

**MINUTES OF A MEETING OF THE
LICENSING AND APPEALS COMMITTEE
HELD ON MONDAY 10 JANUARY 2011 FROM 7.00PM TO 7.50PM**

Present:- Barrie Patman (Chairman), Chris Bowring (Vice Chairman), Kay Gilder, Mike Gore, Pauline Helliard-Symons, Ken Miall, Kirsten Miller (arrived 7:25pm during item 39), Chris Singleton, Malcolm Storry, Pam Stubbs and Dee Tomlin

Also present:-

*Julia O'Brien, Principal Environmental Health Officer (Licensing)
Steve Richardson, Health and Protection Manager
Madeleine Shopland, Senior Democratic Services Officer*

PART I

33. MINUTES

The Minutes of the meeting of the Committee held on 1 November 2010 were confirmed as a correct record and signed by the Chairman.

34. APOLOGIES

Apologies for absence were submitted from Councillors Sam Rahmouni and Bob Wyatt.

35. DECLARATIONS OF INTEREST

There were no declarations of interest.

36. PUBLIC QUESTION TIME

There were no public questions.

37. MEMBER QUESTION TIME

There were no Member questions.

38. ANIMAL BOARDING LICENCE – DRAFT HOME BOARDING CONDITIONS

The Health and Protection Manager informed the Committee that the Animal Boarding Establishments Act 1963 had required the licensing of boarding premises for a number of years. The premises (normally 'kennels' or 'catteries') were commercial activities. Recent years had seen a growth in Petsitters or Home Boarders, where animals boarded at domestic premises. The National Association of Registered Petsitters recognised that a licence was applicable to boarding. Pet sitting ranged from dog walking to boarding for one or more days. The Council had not previously licensed home boarders. However, legislation stated that a boarding establishment could also be in a private domestic dwelling, not necessarily in a purpose built premises.

During the discussion of this item the following points were made:

- Whilst full commercial boarding operations had a set of standard conditions in place, not of all these were appropriate for home boarding. Officers had developed a set of conditions for home boarders. It was proposed that these be consulted on with relevant associations such as the RSCPA, the National Petsitters Association, local vets and also local pet sitters. The fee charged for this activity would be the same as for a standard kennel.

- It was noted that depending on the nature of the premises and the number of animals boarding at one time, planning permission may be required. Officers were aware of some home boarders who boarded up to 6 dogs at a time.
- A number of Members felt that the conditions may be difficult for Pet sitters to wholly implement. The Health and Protection Manager indicated that headings in the proposed conditions in italics in the report had been taken directly from the legislation. He agreed that some conditions may be onerous but emphasised that safeguarding the safety of residents and the animals was integral.
- In response to a question as to whether the conditions were intended to fit all the Health and Protection Manager commented that it was hoped that they would.
- A Member questioned whether controlling the noise of the animal should be referred to. The Health and Protection Manager commented that this was already covered by the Environmental Protection Act. The proposed conditions had included what the relevant legislation had indicated could be considered.
- It was clarified that in season bitches and entire males should be kept apart so that they did not breed. This did not necessarily mean that they could not be boarded together.
- A Member asked how the Council would judge whether there was sufficient space available for the animals. The Health and Protection Manager stated that this was subjective and depended on the number and size of the animals being boarded.
- Inspections would be carried out by the Council's Animal Warden and by a vet. The Council would set a maximum limit for the number of animals which could be cared for at one time.
- In response to a question regarding animals having their own individual bowls Members were informed that this was a management issue for the individual Petsitter.
- Animal waste could be disposed of in domestic waste so long as it was sufficiently bagged up.
- Members were notified that there was a sliding scale for fees in line with the number of animals being boarded.
- The Committee questioned the use of the word 'training' for staff. It was noted that Petsitters were not required to have a formal qualification but it was important that any staff knew what to do in an emergency. The Health and Protection Manager agreed to relook at the wording of that particular condition.
- The suitable size of quarters was discussed. It was noted that there were limits for the size of quarters in commercial premises as animals were kept separately. However, animals were kept together in domestic premises.
- The Licensee would be required to make an assessment of the risks of home boarding to include the risk to or caused by children who were likely to be at the property.
- The conditions applied only to those who were boarding animals for commercial purposes and not those who looked after animals on behalf of a friend as a favour.

RESOLVED: That it be agreed that consultation be carried out in relation to the attached set of standard conditions for Home Boarding of Dogs attached as appendix one to the report.

39. HACKNEY CARRIAGE TARIFF REVIEW

Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 allowed the Council to fix the rates for fares and other related charges in connection with the hire of Hackney Carriages. The Committee agreed in March 2005 to review the taxi tariffs annually.

During the discussion of this item the following points were made:

- In May 2010 the Committee had agreed adopt the drivers preferred option to increase the flag distance, decrease the increment distance and to add the time variation.
- The views of all 94 Hackney Carriage drivers and the larger operators had been sought in November 2010. 18 drivers had responded. 8 had asked for a change, 9 no change and 1 had not given a view either way. Drivers asking for change had asked that there be a reduction in the initial yardage from 880 to 600 yards. Short journeys would become more expensive as a result.
- The Chair noted that the Department of Transport guidelines indicated that the interests of the public should be the Committee's main concern.
- The Principal Environmental Health Officer – Licensing clarified what was meant by yardage. Members noted that currently Wokingham was rated 37 in the Private Hire and Taxi Monthly National League Tables Averages (1 being the most expensive).
- The Principal Environmental Health Officer – Licensing commented that drivers had indicated that business had been quieter in recent times.
- Members were sympathetic to the drivers and noted that the poor economic climate was negatively impacting on business. However, they also felt that the public were also negatively affected by the economic downturn. The Committee noted that only 18 drivers had responded and that opinion had been reasonably divided.

RESOLVED That

- 1) the Hackney Carriage tariff remain unchanged for the year.

40. HACKNEY CARRIAGE VEHICLE AGE RESTRICTION

On 7 April the Committee had considered a report concerning the revision of the Hackney Carriage and Private Hire Licensing Policy in regards to setting an upper limit for Hackney Carriage Vehicles. An upper age limit of 15 years for Hackney Carriages had been agreed, Members had asked that this be reviewed in a years time and that officers provide figures of the number of vehicles which failed the checks (yearly for vehicles under five years old and six monthly for vehicles over this age), the reasons for these failures and that these failures be broken down into the cars under 5 years old, cars 5-8 years old, cars 8-10 years old, cars 10-12 years old and cars which were 12-15 years old.

During the discussion of this item the following points were made:

- Some Members questioned the need for an upper age limit because older vehicles could be perfectly useable if they were well looked after whilst a younger car which had not been cared for could be dangerous. They asked whether it would be more appropriate for a mileage limit to be put in place. The Principal Environmental Health Officer – Licensing stated that the mileage was recorded during the vehicle test. A number of Members felt that a mileage limit would be difficult to check and enforce.
- The Committee noted that younger vehicles were also recording faults. Members expressed concern at the types of faults being recorded, such as faulty lights and tyres and having no fire extinguisher in the vehicle. They stressed that it was important that drivers regularly checked their vehicles for such faults. The Hackney Carriage vehicle test was more stringent than the standard MOT test.
- It was noted that Reading Borough Council required vehicles to be no more than 5 years old when first plated and that Bracknell Forest Council required vehicles to be no older than 4 years old to be licensed for the first time and then vehicles must come off the fleet when they reach 10 years old. Any new vehicle licensed by Slough Borough

Council as a Hackney Carriage vehicle must not be older than 5 years of age from the date of first registration. Members agreed that drivers should be consulted with regards to the possibility of implementing a maximum age for Hackney Carriage vehicles being brought onto the fleet. They noted that a number of neighbouring authorities did not allow vehicles over 5 years old to be brought into its fleet.

- A Member questioned whether drivers could be given penalty points under the Council's penalty points scheme should they fail a test. The Principal Environmental Health Officer – Licensing explained that drivers could be given penalty points if the vehicle was not sufficiently maintained. Drivers who failed the vehicle test could be recharged to take the test. However, this varied from garage to garage.

RESOLVED That

- 1) consideration be given to implementing a maximum age of 5 years for Hackney Carriage Vehicles being brought onto the fleet.
- 2) it be agreed to consult on this proposal with existing drivers and operators for their comments, the results of which to be brought back to a future meeting of the Committee.

41. HEARINGS UPDATE

The Committee received an update on the School Transport Appeals and hearings held under the Licensing Act 2003 which had been held since the last meeting of the Committee.

These are the Minutes of a meeting of the Licensing and Appeals Committee

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