believed to deliver the aims of the policy which are:-
- (i) The protection of public health and safety;
 - (ii) The protection of the welfare of animals used in this trade;
 - (iii) The promotion of a well respected horse drawn hackney carriage trade
- 2.5 No consultation has been undertaken with the trade as currently there is no trade within West Devon and it was felt inappropriate to include consultation with a single interested party.
- 2.6 Due to the cost of producing Byelaws, the lengthy process to do so, and the lack of Byelaws covering other Taxi licensing it is no longer felt that there is a need to adopt Byelaws for this type of driver licences.
- Byelaws are required should we wish to prosecute a driver for failing to comply with them. A Hackney Carriage driver licence cannot be granted with conditions attached, as such some authorities have passed byelaws to control drivers. West Devon does not have byelaws and should a driver fail to comply with the code of conduct then this would be used to determine whether they were a fit and proper person when considering renewing their licence, if the breach was serious enough then the case would be brought before the Planning and Licensing Committee to seek approval for immediate revocation of the licence.
- 2.7 When setting charges for taxi licensing there are two elements, the taxi driver licence and the taxi vehicle licence. The Council has formally adopted the Local Government (Miscellaneous Provisions) Act 1976, and this inhibits a local authority's discretion in relation to the charges set.

In effect Section 53 of the Local Government (Miscellaneous Provisions) Act requires that the driver fees are set at a reasonable level with a view to recovering the costs of issue and administration of the licence.

Having now written the policy it is felt that the requirements of licensing drivers will be very similar to those required to licence Motorised Hackney Carriages, as such it is felt that the driver licence fee should be £101.00 for a licence and renewal and £45.00 for a new driver licence on top of the licensing fee.

- 2.8 There is no such restriction on the level of fee that can be charged in regards to the issuing of Hackney Carriage Vehicle Licences. In the February committee it was resolved to set this fee at £550. Having reviewed other local authorities fees and charges, in the main they are the same as their Motorised Hackney Carriage fee, a table is set out below of the fees found:-

Council	Fees for 2015/16
Cornwall Council	£227
Plymouth City Council	£182
Torbay Council	£115
Blackpool Borough Council	£120
West Devon Borough Council (Motorised Hackney Carriage)	£168

Based on this table it can be seen that setting such a high figure for this type of vehicle licence may lead to criticism of the local authority. I would therefore recommend that the fee for a horse drawn vehicle licence should be £200. This reflects the additional cost of having to consult on the approved route.

- 2.9 Neither the suggested revised driver fee or vehicle fees include the costs of other tests and fees that the driver would have to pay separately such as vets fees, carriage inspector fee, driving test fee, health checks etc. as mentioned in the policy.

3. Outcomes/outputs

3.1 The Planning and Licensing Committee have already resolved to recommend the adoption of a policy by Council. The outcome of this meeting is that the Planning and Licensing committee accept the draft Horse Drawn Hackney Carriage/Omnibus policy in appendix A as the policy put forward for adoption by the Council on the 8th December 2015.

4. Options available and consideration of risk

- 4.1 Failure to have a licensing statement in regards to Horse Drawn Hackney Carriages/ Omnibuses means that the Council will have to determine any application without the benefit of guidelines to refer to.
- 4.2 Should the Statement not be adopted, the Council would be open to criticism and legal challenge should they determine applications without having considered all material issues.

5. Proposed Way Forward

- 5.1 The Licensing Committee recommends to Council that the draft Horse Drawn Hackney Carriage/ Omnibus Licensing Policy, is adopted by the Council on 08 December 2015.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/ Governance	Y	A Council may adopt a licensing policy for horse drawn hackney carriages/omnibus but decisions must be made on the merits of the application, as shown in the case of <i>Stringer v Minister of Housing and Local Government</i> .
Financial		The associated preparation and publication costs will be met in full from applications and annual fees income. Therefore, there are no financial implications to the Council from this report.
Risk		Failure to produce a Horse Drawn Taxi/Omnibus Policy will leave the committee and officers with no clear guidelines on how to determine an application. Not adopting Policy could leave Council open to criticism and legal challenge.
Comprehensive Impact Assessment Implications		
Equality and Diversity		There is the duty on the Council when considering applications or enforcement action to comply with Human Rights Act 1998.
Safeguarding		Protecting public health and safety is one of the key aims of the draft licensing policy.
Community Safety, Crime and Disorder		
Health, Safety and Wellbeing		Protecting public health and safety is one of the key aims of the draft licensing policy.
Other implications		

Supporting Information

Appendices:

Appendix A – Horse Drawn Hackney Carriage/Omnibus Policy

Background Papers:

- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976
- Minutes of the Planning and Licensing Committee held on the 10th February 2015.

Process checklist	Completed
Portfolio Holder briefed	Yes/No
SLT Rep briefed	Yes/No
Relevant Exec Director sign off (draft)	Yes/No
Data protection issues considered	Yes/No
If exempt information, public (part 1) report also drafted. (Committee/Scrutiny)	Yes/No



West Devon
Borough
Council

Horse Drawn Hackney Carriage/Omnibus Licensing Policy

PREFACE

This Statement of Licensing Policy sets out the councils' requirements for vehicles and drivers to be licensed as horse drawn hackney carriages/ drivers under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976

30 November 2015

Town Police Clauses Act 1847

Town Police Clauses Act 1889

Local Government (Miscellaneous Provisions) Act 1976

LICENSING POLICY – NOVEMBER 2015

1. Introduction

- 1.1 The licensing of hackney carriages/omnibuses is governed by the Town Police Clauses Act 1847, Town Police Clauses Act 1889 and Local Government (Miscellaneous Provisions) Act 1976. This places on West Devon Borough Council as the Licensing Authority (the “Authority”) the duty to carry out its licensing functions in respect of hackney carriages and gives the Authority power to impose such conditions on a vehicle or driver licence as it may consider reasonably necessary.
- 1.2 The Council already has a Hackney Carriage policy, the aim of this policy is to supplement the rules of that policy and give guidance on the suitability of any application made for a horse drawn hackney carriage or omnibus.
- 1.3 The definition of an omnibus is held within the Town Police Clauses Act 1889 section 3 and 4;

Defining “omnibus.”

The term “omnibus,” where used in this Act, shall include— Every omnibus, char-a-banc, wagonette, brake, stage coach, and other carriage plying or standing for hire by or used to carry passengers at separate fares to, from, or in any part of the prescribed distance;...

Extending certain provisions of principal Act to omnibuses.

(1)The several terms “hackney carriages,” “hackney coach,” “carriages,” and “carriage,” whenever used in sections thirty-seven, forty to fifty-two (both inclusive), fifty-four, fifty-eight, and sixty to sixty-seven (both inclusive) of the principal Act shall, notwithstanding anything contained in section thirty-eight of that Act, be deemed to include every omnibus.

(2)The word “driver” or “drivers” when used in any of the said sections of the principal Act shall be deemed to include every conductor of any omnibus.

(3)For the purposes of sections fifty-four, fifty-eight, and sixty-six of the principal Act, the fare, according to the statement of fares exhibited on any omnibus, shall be deemed to be the fare allowed by the principal Act or authorised by any byelaw under that Act.

- 1.4 In setting out its policy, the Authority seeks to promote the following objectives:
- (i) The protection of public health and safety;
 - (ii) The protection of the welfare of animals used in this trade;
 - (iii) The promotion of a well respected horse drawn hackney carriage trade

- 1.5 The aim of the licensing process, in this context, is to regulate the horse drawn hackney carriage trade in order to promote the above objectives. It is the Authority's wish to facilitate well-run and responsible businesses, which display sensitivity to the wishes and needs of the general public.
- 1.6 When considering the requirements of the policy a balance has been made of the cost of delivery against the benefit to the public.
- 1.7 In exercising its discretion in carrying out its regulatory functions, the Authority will have regard to this policy document and the objectives set out above.
- 1.8 Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Authority to depart substantially from its policy, clear and compelling reasons will be given for so doing.

2. CARRIAGES

2.1 Carriage Specification

The Authority is permitted a wide discretion in deciding what it will and will not licence by Section 47(2) of the 1976 Act:

(1) A district council* may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary

(2) Without prejudice to the generality of the forgoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear any such distinguishing marks as shall clearly identify it as a hackney carriage.

- 2.1.1 When considering the type of carriage that we would wish to licence, guidance has been taken from the Department for Transport Code of Practice for Horse Drawn Vehicles. This document can be found:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/291347/code-of-practice-for-horse-drawn-vehicles.pdf
- 2.1.2 The basic requirements for a carriage are:
 - Must be safely drawn by only one horse,
 - Have 4 wheels
 - A compartment for the passengers to be carried in
 - Capable of carrying a minimum of four and up to six passengers

- 2.1.3 Carriages must be safe for use as a hackney carriage vehicle and of a type suitable for horse drawn hackney carriage work in respect of seating, space, head and knee room and any other reasonable condition to the satisfaction of the Authority.
- 2.1.4 Carriages shall so far as is appropriate comply with the requirements of the Road Traffic Acts and any other Acts relating to vehicles using a public highway or any subsequent Acts, and any of the Orders and Regulations made in pursuance thereof.
- 2.1.5 In order to prevent any nuisance or obstruction waiting locations will be subject to approval by the Council
- 2.1.6 An Authorised Officer of the Licensing Authority or Police Officer shall, at all times when the hackney carriage is not hired, be permitted to inspect the carriage, harnesses and fittings so as to ascertain the fitness of the carriage for continued use for hire and reward.

2.2 **Signage**

Every licensed carriage must display a licence plate to the rear which indicates the licence number and licence expiry date together with any additional information that the Authority may from time to time prescribe.

2.3 **Public Liability Insurance**

The carriage and driver should be insured at all times for the purposes of the operation of a hackney carriage.

2.4 **Carriage Testing**

- 2.4.1 All carriages must be inspected and tested prior to licensing, or licensing renewal, by an examiner approved by the Authority, and a member of the British Driving Society. All carriages must be produced with a full set of tack and its own horse.
- 2.4.2 Except for the first inspection, at the annual inspection, for the purposes of identification, each carriage will be fitted with a mark, tag or similar device carrying a unique identification number. This tag must not be tampered with. The licensing service must be notified immediately if any damage is caused to this tag.

2.5 Conditions

2.5.1 The Authority is permitted a wide discretion in deciding what it will and will not licence by Section 47(2) of the 1976 Act:

(1) A district council* may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary

(2) Without prejudice to the generality of the forgoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear any such distinguishing marks as shall clearly identify it as a hackney carriage.

2.5.2 All horse drawn hackney carriage licences will be issued subject to the following conditions:

1. No horse shall be harnessed to, or used in connection with the licensed vehicle unless within the preceding twelve months, a veterinary surgeon has examined the horse and issued in respect of it a certificate of fitness in a form approved by the Council. This certificate shall be returned to the Licensing Service forthwith
2. Vets papers relating to the horse in harness should be available for inspection on request by an authorised officer
3. No horse shall be in harness for more than the number of hours assessed by the vet and the authority based on the approved route. If in harness for seven consecutive hours shall during that period have a break of not less than one hour and shall be fed and watered,
4. A horse which in any one day is harnessed to or used in connection with a licensed hackney carriage shall not be used at any time during that day for any other purpose
5. No horse shall be harnessed to or used in connection with the licensed vehicle unless it is fitted with an identifying microchip, the number of which has been notified to the Licensing Service
6. All carriages must be fitted with a dung catching device while the carriage is in use on any public highway. This must be attached by a strap not any form of elasticated device.
7. Lights should be fitted to the carriage at all times and should be capable of being lit by the driver
8. The table of fares as prescribed by West Devon Borough Council shall be displayed in the carriage in such a manner that it is capable of being easily viewed by the passengers being conveyed in the carriage.
9. When carrying members of the public, no additional persons other than a fare paying passenger and the licensed driver may be carried on the vehicle.

3. HORSES

One of the main aims of this policy is to ensure the welfare of the horses used in the hackney carriage trade, as such in order to issue a licence for a hackney carriage the applicant will need to demonstrate that the horses used are suitable.

3.1 Veterinary examination of horses

Every Horse harnessed to, or used in connection with the licensed vehicle shall be examined by a veterinary surgeon every 12 months and issued with a certificate of fitness in a form approved by the Authority to be returned to the Licensing Service forthwith.

4. DRIVERS

General Requirement - The Council must be satisfied that the applicant is a "fit and proper" person to hold a driver's. The following procedure and requirements are aimed at achieving this.

As the licence is a Hackney Carriage then the driver requirements will be similar to those within the Council's current Hackney Carriage policy. However clearly as the licence will be for a set route there will be no need for the driver to pass the local knowledge test, and additionally there will be a requirement that the drivers pass the British Driving Society's Road Driving Test, and every 3 years will be required to undertake the refresher training course.

5. LICENSING PROCEDURE

DRIVER APPLICATION PROCEDURE

5.1 In accordance with the general requirement above, the Council will consider the following:-

- (a) **Health/Fitness** (A medical Certificate will be required)
- (b) **Character** (references will be required)
- (c) **Nature of any Previous Convictions** (disclosed by DBS check)

(d) **Previous conduct** whilst being the holder of a Hackney Carriage Licence (complaints record will be checked)

(e) **Employment**

(i) Confirmation from the prospective Horse Drawn Hackney Carriage Operator that the applicant will be employed as a Horse Drawn Hackney Carriage Driver if the Licence application is granted.

(ii) Confirmation of any intended Horse Drawn Hackney Carriage self-employment.

(iii) Details of any other occupation or profession being followed by the applicant to ensure that the nature, location, or duration of that employment will not adversely affect the driver safety standards of the applicant if the Licence application is granted.

5.2 The applicant will be required to provide the following:

(a) A completed application form

(b) A current Full Driving licence and Road Driving Certificate as described in the Department of Transport's Code of Practice for Horse Drawn Vehicles.

(c) Licence fee in force at the time

(d) Medical Certificate (for further details please see below). The completed form may be submitted following the interview if desired, but the grant of any licence will be subject to a satisfactory medical clearance

(e) Two current passport-size photographs

(f) Confirmation of employment by the applicant's proposed employer (unless the applicant is to be self-employed)

(g) Completion of DBS form

5.3 MEDICAL EXAMINATIONS

- 5.3.1 The DVLA recommend that hackney carriage drivers should be subject to the Group 2 medical standards applicable to applicants for licences to drive buses and Lorries, the Authority proposes to introduce this medical standard for both new applicants and existing drivers applying for renewal. Applicants for the grant of a Horse Drawn Hackney Carriage licence will be required to undergo a medical examination, the cost of which will be borne by the applicant.
- 5.3.2 The medical form provided to the applicant must be completed and signed by a qualified Doctor of the applicant's choice.
- 5.3.3 Further medical examinations will be required every three years until the applicant reaches the first anniversary of the licence renewal date after his 65th birthday and then annually at the licence renewal date thereafter.
- 5.3.4 Holders of current PSV and/or HGV licences, where the holder is able to produce proof of current medical examination to support the issue of such a licence, will not be required to undergo further medical examinations.
- 5.3.5 Holders of licences must advise the Council of any deterioration of their health that may affect their driving capabilities.
- 5.3.6 Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo a further medical examination by a Doctor appointed by the Council.
- 5.3.7 Where there remains any doubt about the fitness of any applicant, the Licensing Committee will review the medical evidence and will make a final decision in the light of the medical evidence available.

5.4.0 POLICE CHECKS - APPLICATIONS/RENEWALS

- 5.4.1 These checks are in addition to the normal licensing procedures. Applicants are informed that a police check will be carried out by the policy statement on the Application Form for a Driver's Licence. Personal interviews and reference requirements will take place to establish a person's integrity and fitness to hold a licence to drive a Hackney Carriage or a Private Hire vehicle. Attempts will be made to account for any unexplained gaps in employment.
- 5.4.2 A police check will not be requested if an applicant is unsuitable for other reasons.
- 5.4.3 Applicants do not have to reveal offences which are spent under the Rehabilitation of Offenders Act 1974, although these may be included in any record provided by the police. The Registration Officer is responsible for identifying spent convictions and ensuring that the consideration of the application is not influenced by them.
- 5.4.4 Before a police check is requested the applicant will need to produce their DVLC driving licence as proof of identity. In addition other forms of identification may also be requested.
- 5.4.5 Requests for the police check will be made on the official form and sent to the Chief Constable, Devon & Cornwall Constabulary Headquarters at (RMU), Middlemoor, Exeter EX2 7HQ.
- 5.4.6 Police will reply to the Registration Officer either indicating that there is no trace on national police records of a record which matches the details provided, or that those details appear identical with the person whose record will be attached. The record will contain details of convictions recorded nationally against that person.
- 5.4.7 When the information provided by the police is significantly different from that given by the applicant the Registration Officer should discuss the discrepancy with the applicant before reaching any final decision. If there is disagreement, the person should have the opportunity to see the information the police have provided.
- 5.4.8 Applicants themselves may reveal certain minor convictions or cautions which are not recorded in the national collection of criminal records and, therefore not

included in the convictions provided by the police. In general, corroboration of such convictions or cautions will not be sought from the police.

5.4.9 A person who believes the information provided by the police is incorrect may initially make representations to the police through the Registration Officer so that cases of this kind may be dealt with at an appropriate level.

5.5.0 POLICE CHECKS ON EXISTING LICENCE HOLDERS

5.5.1 Checks will not normally be made on persons other than in connection with an application for grant or renewal of a licence. However, if serious allegations are made against a driver, or previously revealed information comes to light and the Registration Officer is satisfied that the information cannot be verified in any other way, a police check may be requested. The individual concerned will be made aware that a check is to take place and be given an opportunity to discuss the outcome.

5.6.0 USE OF INFORMATION

5.6.1 The fact that a person has a criminal record or is known to the police does not necessarily mean that he or she is unfit to hold a driver's licence. A balanced judgement will be made about the person's suitability taking into account only those offences considered relevant with respect to holding a licence.

5.6.2 When deciding the relevance of convictions, the Council will bear in mind:

- (a) offences which took place many years previously may often have less relevance than recent offences;
- (b) a series of similar offences over a period of time is more likely to give cause for concern than an isolated minor conviction;
- (c) the importance of rehabilitation weighed against the need to protect the public.

5.6.3 To ensure consistent and fair treatment in determining whether or not criminal convictions render an applicant unsuitable to hold a licence, the Council has adopted the following guidelines:

5.7 GUIDELINES FOR CONVICTIONS

RELEVANCE OF CONVICTIONS

Each case will be decided on its own merits.

5.7.1 A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for three to five years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration is the protection of the public and the welfare of the horses.

5.7.2 The following are therefore only guidelines:-

a). Minor Traffic Offences

Convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street, speeding etc., will not prevent a person from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a Hackney Carriage or Private Hire drivers' licence may be granted after its restoration but a warning will be issued as to future conduct and a special condition may be attached requiring the production of the driving licence at the Council Offices at regular intervals during the period of the Hackney Carriage or Private Hire Driver's Licence.

b). Major Traffic Offences

An isolated conviction for reckless driving or driving without due care and attention etc., will normally merit a warning as to future driving and advice on the standards expected of Hackney Carriage and Private Hire vehicle drivers. More than one conviction for this type of offence within the last two years may merit refusal and no further application will be considered until a period of one to three years free from convictions has elapsed.

A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident need not necessarily debar an applicant but a strict warning will be given as to future behaviour.

More than one conviction for these offences may raise grave doubts as to the applicant's fitness to hold a licence. At least three years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is an alcoholic, a special medical examination may be arranged before the application is entertained. If the applicant is found to be an alcoholic a period of five years should elapse after treatment is complete before a further licence application is considered.

c). Indecency Offences

As Hackney Carriage and Private Hire drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, will be refused until they can show a substantial period (at least three to five years) free of such offences.

More than one conviction of this kind will preclude consideration for at least five years. In either case, if a licence is granted, a strict warning as to future conduct will be issued.

d). Violence

As Hackney Carriage and Private Hire drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for grievous or actual bodily harm, wounding or assault. At least three to five years free of such convictions should be shown before an application is entertained and even then a strict warning may be administered.

e). Dishonesty

Hackney Carriage and Private Hire drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. For these reasons a serious view should be taken of any convictions involving dishonesty. In general, a period of three to five years free of conviction should be required before entertaining an application.

f). Animal Welfare offences

Horse Drawn Hackney Carriage drivers are expected to have suitable care of animals. For this reasons a serious view should be taken of any convictions involving dishonesty. In general, a period of three to five years free of conviction should be required before entertaining an application.

All other offences, which are not spent, will be taken into consideration by the Licensing Officer in consultation with the Borough Solicitor.

5.8.0 INTERVIEW PROCEDURE

5.8.1 Initial Interview

On receipt of the completed application form and supporting documentation, an applicant will be interviewed by an authorised Officer of the Council, e.g. the Licensing Officer or other officers who have been delegated that responsibility by the Licensing Committee.

5.8.2 Referral for Further Interview

Applicants appearing before Officers of the Council, if not successful in that interview, will be notified in writing of the decision together with the reasons. They will also be notified at the same time of their right for the matter to be referred to the Licensing Committee for final decision providing their request is made within 28 days.

5.8.3 Interview by Licensing Committee

Referred applicants will have the opportunity to make representations to the Licensing Committee before any final decision is taken in respect of his/her application. The applicant will be advised of the time, date and venue of the proposed Licensing Committee interview.

5.8.4 Notification of Results of Interview with Licensing Committee

Applicants will be advised, in writing, of the decision of the Licensing Committee.

Unsuccessful Applicants will be notified at this time of their right of appeal to the Magistrates Court against the refusal of the Licence.

Successful Applicants will be requested to contact the **Licensing** Officer to make arrangements for the collection of the Horse Drawn Hackney Carriage Driver's Licence subject to conditions and Driver's Badge.

5.9.0 APPLICANT RE-INTERVIEW

5.9.1 Applicants granted short-term Licences may be required to undergo re-interview before an extension to their Licence is considered.

5.10 RENEWAL OF A HACKNEY CARRIAGE

5.10.1 Holders of Hackney Carriage will be advised when their Licence is due for renewal. Renewal of Licences will be subject to the applicant providing the following:

- (a) Completed application form together with CRB check (on third-year renewals)
- (b) Current Driving Licence
- (c) A completed medical form (on third-year renewals)
- (d) Renewal fee in force at the time
- (e) Two passport-sized photographs (on third-year renewals)

5.11.1 CONDUCT OF DRIVER

The holder of a Driver's Licence shall:

- (a) ensure that any vehicle to be driven by him/her is in a roadworthy condition and thoroughly cleansed before the commencement of his/her journey
- (b) wear the Driver's Badge issued by the Council in such a position and manner as to be plainly visible
- (c) at all times be clean and tidy in dress and person and behave in a civil and orderly manner
- (d) take all reasonable precautions to ensure the safety of persons conveyed in, or entering, or alighting, from the vehicle
- (e) assist with the loading and unloading of luggage
- (f) unless otherwise directed by the hirer, proceed to the destination by the shortest possible route
- (g) not act as a driver of a Hackney Carriage or Private Hire Vehicle without the consent of the proprietor of the vehicle
- (h) comply with the hirer's request not to smoke, drink or eat in the vehicle
- (i) comply with the hirer's request not to play any radio or other sound reproducing instrument or equipment in the vehicle other than for the purposes of sending or receiving messages in connection with the operation of the vehicle
- (j) at no time cause or permit the noise emitted from any radio or other previously mentioned equipment in the vehicle which he/she is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle

- (k) not operate the vehicle horn for the purpose of signalling to the hirer that the vehicle has arrived. This is an offence under the Road Traffic Act.
- (l) not convey any animal whilst the vehicle is engaged under the terms of its licence, other than those owned by bona-fide fare paying passengers. Any animals carried in the licensed vehicle shall only be carried in the rear of the said vehicle
- (m) not obstruct another licensed drivers
- (n) the driver who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at the appointed time and place.

5.12.0 LOST/FOUND PROPERTY

5.12.1 The driver of a Horse Drawn Hackney Carriage shall immediately after the termination of any hiring of the said vehicle, or as soon as practicable thereafter, search the vehicle for any property which may have been accidentally left there.

5.12.2 If any property accidentally left in a Horse Drawn Hackney Carriage by any person who may have been conveyed therein is found by or handed to the driver, the driver shall take the property as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of the owner, to the nearest police station in the district and leave it in the custody of the police officer in charge.

5.13.0 DUTIES OF LICENCE HOLDER

5.13.1 The holder of a Driver's Licence shall:-

- (a) notify the Council within seven days of the date of commencement or termination of any engagement as appropriate of the name and address of the proprietor by whom he/she is engaged and of the date such engagement commencement or terminated;

- (b) forthwith deliver this licence to the proprietor by whom he/she is engaged on the commencement of such engagement;
- (c) on ceasing to be employed as a driver of a licensed vehicle, surrender the licence to the Council together with the badge issued.
- (d) on changing his place of abode, give notice **IN WRITING** to the Council within seven days of such change;
- (e) within seven days of any conviction or penalty disclose to the Council **in writing** details of any conviction or penalty imposed on him/her during the period of the Licence;
- (f) on having any damage or accident caused to the licensed vehicle report such damages or accident to the Council immediately or not later than 72 hours from the time of the event.

5.14.0 **FARES**

5.14.1 The Driver of a Horse Drawn Hackney Carriage may charge separate fares for the carriage of passengers for hire or reward only if:-

- (a) all the passengers carried on the occasion in question booked their journeys in advance, and
- (b) each of them consented, when booking the journey, to sharing the use of the vehicle on that occasion with others on the basis that a separate fare would be payable by each passenger for their journey on that occasion.

5.15.0 **WRITTEN RECEIPTS FOR FARES**

5.15.1 The Driver shall if requested by the hirer provide him with a written receipt for the fare paid.

5.16.0 **RECORDS**

5.16.1 The Driver of a Horse Drawn Hackney Carriage shall maintain a record of the periods for which he/she drives a particular licensed Horse Drawn Hackney

Carriage and shall on demand produce such record to an authorised Officer of the Council or any Police Officer.

5.17.0 COPY OF CONDITIONS

5.17.1 The Driver of a Horse Drawn Hackney Carriage shall at all times carry with him/her a copy of the conditions attached to their driver licence and shall make it available for inspection by the hirer or any other passenger on request.

5.18.0 HACKNEY CARRIAGE DRIVER

A Driver of a Hackney Carriage shall at all times comply with the provisions relating to Hackney Carriages contained within the Town Police Clauses Act 1847, Part II of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) and the Council's byelaws for Hackney Carriages, copies of which are available for inspection at the Council offices.

5.20.0 DUTIES OF DRIVERS OF HORSE DRAWN HACKNEY CARRIAGES

5.20.1 A Driver of a Hackney Carriage shall not:-

- a) allow the licence number on the plate to be concealed from public view while the Hackney Carriage is standing or plying for hire;
- b) allow the Hackney Carriage to stand or ply for hire with any plate so defaced that any figure is illegible;
- c) cause the Hackney Carriage to stand adjacent to or at the rear of such Hackney Carriages occupying a Rank, if the number of carriages authorised to occupy such Rank is thereby exceeded;
- d) refuse a fare without reasonable excuse;
- e) when standing or plying for hire, importune (by calling out or otherwise) any person to hire such carriage or use any other person for the purpose;

- f) convey or permit to be conveyed in the vehicle any greater number of persons than the number specified on the plate affixed to the outside of the vehicle;
- g) tamper with or permit any person to tamper with any taximeter, fittings or seals;
- h) be entitled to demand a fare greater than that recorded on the face of a taximeter, apart from any extra charges authorised by the Tariff of Fares which may not be recorded on the face of a taximeter.

NOTE: Where a Hackney Carriage has been booked for a journey in advance it may be possible to charge each passenger sharing that journey a separate fare provided all passengers have agreed. Please refer to provisions contained in 5.14.0 above.

6. DISCIPLINARY AND ENFORCEMENT MEASURES

6.1 Disciplinary Hearings

Disciplinary matters may be referred to the Authority's Planning and Licensing Sub Committee. One of the functions of this Committee is to consider the impact of transgressions of the law on the fitness of an individual to hold a horse drawn hackney carriage, and to take the action appropriate to the circumstances.

6.2 Range of Powers

Suspension

1. *Vehicles can be suspended in accordance with section 68 of the Local Government (Miscellaneous Provisions) Act 1976 if an officer is not satisfied as to the fitness of a vehicle. A suspension will always be given in writing.*
2. *The Authority may exercise its discretion to suspend the operation of a driver's licence for a specified period. The PPC are mainly responsible for any suspension of licence. An immediate suspension can only be taken by either the Principal Solicitor or Licensing Solicitor in consultation with the Chair or Vice Chair of the Public Protection Sub-Committee. The matter must then be referred to the PPC for consideration.*

Revocation

Where a licence holder has been referred to the Planning and Licensing Sub-Committee, the Committee may order the revocation or suspension of the licence.

Refusal to renew

As an alternative to revocation, the Committee may decide that the appropriate action, in a situation where the licence is shortly to expire, is to order that the licence shall not be renewed.

Prosecution

The Authority will prosecute in accordance with the Council's Enforcement Policy.

6.3 Delegated Powers

The Planning and Licensing Sub-committee is responsible for the management of the horse drawn hackney carriage licensing regime in the district, along with the formulation and review of its policy in this regard.

7 FARES

7.1 General

Taxi fares, set by a Local Authority, are a maximum, and can be negotiated downwards by the hirer. Licensing authorities have the power to set taxi fares for journeys within their area the Authority considers it good practice to review the fare scales at regular intervals, and will consider the fare scales on an annual basis. When determining the level of fares consideration will be given to what it is reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a service at the times it is needed.

7.2 Table of Fares

A table of authorised maximum fares will be provided to each hackney carriage licence holder, which must then be displayed in each carriage so that it is easily visible to all hirers.

7.3 Review

Fares rates are currently, normally only reviewed by the Authority following representations from the trade or from a particular sector of the trade.

7.4 Receipts

A hackney carriage driver must, if requested by the passenger, provide him/her with a written receipt for the fare paid.

8. FEES

8.1 Fee Structure

The legislation provides that these should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands, and administering the control and supervision of horse drawn hackney carriages.

8.2 Payments

Fees for licences and DBS checks must be made payable to the Authority. Fees for Veterinary examinations, horsemanship tests and vehicle checks will be paid to the examining body.

8.3 Payment Refunds and Transfers

The appropriate fee must be paid when the application is submitted and that a charge will be levied to cover the administrative costs associated with the transfer of a vehicle. In the case of vehicle licences, where licence holder's surrender their licence prior to their expiry date. The Authority does not make any refunds in respect of the unexpired portions of the licence fees.

9. ROUTES

9.1 Routes

Omnibus licences shall only be granted once a route has been approved by:

- Highways and Transport Authorities
- Devon and Cornwall Police
- Competent veterinarian

This is to ensure that the route is safe, minimises traffic management problems and is suitable for the type of carriage, number and size of horses, road surface construction and design. It is vital that the roads are suitable for use by horse drawn carriages.

New routes may be granted a licence for less than 1 year to ensure an appropriate review period.

Agenda Item 11

Report to: **Planning and Licensing Committee**
Date: **8 December 2015**
Title: **Approval of licensing fee for Dog Day Care Centres**
Portfolio Area: **Customer First**
Wards Affected: **All**
Relevant Scrutiny Committee:

Urgent Decision: **Y** Approval and clearance obtained: **Y**

Date next steps can be taken: **Full Council on 8th December 2015 – see below recommendation**

Author: **James Kershaw** Role: **Senior Specialist – Environmental Health**

Contact: **01803 861278 / james.kershaw@swdevon.gov.uk**

Recommendations:

1. That the Planning and Licensing Committee recommends to Council on the 8th December that the initial annual fee for a Dog Day Care Centre Licence under the Animal Boarding Establishments Act 1963, be set at £150.

1. Executive summary

- 1.1 The Environmental Health Community of Practice has been approached by a member of the public who wishes to set up a dog boarding establishment business solely for the care of dogs during the day.

This type of business is licensable under the Animal Boarding Establishments Act 1963, although at this time the Council has never had such an application before, as such we need to determine what is a reasonable fee to charge for such a licence.

2. Background

- 2.1 Having reviewed other authorities policies a code of practice has been drawn up covering the likely conditions that would be attached to a licence, to promote the aims of the licence which are to:
Protect animal welfare and improve kennel management.
- 2.2 Delegated authority has already been granted to the Community of Practice Lead for Environmental Health to determine licensing applications for animal boarding establishments, therefore there is no need for this policy to be adopted by the committee.
- 2.3 As there has not been previous applications of this type the Council does not currently have a fee set for this type of application. A suggested annual fee is £150, this is based on the level of work it is felt will be required to inspect and administer this type of establishment, and reflects the fees set for similar types of boarding establishment licences.

3. Outcomes/outputs

- 3.1** The Planning and Licensing Committee recommend to Council on the 8th December 2015 that the fee for a Dog Day Care Centre Licence be set at £150, with immediate effect.

4. Options available and consideration of risk

- 4.1 Failure to have a set fee means that the application will have to be determined as either a home boarding establishment or a Dog Boarding Establishment, however the time spent on these types of applications do vary and therefore there is a potential that the fee will not meet the cost of delivering the licence.

5. Proposed Way Forward

5.1 The Planning and Licensing Committee recommend to Council on the 8th December 2015 that the fee for a Dog Day Care Centre Licence be set at £150, with immediate effect.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/ Governance	Y	A Council may set a fee for an Animal Boarding Establishments Act licence.
Financial		There will be a small income made from this type of application, although this will be offset by the increased workload required to inspect this type of premises.
Risk		Failure to set a fee for this type of licensable activity will mean that the fee will have to be set based on a different type of similar licensable activity.
Comprehensive Impact Assessment Implications		
Equality and Diversity		None known
Safeguarding		None known
Community Safety, Crime and Disorder		None known
Health, Safety and Wellbeing		Protection of health and safety is one of the key aims of the draft licensing policy.
Other implications		

Supporting Information

Appendices:

Appendix A – Draft Dog Day Care Centre Licensing Conditions and Fees Policy

Background Papers:

- Animal Boarding Establishments Act 1963

Process checklist	Completed
Portfolio Holder briefed	Yes/No
SLT Rep briefed	Yes/No
Relevant Exec Director sign off (draft)	Yes/No
Data protection issues considered	Yes/No
If exempt information, public (part 1) report also drafted. (Committee/Scrutiny)	Yes/No



Dog Day Care Centre Licensing Conditions and Fees

Animal Boarding Establishments Act 1963

JOINT STANDARD LICENSING CONDITIONS AND FEES POLICY

INTRODUCTION

South Hams District Council and West Devon Borough Council ('the council/s) have powers under the Animal Boarding Establishments Act 1963 to grant licences to enable a person to operate a boarding establishment for animals.

Due to the interest shown in operating a Doggy Day Care Centre this policy has been devised for potential applicants so that they are aware of the conditions likely to be imposed on any licence granted to them.

It is an offence under section 1 of the Act for a person to run a boarding establishment without the benefit of having been granted a licence, it is also an offence for a person operating a boarding establishment to fail to comply with the license conditions imposed.

A person who is not granted a licence or is aggrieved by a condition imposed on their licence may appeal to a magistrates court.

FEES

The Local Authority has already set fees for Home Boarding and Dog Kennelling facilities, when taking into account the level of work required to licence these types of facilities the fee has been set at £150.

STANDARD CONDITIONS

When determining an application and setting the conditions to be attached to any licence the Council will be considerate of the aims of the primary legislation i.e.:

In determining whether to grant a licence for the keeping of a boarding establishment for animals by any person at any premises, a local authority shall in particular (but without prejudice to their discretion to withhold a licence on other grounds) have regard to the need for securing—

- (a) that animals will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;
- (b) that animals will be adequately supplied with suitable food, drink and bedding material, adequately exercised, and (so far as necessary) visited at suitable intervals;
- (c) that all reasonable precautions will be taken to prevent and control the spread among animals of infectious or contagious diseases, including the provision of adequate isolation facilities;
- (d) that appropriate steps will be taken for the protection of the animals in case of fire or other emergency;
- (e) that a register be kept containing a description of any animals received into the establishment, date of arrival and departure, and the name and address of the owner, such register to be available for inspection at all times by an officer of the local authority, veterinary surgeon or veterinary practitioner authorised under section 2(1) of this Act

CONDITIONS SUBJECT TO WHICH A LICENCE IS GRANTED

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

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

Introductory

1. The maximum number of dogs to be kept at any one time shall be as specified in the licence document. The maximum number shall be set in accordance with the vet appointed to inspect the premises for the purposes of determining the application.
2. The owner of each dog to be boarded in the dog day care centre shall have signed a consent form agreeing that their dog/s can be boarded together with dogs of other households.
3. No dog registered under the Dangerous Dogs Act 1991 must be accepted for day care boarding.
4. Dog hybrids registered under the Dangerous Wild Animal Act 1976 (e.g. Wolf Hybrids) are not to be accepted for day care boarding.
5. Entire males and bitches in season or bitches due to be in season or bitches due to be in season during boarding, including resident dogs, must not be boarded together.
6. Puppies must not be boarded with other dogs until completion of a full course of inoculations.
7. A copy of the licence and its associated conditions must be suitably displayed to the public in a prominent position in, on or about the premises or made available to each boarder.
8. A thorough assessment and introduction session must be carried out for all dogs prior to them interacting with existing day boarders, the record of this to be retained and available to staff at all times

Construction

9. All materials used in the construction of walls, floors, partitions, doors and door frames to be made durable, smooth and impervious. There must be no projections or rough edges liable to cause injury.
10. The premises must have its own entrance and must not have shared access e.g. communal stairs.

11. There must be adequate space, light, heat and ventilation for the dogs.
12. There must be provided, within the grounds of the day care facility, an area that has been securely fenced to prevent escape for the purposes of exercising the boarded dogs. This outdoor area must be exclusive to the licensee. This area shall be kept clean and faeces shall be removed at least twice daily.
13. All windows which pose an escape or security risk must be protected by weld mesh, or be made of reinforced glass, polycarbonate or other impact resistant material.

Management

Training

14. A written training policy for staff must be provided. The delivery of this training to staff shall be demonstrated to have been carried out.

Cleanliness

15. All areas where the dogs have access to, including the kitchen etc. must be kept clean and free from accumulations of dirt and dust and must be kept in such a manner as to be conducive to maintenance of disease control and dog comfort.
16. All animals must be provided with a bedding area or bench large and sufficient to allow the animal to lie comfortably. All bedding/benches used shall be maintained in a clean and dry state.
17. All bedding areas must be kept clean and dry.
18. Facilities must be provided for the proper reception, storage and disposal of all waste. Particular care should be taken to segregate clinical waste arising from the treatment and handling of dogs with infectious diseases.
19. Measures must be taken to minimise the risks from rodents, insects and other pests within the premises.

Food and water supplies

20. All dogs shall have an adequate supply of suitable food as directed by the dog's owner.
21. Fresh drinking water must be available at all times (unless advised by a veterinary surgeon) and the drinking vessel shall be cleaned and disinfected daily. The water must be changed at least twice a day.

22. Where necessary, eating and drinking vessels must be provided, and where so, they must be capable of being easily cleansed and disinfected to prevent cross-contamination. They must also be maintained in a clean condition. Feeding bowls must be cleaned or disposed of after each meal and each dog must be provided with its own bowl.

Kitchen Facilities

23. Airtight containers must be provided for the storage of dry foods. Uncooked food and the remains of opened tins must be stored in covered, non-metal, leak proof containers in the fridge.
24. All bulk supplies of food shall be kept in vermin proof containers.
25. Exclusive facilities, hygienically constructed and maintained, must be provided for the storage and preparation of food for the dogs
26. A sink with hot and cold water must be provided for the washing of food equipment and eating and drinking vessels. A separate wash hand basin with hot and cold water must be provided for staff use.

Disease Control and Vaccination

27. Current vaccination certificates must be presented for each animal on arrival and evidence i.e. photocopies retained for the duration of the dog being boarded at the premises. Proof must be provided that dogs have current vaccinations against Canine Distemper, Infectious Canine Hepatitis (Canine adenovirus), Leptospirosis (*L. canicola* and *L. icterohaemorrhagicae*) and Canine Parvovirus, kennel cough and other relevant diseases as specified by the Local Authority. The course of vaccination must have been completed at least four weeks before the first date of boarding or in accordance with manufacturer instructions.
28. The Licensee must be registered with a veterinary surgeon that can provide adequate and sufficient veterinary care during all hours that the day care centre is open. A veterinary surgeon must be called in case of any sign of disease, serious injury or illness.
29. A well-stocked first aid kit suitable for use on dogs must be available and accessible on site. All staff must be trained in animal first aid.
30. Precautions must be taken to prevent the spread of fleas, ticks, intestinal parasites and other parasites in dogs. Written records must be maintained of all routine and emergency treatment for parasites given to the dogs whilst at the premises.

31. Where pest infestations do occur the premises shall be closed until such time as an appropriate treatment has been conducted by an appropriately qualified pest control operative, having taken veterinary advice to determine the suitability of the pesticides to be used.

Isolation and Contagious Disease Outbreak

32. Dogs showing signs of any disease or illness shall be isolated from any other dogs until veterinary advice is obtained. There must be sufficient facilities within the licensed premises to ensure effective isolation of any sick animal.
33. The Licensee must inform the Council without delay if a dog develops an infectious disease.
34. Following an episode of infectious disease during any stay, the premises must undergo a reasonable quarantine period before new dogs are admitted. This period will be specified by an Authorised Officer of the Council with advice from a veterinary surgeon.
35. The Council must be informed of any animal death on the premises. The Licensee must make arrangements for the body to be stored at a veterinary surgeon's premises until the owners return unless directed otherwise by the owner or their representative.

Register

36. A register must be kept of all dogs boarded. The information kept must include the following:
 - a. Date and time of arrival
 - b. Name of dog, any identification system such as microchip number, tattoo
 - c. Description, breed, age and gender of dog
 - d. Name, address and telephone number of owner or keeper
 - e. Name, address and telephone number of contact person whilst boarded
 - f. Name, address and telephone number of dog's veterinary surgeon
 - g. Anticipated and actual date of departure
 - h. Proof of current vaccinations, medical history and requirements
 - i. Details of any treatment administered whilst the dog is being boarded. If any dog is involved in an incident which gives rise to concern for the animals welfare, even if no injury is visible or apparent, the owner must be notified of the incident in writing and any follow up advice given.
 - j. Health, welfare nutrition and exercise requirements
 - k. Copy of written consent from the owner to their dog having contact with other dogs
 - l. Date of the last season of any entire bitch
37. Such a register is to be available for inspection at all times by an authorised officer of the Council and/or a veterinary surgeon.
38. The register must be kept readily available for a minimum of 2 years and kept in such a manner as to allow an authorised officer easy access to such information.

39. If medication is to be administered, this must be recorded.
40. Where records are computerised, a back-up copy must be kept. The register must also be available to members of staff of the establishment at all times.

Supervision

41. A fit and proper person with relevant experience must always be available to exercise supervision and deal with emergencies whenever dogs are boarded at the premises. This person must not have any conviction or formal Cautions for any animal welfare related offence. There shall be one such person present in any shared exercise area when dogs are being exercised. There shall be a ratio of no less than one person for every 5 dogs in the area.
42. Dogs must not be left unattended at any time.

Exercise

43. Dogs must be exercised in accordance with their owner's wishes. When dogs are taken off the premises, they must be kept on leads.
44. No more than 6 dogs shall be walked by any individual at any one time.

Fire/Emergency Precautions

45. Appropriate steps must be taken for the protection of dogs in case of fire or other emergencies.
46. An evacuation procedure for all animals must be in place and the establishment shall undertake a Fire Risk Assessment. Appropriate fire detection and fighting equipment established by this risk assessment must be provided and serviced in accordance with the manufacturer's instructions.

Transport of Animals

47. If a collection or delivery service is provided, a suitable vehicle with a dog guard, cage or other suitable restraint must be used.

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