

## **LICENSING COMMITTEE**

### **Minutes of a meeting of the Licensing Committee held on Tuesday, 2nd December 2008 at 4.30 pm in the Reception Suite, Civic Offices, Telford**

**PRESENT:** E.J. Greenaway (Vice-Chairman) – sitting as Chairman for the meeting, R.G. Chaplin, G.J.L. Davies, J.A. Francis, Y.C. Hicks, T.J. Hope, T. Kiernan, A.A. Mackenzie, C.N. Mason, H. Rhodes, C.F. Smith and A.G.P. Williams.

#### **LC-18        MINUTES**

**RESOLVED** – that the minutes of the meetings of the Licensing Committee held on 21st October and 25th November 2008 be confirmed and signed by the Chairman.

#### **LC-19        APOLOGIES FOR ABSENCE**

Councillors V.A. Fletcher (Chairman), G.P. Hossell and K.L. Tomlinson.

#### **LC-20        DECLARATIONS OF INTEREST**

None.

#### **LC-23        APPROVAL FOR CONDITIONS FOR DOG BREEDING LICENCES**

The report of the Regulation & Resilience Manager was received which sought Members' approval of revised conditions of licence for dog breeding establishment licences.

Members were advised that The Breeding of Dogs Act 1973 required the proprietors of dog breeding establishments, breeding dogs for sale, to hold a licence issued by the Local Authority. This Act, as amended and extended by the Breeding and Sale of Dogs (Welfare) Act 1999, also provided for the inspection of premises at which the dogs were bred, control the transportation of puppies and set standards in relation to these matters.

The Committee were further advised that the licence granted by the Local Authority, would stipulate a number of conditions, considered necessary or expedient in a particular case. The aim of these conditions was to ensure that high standards of animal health and welfare were maintained in breeding establishments.

The conditions now considered by the Committee were adopted from the model conditions for dog breeding establishments, issued jointly by the Chartered Institute of Environmental Health, the British Veterinary Association, the British Small Animal Association and the Local Government Association. It was proposed that these conditions would be attached to all domestic and non-domestic dog breeding licences issued by this Local Authority.

The Committee was informed that there were generally two ways in which dog breeding establishments operated. Some people maintained the stock within their private dwelling house and these were simply known as *domestic breeders*. *Non-domestic breeders* would keep dogs in outside accommodation consisting of buildings either attached or detached from the private dwelling. However, there were occasions when the conditions for the non-domestic breeder should also be applied to the domestic breeder.

In deciding whether or not to grant a licence, the Local Authority must have regard to a number of considerations and had discretion to refuse a licence. However, in the cases where a licence was refused or to the inclusion of any individual or group of conditions an applicant had a right of appeal to the Magistrates' Court.

Dog breeding premises and prescribed mandatory records would be inspected in accordance with the legislation. The licensed breeder would also be able to sell a dog to its final home or a third party, subject to other conditions. The court also has powers to order imprisonment for a term not exceeding three months and/or a fine not exceeding level 4 on the standard scale upon conviction for keeping a dog breeding establishment without a licence or any offence under the Act, including a breach of conditions.

Members were referred to the of those public and specialist bodies consulted during the compilation of the report as detailed within Appendix C of the report.

**RESOLVED – that the standard conditions of licence for non-domestic dog breeders as outlined within Appendix A and the standard conditions of licence for domestic dog breeders as outlined within Appendix B of the report be approved.**

**LC-24            APPROVAL FOR NAPIT ELECTRICAL CERTIFICATION FOR LICENSED PREMISES**

The Committee considered the report of the Regulation & Resilience Manager which sought approval for members of the National Association for Professional Inspectors and Testers (NAPIT) being approved as being able to provide electrical installation certification on premises that are licensed by the Council.

Members were informed that at present the Council's current conditions for Animal Licences required electrical contractors to be either NICEIC or ECA registered. The Council had received a written request from the Chief Executive of NAPIT for NAPIT Members to be accepted by the Council's Licence conditions.

The Committee were informed that the Council's current conditions of licence for Animal Boarding Licences, Pet Shop Licences and Dangerous Wild Animal Licences state that electrical inspections must be carried out by either a NICEIC or ECA registered electrical contractors. Members were referred to the current conditions that were attached at Appendix A to the report.

In 2007 and 2008, the Council's Freedom of Information Officer received requests for information from the Chief Executive of NAPIT, requesting that the Council should accept NAPIT members as suitable Electrical Contractors to inspect premises which were licensed by Telford & Wrekin Council. The Committee were further referred to the relevant exchange of correspondence between NAPIT and the Council together with the relevant NAPIT Local Authority Fact Sheet which was attached at Appendix C to the report. Members were also informed that for the purposes of Public Liability Insurance, the NICEIC, ECA and NAPIT were all recognised certification bodies for commercial premises.

Following a discussion, the Committee;

**RESOLVED** – that

(a) the acceptance of the National Association of Professional Inspectors and Testers (NAPIT) Certification for premises licensed by Telford & Wrekin Council be approved.

(b) the General Animal Boarding condition of licence be amended to read:

*“In the case of commercial premises, but not in the case of private dwellings used for the purposes of home boarding, all electrical installations, heating and lighting etc., must be examined annually and certified that they comply with B.S.7671. If Emergency Lighting is fitted it must comply with B.S. 5266. Please note that any Electrical contractor carrying out work in support of the application must be registered with the NICEIC, NAPIT or ECA. If in doubt regarding approved contractors please contact this office.”*

(c) Condition Number 15 of the Council's Pet Shop Licence Conditions be amended to read:

*“Pet Shops All electrical installation, heating and lighting etc., must be examined annually and certified that they comply with B.S. 7671. If Emergency Lighting is fitted it must comply with B.S. 5266. Please note that any Electrical contractor carrying out work in support of the application must be registered with the NICEIC, NAPIT or ECA. If in doubt regarding approved contractors please contact this office.”*

(d) Condition Number 7 of the Council's Dangerous Wild Animal Conditions be amended to read:

*“In the case of commercial premises, but not in the case of private dwellings used for the purposes of keeping Dangerous Wild Animals, all electrical installations, heating and lighting etc, must be examined annually and certified that they comply with B.S.7671. If Emergency lighting is fitted it must comply with B.S. 5266. Please note that any Electrical contractor carrying out work*

***in support of the application must be registered with the NICEIC, NAPIT or ECA. If in doubt regarding approved contractors please contact this office.”***

**LC-25      DUAL DRIVER CONDITIONS OF LICENCE**

The purpose of this report was to inform the Licensing Committee in respect of a review of Telford & Wrekin Council’s Dual Driver Conditions of Licence. The Committee was reminded that a comprehensive review of Telford & Wrekin Council’s conditions of licence for Private Hire and Hackney Carriages had been undertaken, arising from the Taxi Action Plan. The Council now intended to amend its Dual Licence Conditions in line with the recent amendments to Private Hire and Hackney Carriage Conditions of Licence.

Members were advised that in addition to Private Hire and Hackney Carriage Driver Badges, the Council also issued Dual Driver Badges. A Driver who is issued with a Dual Driver Badge may drive either a Hackney Carriage or a Private Hire Vehicle licensed in the Borough. The Committee was further informed that the Council’s Dual Driver Licence conditions did not form part of the Council’s recent comprehensive review of licence conditions.

It was proposed that the Licensing Service would conduct a six week Consultation Process after which the matter would be brought before Members of the Licensing Committee to consider the results of the consultation and approve the revised Conditions of Licence.

**RESOLVED – that the contents of the report be noted.**

The meeting ended at 5.30 pm

**Chairman:**

**Date:**