

**To: Chairman and Members of the Taxi and General Licensing Committee**

**Councillors Jenns, Bates, Clews, Farrow, Fowler, Hobley, Jarvis, Osborne, O Phillips, Smith, Stuart, Taylor, Turley, Whapples and A Wright**

**For the information of other Members of the Council**

**For general enquiries please contact Democratic Services on 01827 719221 or via email – [democraticservices@northwarks.gov](mailto:democraticservices@northwarks.gov).**

**For enquiries about specific reports please contact the Officer named in the reports.**

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## **TAXI AND GENERAL LICENSING COMMITTEE AGENDA**

**28 JANUARY 2025**

The Taxi and General Licensing Committee will meet on Tuesday 28 January 2025 upon conclusion of the Alcohol & Gambling Licensing Committee which commences at 6.30pm in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire.

The day after the meeting a recording will be available to be viewed on the Council's YouTube channel at [NorthWarks - YouTube](#).

### **AGENDA**

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Disclosable Pecuniary and Non-Pecuniary Interests.**

#### 4 **Public Participation**

Up to twenty minutes will be set aside for members of the public to put questions to elected Members. This will not allow members of the public to speak on any licensing application being considered by the Committee if they are not a party to that application under the Licensing Act 2003. If you are a party to a hearing you will have received a notice of hearing and should respond as indicated in that notice.

Members of the public wishing to address the Board on any other issue must register their intention to do so by 9:30am two working days prior to the meeting. Participants are restricted to five minutes each.

If you wish to put a question to the meeting, please register by email to [democraticservices@northwarks.gov.uk](mailto:democraticservices@northwarks.gov.uk) or telephone 01827 719221/ 719226 / 719237.

Once registered to speak, the person asking the question has the option to either:

- (a) attend the meeting in person at the Council Chamber;
- (b) attend remotely via Teams; or
- (c) request that the Chair reads out their written question.

The Council Chamber has level access via a lift to assist those with limited mobility who attend in person however, it may be more convenient to attend remotely.

If attending remotely an invitation will be sent to join the Teams video conferencing for this meeting. Those registered to speak should dial the telephone number and ID number (provided on their invitation) when joining the meeting to ask their question. However, whilst waiting they will be able to hear what is being said at the meeting.

## **ITEMS FOR DISCUSSION AND DECISION**

- 5 **Minutes of the Taxi and Licencing Committee 2 October 2024** – copy herewith, to be approved as a correct record and signed by the Chairman.

6 **General Fund Revenue Budget – 2024/25 Forecast and 2025/26 Estimates and Fees and Charges** – Report of the Interim Corporate Director – Resources (Section 151 Officer)

**Summary**

This report covers the outturn forecast for 2024/25 and an estimate of expenditure for 2025/26, together with future estimates for 2026/27, 2027/28 and 2028/29. It also includes a review of the fees and charges with recommendations for increases.

The Contact Officer for this report is Akanksha Downing (719384).

7 **Consultation on Animal Licensing Policy** – Report of the Chief Executive

**Summary**

This report asks the Committee to review and consider a consultation on a new Animal Licensing Policy.

The Contact Officer for this report is Sharon Gallagher (719292).

8 **Adoption of the Pavement Licensing Policy** - Report of the Chief Executive

**Summary**

This report asks the Committee to adopt the Pavement Licensing Policy, following consultation.

The Contact Officer for this report is Sharon Gallagher (719292).

STEVE MAXEY  
Chief Executive

## NORTH WARWICKSHIRE BOROUGH COUNCIL

### MINUTES OF THE TAXI AND GENERAL LICENSING COMMITTEE

2 October 2024

Present: Councillor Jenns in the Chair

Councillors Bates, Clews, Dirveiks, Fowler, Hobley, Jarvis, Osborne, O Phillips, Smith, Stuart, Turley, Whapples and A Wright

Apologies for absence were received from Councillors Farrow and Taylor (Substitute Councillor Dirveiks)

#### 1 **Disclosable Pecuniary and Non-Pecuniary Interests**

None were declared at the meeting.

#### 2 **Minutes**

The minutes of the meeting of the Taxi and General Licensing Committee held on 30 January 2024, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

#### 3 **Adoption of Taxi Licensing Policy and consultation on Pavement Licensing Policy**

The Chief Executive asked the Committee to ratify the Draft Hackney Carriage and Private Hire Licensing Policy and review and consider a consultation on a new Pavement Licensing Policy.

##### **Recommended:**

- a **That the Hackney Carriage and Private Hire Licensing Policy be adopted; and**
- b **That a consultation be carried out to introduce a Pavement Licensing Policy.**

A Jenns  
Chair

## Agenda Item No 6

### Taxi & General Licensing Committee

28 January 2025

**Report of the Interim  
Corporate Director Resources  
(Section 151 Officer)**

**General Fund Revenue Budget –  
2024/25 Forecast and 2025/26  
Estimates and Fees and Charges**

#### 1 Summary

- 1.1 This report covers the outturn forecast for 2024/25 and an estimate of expenditure for 2025/26, together with future estimates for 2026/27, 2027/28 and 2028/29. It also includes a review of the fees and charges in Appendix C with recommendations for increases.

#### **Recommendation to the Committee**

- a To approve the estimated forecast for 2024/25;**
- b To approve the 2025/26 estimates, as presented in this report for inclusion in the overall Tax Set 2025/26 report for the Executive Board on 10 February 2025; and**
- c To approve the fees and charges as detailed in Appendix C of this report.**

#### 2 Introduction

- 2.1 In consultation with the budget officers and Directors this report presents the Taxi and General Licensing Committee estimates for 2025/26 along with the outturn forecast for 2024/25, the detailed figures are in Appendices A and B.
- 2.2 At its meeting in November 2024, the Executive Board agreed the Medium-Term Financial Strategy (MTFS) for 2025-2029, which required savings of £1.5 million over a three-year period. This required budget savings of £500,000 in 2026/27 with additional savings of £500,000 in 2027/28 and £500,000 in 2028/29. Only limited growth was built into the strategy therefore any additional expenditure will impact on the funding position.
- 2.3 The figures for the outturn 2024/25 and the estimates for 2025/26 are presented in Table 1. The summary figures are presented at subjective level. Appendix A and B provide a more detailed breakdown of the figures. (The detailed cost centre pages are available but are not included as part of this report).

Table 1 - A summary of the Taxi and General Licensing Committees requirement is shown below:

	Approved Budget 2024/2025 £	Forecast Budget 2024/2025 £	Original Budget 2025/2026 £
Employee Costs	-	-	-
Premises-Related Expenditure	-	-	-
Supplies and Services	5,430	5,430	5,430
Transport	3,400	3,400	3,400
<b>Gross Expenditure</b>	<b>8,830</b>	<b>8,830</b>	<b>8,830</b>
Income	(32,760)	(32,760)	(32,760)
<b>Net Controllable Expenditure</b>	<b>(23,930)</b>	<b>(23,930)</b>	<b>(23,930)</b>
Central Support Charges	96,360	96,360	105,030
Depreciation and Capital Charges	-	-	-
<b>Net Expenditure</b>	<b>72,430</b>	<b>72,430</b>	<b>81,100</b>

### 3 Comments on the 2024/25 Forecast Budget

3.1 The outturn forecast for 2024/25 is estimated to be £72,430 showing no movement in the budget to forecast outturn.

### 4 Comments on the 2025/26 Estimates

4.1 The 2025/26 estimate has been prepared considering the following assumptions:

- A 3% pay award from 1 April 2025
- Increased Employers National Insurance as directed by the Government, increasing the rate from 13.8% to 15% and reducing the NI-free amount from £9,096 to £5,000 annually.
- Inflationary increases of 2.5% on premises related expenditure
- Inflationary increases of 2.5% on software maintenance, vehicle fuel and insurance
- An increase in income to reflect the increases included based on the fees and charges increases in Appendix C.

4.2 The estimated budget for 2025/26 is £81,100 an increase in central support recharges of £8,670 on the 2024/25 approved budget and 2024/25 forecast budget.

### 5 Income

5.1 Changes in the levels of fees and charges for services under the responsibility of this Board are in Appendix C. Income from increased fees and charges is expected to contribute to the achievement of income targets.

## 5.2 Proposal of revision in the fees and charges

5.2.1 An Increase in fees for Acupuncture, Tattooing, Cosmetic Piercing, Semi-Permanent, Skin Colouring & Electrolysis Licence, at present there is only one charge for the registration of the premises. The proposal is to charge for registration of the premises and the practitioner. The details for the proposed changes are detailed below:

Registration of Premises	Registration of Practitioner
<p>£190.00</p> <p>Additional treatments £140 Variation of registration – change of name or move to another registered premises £62.00. Extra copies of certificates £37</p> <p>Temporary events cost per day, Premises application £190.00</p>	<p>£190.00</p> <p>Registration of practitioner whilst undertaking premises inspection £75.00 EG registration of new business +1 practitioner = £190.00 + £75 = £265 New premises with 2 practitioners £190 + £75 + £75 = £340</p>

5.3.2 Some premises may have a registration, however there could be more than one practitioner operating. This change would lead to a fairer charging regime, their registration could be transferred to another registered business through a variation rather than a new application. It would also require practitioners to contact Environmental Health (EH) to register separately to the business, this would also ensure that their details are captured on the EH database and visited by an authorised officer to check they are operating safely. The department has benchmarked against other local authorities to ensure these charges are fair and proportionate.

## 6 Risks to Services

6.1 The key risk to the budgetary position of the Council from services under the control of this Board is:

- Fee Income – The levels of some licences are at risk from a downturn in the economy.

## 7 Future Year Forecasts

7.1 In order to assist with medium-term financial planning, Members are provided with budget forecasts for the three years following 2025/26. The table below provides a subjective summary for the Taxi and General Licensing Committee:

	Forecast Budget 2026/2027 £	Forecast Budget 2027/2028 £	Forecast Budget 2028/2029 £
Employee	-	-	-
Premises-Related Expenditure	-	-	-
Supplies and Services	5,590	5,750	5,910
Transport	3,500	3,610	3,720
<b>Gross Expenditure</b>	<b>9,090</b>	<b>9,360</b>	<b>9,630</b>
Income	(33,750)	(34,770)	(35,810)
<b>Net Controllable Expenditure</b>	<b>(24,660)</b>	<b>(25,410)</b>	<b>(26,180)</b>
Central Support Charges	108,180	111,430	114,780
Depreciation and Capital Charges	-	-	-
<b>Net Expenditure</b>	<b>83,520</b>	<b>86,020</b>	<b>88,600</b>

7.2 The forecasts given above have used several assumptions, which include pay awards of 3% in 2026/27 through 2028/29; increases in premises costs by 3%, increases in contracts and general increases in supplies and services of 3%.

7.3 These forecasts are built up using current corporate and service plans. Where additional resources have already been approved, these are also included. However, these forecasts will be amended to reflect any amendments to the estimates, including decisions taken on any further corporate or service targets.

## 8 Report Implications

### 8.1 Finance and Value for Money Implications

8.1.1 As detailed in the body of the report.

### 8.2 Environment, Climate Change and Health Implications

8.2.1 Continuing the budget strategy will allow the Council to manage its expected shortfall in resources without disruption of essential services.

### 8.3 Risk Management Implications

8.3.1 There are several risks associated with setting a budget, as assumptions are made on levels of inflation and demand for services. To minimise the risks, decisions on these have been taken using experience and knowledge of the past and informed by current forecasts and trends. However, the risk will be managed through the production of regular budgetary control reports, assessing the impact of any variances and the need for any further action.



#### 8.4 **Equalities Implications**

- 8.4.1 There are no direct equalities implications arising from the proposals in this report. Each service area referred to will have regard to the Council's varying equality duties when discharging their services.

The Contact Officer for this report is Akanksha Downing (719384).

## Licensing Board Taxi & General: Total

## Appendix A

	Approved Budget 2024/2025 £	Forecast Budget 2024/2025 £	Variance Approved to Forecast Budget £	Original Budget 2025/2026 £	Variance Forecast to Original Budget £
Employees	-	-	-	-	-
Premises-Related Expenditure	-	-	-	-	-
Supplies & Services	5,430	5,430	-	5,430	-
Transport-Related Expenditure	3,400	3,400	-	3,400	-
Miscellaneous	-	-	-	-	-
Balance Sheet and Earmarked Reserves	-	-	-	-	-
<b>Gross Expenditure</b>	<b>8,830</b>	<b>8,830</b>	<b>-</b>	<b>8,830</b>	<b>-</b>
Income	(32,760)	(32,760)	-	(32,760)	-
<b>Net Controllable Expenditure</b>	<b>(23,930)</b>	<b>(23,930)</b>	<b>-</b>	<b>(23,930)</b>	<b>-</b>
Central Support Charges	96,360	96,360	-	105,030	8,670
Depreciation and Capital Charges	-	-	-	-	-
<b>Net Expenditure</b>	<b>72,430</b>	<b>72,430</b>	<b>-</b>	<b>81,100</b>	<b>8,670</b>

Steve Maxey

	Approved Budget 2024/2025 £	Forecast Budget 2024/2025 £	Variance Approved to Forecast Budget £	Original Budget 2025/2026 £	Variance Forecast to Original Budget £
Employees	-	-	-	-	-
Premises-Related Expenditure	-	-	-	-	-
Supplies & Services	5,430	5,430	-	5,430	-
Transport-Related Expenditure	3,400	3,400	-	3,400	-
Miscellaneous	-	-	-	-	-
Balance Sheet and Earmarked Reserves	-	-	-	-	-
<b>Gross Expenditure</b>	<b>8,830</b>	<b>8,830</b>	<b>-</b>	<b>8,830</b>	<b>-</b>
Income	(32,760)	(32,760)	-	(32,760)	-
<b>Net Controllable Expenditure</b>	<b>(23,930)</b>	<b>(23,930)</b>	<b>-</b>	<b>(23,930)</b>	<b>-</b>
Central Support Charges	96,360	96,360	-	105,030	8,670
Depreciation and Capital Charges	-	-	-	-	-
<b>Net Expenditure</b>	<b>72,430</b>	<b>72,430</b>	<b>-</b>	<b>81,100</b>	<b>8,670</b>

	2024/25 CHARGE	2025/26 CHARGE
	TOTAL CHARGE	TOTAL CHARGE
	£	£
<b>LICENCE FOR THE BOARDING OF CATS AND DOGS</b>		
<b>Boarding Premises</b>		
Application fee	170.00	180.00
Licence issue fee	66.80	76.80
Total fee	236.80	256.80
Variation	87.60	97.60
<b>Home Boarders</b>		
Application fee	85.10	95.10
Licence issue fee	33.40	43.40
Total fee	118.50	138.50
Variation	47.00	57.00
<b>LICENCE FOR THE SALE OF ANIMALS AS PETS</b>		
Application fee	171.00	181.00
Licence issue fee	67.00	77.00
Total fee	238.00	258.00
Variation	87.00	97.00
<b>LICENCE FOR THE HIRING OUT OF HORSES</b>		
Application fee	136.00	146.00
	+ vet's fee	+ vet's fee
Licence fee 1 year	69.00	79.00
	+ vet's fee	+ vet's fee
Licence fee 2 year	136.00	146.00
	+ vet's fee	+ vet's fee
Licence fee 3 year	208.00	218.00
	+ vet's fee	+ vet's fee
Variation	87.00	97.00
	+ vet's fee	+ vet's fee
	(if necessary)	(if necessary)
<b>DANGEROUS WILD ANIMAL LICENCE</b>		
New application	230.00	240.00
Renewal	199.00	209.00
<b>ZOO LICENCE (4-yearly)</b>		
Grant or renewal	540.00	560.00
Transfer	126.00	136.00
Variation	126.00	136.00
Re-issue or replacement	31.00	41.00
<b>DOG BREEDING LICENCE</b>		
Application fee (plus vet's fee on first application)	171.00	181.00
Licence issue fee	67.00	77.00
Total fee	238.00	258.00
	(+ vet's fee if applicable)	(+ vet's fee if applicable)
Variation	87.00	97.00
<b>LICENCE FOR THE KEEPING OR TRAINING OF ANIMALS FOR EXHIBITION</b>		
Application fee	137.00	147.00
Licence fee 3 year	207.00	217.00
Variation	87.00	97.00

**NORTH WARWICKSHIRE BOROUGH COUNCIL**  
**LICENSING COMMITTEE - TAXI AND GENERAL**  
**FEES AND CHARGES FROM 1 APRIL 2025**

	2024/25 CHARGE	2025/26 CHARGE
	TOTAL CHARGE	TOTAL CHARGE
	£	£
<b>ACUPUNCTURE, TATTOOING, COSMETIC PIERCING, SEMI-PERMANENT SKIN COLOURING &amp; ELECTROLYSIS LICENCE</b>	190.00	
<b>Registration of Premises</b>		190.00
Additional treatments		140.00
Variation of registration – change of name, or move to another registered premises		62.00
Extra copies of certificates		37.00
Temporary events cost per day - Premises application		190.00
<b>Registration of Practitioner</b>		190.00
Registration of practitioner whilst undertaking premises inspection		75.00
EG registration of new business +1 practitioner		265.00
New premises with 2 practitioners		340.00
<b>HYPNOTISM PERMIT</b>	Free	Free
<b>STREET TRADING LICENCE</b>		
Food sales	1864.00	1911.00
Non food sales	922.00	945.00
<b>SEX ESTABLISHMENT LICENCE</b>	3112.00	3190.00
Transfer or variation	690.00	707.00
<b>SCRAP METAL LICENCE (3-yearly)</b>		
Site	376.00	385.00
Collector	226.00	232.00
<b>HACKNEY CARRIAGE &amp; PRIVATE HIRE VEHICLES</b>		
Private hire operator’s licence (5 yearly)	291.00	298.28
Hackney Carriage licence (annual)	286.00	286.00
Private Hire Vehicle licence (annual)	286.00	286.00
Drivers licence (Includes badge) (3 yearly)	242.00	242.00
Vehicle licence transfer new vehicle	98.00	98.00
Vehicle licence transfer new owner	35.60	35.60
Replacement of driver's badge	23.80	23.80
Replacement of lost documents	23.80	23.80
Vehicle plate	33.40	33.40
Medical fee full (including Occupational Health fee)	108.00	108.00
Medical fee review (including Occupational Health fee)	108.00	108.00
Please note that the Occupational Health fee is subject to change	0.00	0.00
MoT retest fee	42.50	42.50
Failure to attend a MoT appointment	30.00	30.00
Standard Disclosure and Barring Service check (£23.00 plus £18.40 admin. charge)	43.10	44.18
Enhanced Disclosure and Barring Service check (£50.00 plus £22.00 admin. charge)	60.70	72.00
Please note that the DBS fee is subject to change		

**Agenda Item No 7**

**Taxi and General Licensing  
Committee**

**28 January 2025**

**Report of the  
Chief Executive**

**Consultation on Animal Licensing  
Policy**

**1 Summary**

- 1.1 This report asks the Committee to review and consider a consultation on a new Animal Licensing Policy.

**Recommendation to the Committee**

- a That the Committee notes this report; and**
- b That the Committee agrees to a consultation to implement an Animal Licensing Policy**

**2 Public Consultation and Engagement**

- 2.1 Consultation is required to ascertain support from the residents of the Borough and the Trade, to ensure a robust Animal Licensing Policy that reflects a reasonable and proportionate response to the licensing regimes and enforcement when required.
- 2.2 Councillors Jenns (Chair) and Clews (Vice-Chair) have been sent an advanced copy of this report for comment. Any comments received will be reported verbally at the meeting. (Draft Policy at Appendix A)

**3 Report**

- 3.1 Members will be aware that the Council is the licensing authority in relation to Animal Welfare Licensing.
- 3.1.1 North Warwickshire Borough Council (“the Council”) is responsible for licensing a number of activities relating to the welfare of animals under a number of different Acts of Parliament, and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- 3.1.2 This legislation is aimed at protecting animals and makes it an offence for any person to possess, own or keep animals in order to carry out certain businesses, or have possession of certain animals within the district, without first being licensed by the Council.

3.1.3 The licenses that can be issued by the Council are:

- Animal Welfare Licence
- Dangerous Wild Animal Licence
- Zoo Licence

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

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

3.1.4 In summary, the following work has been completed:

- Review of policy in line with other authorities.
- Cross referenced with
  - The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
  - The Animal Welfare Act 2006.
  - The Dangerous Wild Animals Act 1976
  - The Zoo Licensing Act 1981

## 4 Report Implications

### 4.1 Finance and Value for Money Implications

4.1.1 There are no direct finance or value for money implications in the report since any work undertaken would be funded from existing budgets.

### 4.2 Safer Communities Implications

4.2.1 Public Safety, in addition to the danger to the welfare of animals by unlicensed or irresponsible animal owners there is also a danger that may arise to members of the public. For instance, the effect of diseases affecting animals, or harmful bacteria stemming from poor hygiene could spread and affect other members of the public, and their animals.

### 4.3 Legal and Human Rights Implications

4.3.1 This report gives an overview of the statutory procedure which applies to making a scheme. There are no material legal, data protection or human rights implications arising from the adoption of the new policy provided the relevant statutory procedures are followed.

#### 4.4 **Environment and Sustainability Implications**

4.4.1 There are no adverse environmental implications in the report.

#### 4.5 **Health, Wellbeing and Leisure Implications**

4.5.1 A well-regulated animal licensing regime will enable people to make an informed decision with access to well-run provision for their pets, which ultimately will contribute to overall wellbeing.

#### 4.6 **Human Resources Implications**

4.6.1 There are no human resource implications contained in the report.

#### 4.7 **Risk Management Implications**

4.7.1 There are no risk management implications contained in the report.

#### 4.8 **Equalities Implications**

4.8.1 There are no specific equalities implications in relation to this report, however if the recommendation is adopted then the informal consultation process may identify ways in which any scheme could benefit particular groups having protected characteristics.

#### 4.9 **Links to Council's Priorities**

4.9.1 Supporting employment and business, promoting sustainable and vibrant communities and Improving leisure and wellbeing opportunities.

The Contact Officer for this report is Sharon Gallagher (719292).

### **Background Papers**

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date





North Warwickshire  
Borough Council

North Warwickshire Borough Council

# Draft Animal Welfare Licensing Policy

<b>Date Adopted</b>	
<b>Author</b>	
<b>Version</b>	
<b>Date Last Updated</b>	
<b>By</b>	

# Animal Welfare Licensing Policy

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**1.1** All inspectors must be suitably qualified. This is defined in the Guidance as:

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

## **2. Fee Structure**

**2.1** The current level of licence fee will be displayed on the Council’s webpage.

**2.2** All fees have been calculated and reviewed annually, taking into account the statutory requirements of Regulation 13, with the aim of full cost recovery.

## **1.0 INTRODUCTION**

- 1.1** North Warwickshire Borough Council (“the Council”) is responsible for licensing a number of activities relating to the welfare of animals under a number of different Acts of Parliament, and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- 1.2** This legislation is aimed at protecting animals and makes it an offence for any person to possess, own or keep animals in order to carry out certain businesses, or have possession of certain animals within the district, without first being licensed by the Council.
- 1.3** The licenses that can be issued by the Council are:
- Animal Welfare Licence
  - Dangerous Wild Animal Licence
  - Zoo Licence

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

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

## **2.0 LEGISLATION**

- 2.1** Various pieces of legislation exist that give the Council the power to regulate animal establishment licensing:
- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (“the 2018 Regulations)
  - Dangerous Wild Animals Act 1976
  - Zoo Licensing Act 1981
  - Animal Welfare Act 2006
- 2.2** Each piece of legislation covers its own application process, including veterinary inspections where necessary, rights of appeal and offences. This Policy sits beneath the various pieces of controlling legislation and seeks to provide a framework for implementing the requirements of the controlling legislation.
- 2.3** Under the Council’s Constitution, the authority to grant animal licenses has been delegated to the Environmental Health Manager, who may further delegate as appropriate.

## **Animal Welfare Act 2006**

- 2.4** The Animal Welfare Act 2006 (“the 2006 Act) came into force on 6<sup>th</sup> April 2007, consolidating much of the existing animal health and welfare legislation. It introduced a ‘duty of care’ on people to ensure the needs of any animal for which they are responsible, are met. A person does not have to be the owner of the animal for the ‘duty of care’ to apply.
- 2.5** It also creates a new offence of failing to provide for the needs of animals in your care, increases the penalties for animal abuse and allows the courts to disqualify a person from being in charge of animals.
- 2.6** The 2006 Act also placed a responsibility on numerous enforcement agencies to ensure the Act is observed. The Council is one of these enforcement agencies.
- 2.7** The 2006 Act also made it unlawful to sell or transfer ownership of an animal to a person under the age of 16 unless they are accompanied by a person over 16 years of age, or they have the consent of a parent or guardian.
- 2.8** The 2006 Act enabled “Codes of Practice” to be created. These codes of practice apply to anyone who owns or who is responsible for the type of animal covered by the specific code and not just for those holding licenses. Failing to comply with any code of practice is not an offence, but failing to comply with them may be relied upon to establish liability and compliance with them may be relied upon to negate liability. For these reasons, it is essential that applicants and licence holders observe them.
- 2.9** The 2006 Act allowed the Department for the Environment, Food and Rural Affairs (Defra) to pass regulations that may repeal or amend any of the primary licensing Acts or create new forms of licences. In April 2018 Defra exercised this power and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 were passed by the Government. This new law took effect on 1<sup>st</sup> October 2018.

### **3.0 LICENSING OF ANIMAL ESTABLISHMENTS**

- 3.1** The legislation listed in section 2 of this Policy sets out the individual application requirements and standards that the Council must be satisfied of before it can grant a licence. With the exception of the 2018 regulations (which prescribe the general and specific conditions that a Licensing Authority must attach to a licence) each of the enabling Acts permits the Council to devise and attach conditions to a licence (in addition to any mandatory conditions that must be observed) that the Council feels are necessary or expedient to ensure the requirements of the individual Acts are upheld. The common principle with all conditions is the promotion of animal welfare.

### **4.0 PRINCIPLES OF LICENSING**

- 4.1** When carrying out its functions in accordance with the legislation listed in section 2, the Council will seek to promote the following objectives:
- Animal Welfare (“the five needs”)
  - Public Safety
  - Prevention of nuisance (where legally permitted)

- Integration with other relevant strategies and legal requirements
- Pro-active enforcement and positive relationships

## The 'Five Needs'

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

The five needs are:

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

## Public safety

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

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

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

## Prevention of nuisance

**4.6** Nuisance can arise from noise and odours and applicants will need to demonstrate how they will control these two factors when applying for a licence. Where legally permitted by the Acts mentioned in section 2.1 of this policy, the Council will:

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

## **Integration with other relevant strategies and legal requirements**

- 4.7** There are a number of different areas that may affect, or be affected by, licence holders or potential licence holders under the primary legislation. Where necessary, these will be considered by the council in carrying out its functions.
- 4.8** In addition to being licensed to carry out certain activities a licence holder and their premises may need to comply with other legislation such as planning and building regulations. Where the appropriate permissions or consents are not in place, or where they are being breached, the Council may take enforcement action which could lead to the closure of such premises.
- 4.9** Under Section 17 of the Crime and Disorder Act 1998, local authorities must have regard to the likely effect of the exercise of their functions and do all that they can to prevent crime and disorder in their area. This Policy has regard to the likely impact of such licences on related crime and disorder in the Borough.
- 4.10** This Policy should be read in conjunction with, and without prejudice to, other existing National and European Union legislation, such as the Human Rights Act 1998 and the Equalities Act 2010.
- 4.11** Applicants in rented accommodation are required to seek permission from their private landlord or housing association prior to submitting an application.

## **Pro-active enforcement and positive relationships**

- 4.12** By developing this Policy, the Council has taken a positive step in the control and regulation of activities requiring a licence under the legislation contained in section 2.1. An objective of this Policy is to maintain positive relations with all involved in the welfare of animals and any person who holds a licence, or any person who approaches the Council for a licence.
- 4.13** The Council will carry out its regulatory responsibilities in a fair, consistent, transparent and proportionate manner based upon evidence received or obtained, or risk assessments that justify action to be taken.
- 4.14** The Licensing Authority will always seek to work with licence holders and applicants to promote animal welfare prior to considering legal recourse.

## **5.0 APPLYING FOR A LICENCE**

- 5.1** Each licence type has its own application process and requirements that the Council need to take into consideration before granting a licence. Details on how to apply for a licence can be found on the Council's website along with the application

requirements and process.

## **6.0 GRANTING OR REFUSING A LICENCE**

**6.1** Each of the Acts mentioned in section 2.1 states clearly the criteria which the Council must be satisfied of before any licence is granted. Where the relevant Officer or Veterinarian is not satisfied that the relevant legal requirements are met, or where standards are likely to be unmet, the applicant for the licence will be notified. The applicant will have the opportunity to address these matters with a view to satisfying the relevant criteria.

**6.2** If the relevant Officer feels that the application should be refused, they will submit a report to the Environmental Health Manager to determine the matter.

## **7.0 DELEGATED POWERS**

**7.1** All Officers of the Council, duly authorised under the Council's Scheme of Delegation and supported by specific written delegations, are responsible for the day to day operation of the Council's Animal Licensing Policy, except for any matters reserved for the Environmental Health Manager.

**7.2** The Environmental Health Manager is duly authorised to undertake the management of the Council's Authorised Officers along with the authorisation of applications that are compliant with this Policy. The Environmental Health Manager is also authorised to vary or exclude standard conditions or add special conditions to a licence along with any enforcement action required.

**7.3** The Environmental Health Manager is further duly authorised in the revocation of existing licences, the refusal to renew existing licences, the refusal of new applications, substantial departure from this Policy and the setting of Animal Licensing Fees and Charges.

## **8.0 APPEALS**

**8.1** Any person aggrieved by a refusal to grant or renew a licence, or have an existing licence revoked or varied, may appeal to the First Tier Tribunal within 28 days of the decision being made.

## **9.0 CONDITIONS OF LICENCE**

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

**9.2** Dangerous Wild Animal and Zoo Licensing will be subject to any such mandatory conditions contained in the legislation in addition to any conditions considered necessary following an inspection by a suitably qualified inspector. Where a Licensing Authority places conditions on a licence they will be based wherever



practicable on existing codes of best practice and industry standards produced by organisations such as, but not limited to:

- i) Defra
- ii) British Veterinary Association
- iii) National Trade Associations

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

## **10.0 STAR RATING SCHEME (ANIMAL WELFARE LICENCE ONLY)**

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

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

**10.3** It is possible to appeal to the Council on the star rating awarded and it is also possible to request a re-assessment inspection if improvement works are undertaken. (Are we going to charge a re-inspection fee as we do a variation) YES

## **11.0 NEW APPLICATIONS**

**11.1** Licences will be effective for between one and three years from the date of issue depending on the licence type and other factors such as the premises star and/ or risk rating.

**11.2** All licences that have not been renewed by their expiry date will cease to exist and trading must cease until such time as a new licence has been granted. For certain animal welfare licences, trading may continue during the application period (the period between submitting the application and a licence being granted, (or refused) providing the application was submitted before the expiry date.

## **12.0 COMPLAINTS**

**12.1** Where the Council receives a complaint regarding one of its licence holders, the matter will be investigated by Officers to ensure that animal welfare issues are not being undermined.

**12.2** The Council will not become involved in third party issues, but where licence failings

are identified, Officers will work with the licence holder to ensure the reason for the complaint does not happen again. However, if an investigation uncovers serious failings, formal action is likely to be taken.

### **13.0 DEPARTURE FROM THE POLICY**

- 13.1** In exercising its discretion in carrying out its regulatory functions, North Warwickshire Borough Council will have regard to this Policy document and the principles set out therein.
- 13.2** Notwithstanding the existence of this Policy, each application will be considered on its own merits. Where an applicant can demonstrate that a minor departure from the requirements set out in this policy (based on their own individual circumstances) would still achieve the licensing principles, the Environmental Health Manager may authorise a licence to be issued accordingly.
- 13.3** Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons for doing so must be given. The Environmental Health Manager may authorise a departure from the Policy in accordance with this section if they consider it necessary in the specific circumstances and they will advise members at the next available Licensing Committee.
- 13.4** Where a condition of a licence, or process of application is mandatory it will not be possible to override these requirements using this provision.

### **14.0 AMENDMENTS TO THE POLICY**

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

Any significant amendment is defined as one that:

- i) Is likely to have a significant effect on licence holders, or
- ii) Is likely to have a significant procedural effect on licence holders, or
- iii) Is likely to have a significant effect on the community.

- 14.2** Any minor amendments to this Policy may be authorised by the Environmental Health Manager and undertaken in accordance with the Council's Constitution. Minor amendments are any amendments not defined as significant in i), ii) or iii) above.



## **APPENDIX 1 - General Conditions applicable to all “2018 Regulation” Animal Welfare Licences**

### **Licence display**

1. (1) A copy of the licence must be clearly and prominently displayed on any premises on which the licensable activity is carried on.  
  
(2) The name of the licence holder followed by the number of the licence holder’s licence must be clearly and prominently displayed on any website used in respect of the licensable activity.

### **Records**

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

### **Use, number and type of animal**

3. (1) No animals or types of animals, other than those animals and types of animals specified in the licence may be used in relation to the relevant licensable activity.  
  
(2) The number of animals kept for the activity at any time must not exceed the maximum that is reasonable taking into account the facilities and staffing on any premises on which the licensable activity is carried on.

### **Staffing**

4. (1) Sufficient numbers of people who are competent for the purpose must be available to provide a level of care that ensures that the welfare needs of all the animals are met.  
  
(2) The licence holder or designated manager and any staff employed to care for the animals must have competence to identify the normal behaviour of the species for which they are caring and to recognize signs of and take appropriate measures to mitigate or prevent; pain, suffering, injury, disease, or abnormal behaviour.  
  
(3) The licence holder must provide and ensure the implementation of a written training policy for all staff.

### **Suitable environment**

5. (1) All areas, equipment and appliances to which the animals have access must present minimal risks of injury, illness and escape and must be constructed in materials that are robust, safe and durable, in a good state of repair and well maintained.  
(2) Animals must be always kept in an environment suitable to their species and condition (including health, status and age) with respect to:

- a) Their behavioral needs,
  - b) Its situation, space, air quality, cleanliness and temperature,
  - c) The water quality (where relevant)
  - d) Noise levels,
  - e) Light levels,
  - f) Ventilation,
- (3) Staff must ensure that the animals are kept clean and comfortable.
- (4) Where appropriate for the species, a toileting area and opportunities for toileting must be provided.
- (5) Procedures must be in place to ensure accommodation, and any equipment within it, is cleaned as often as necessary and good hygiene standards are maintained and the accommodation must be capable of being thoroughly cleaned and disinfected.
- (6) The animals must be transported and handled in a manner (including, for example, in relation to housing, temperature, ventilation and frequency) that protects them from pain, suffering, injury and disease.
- (7) All the animals must be easily accessible to staff and for inspection and there must be sufficient light for the staff to work effectively and observe the animals.
- (8) All resources must be provided in a way (for example as regards frequency, location and access points) that minimises competitive behaviour or the dominance of individual animals.
- (9) The animals must not be left unattended in any situation or for any period likely to cause them distress.

### **Suitable diet**

6. (1) The animals must be provided with a suitable diet in terms of quality, quantity and frequency and any new feeds must be introduced gradually to allow the animals to adjust to them.
- (2) Feed and (where appropriate) water intake must be monitored and any problems recorded and addressed.
- (3) Feed and drinking water provided to the animals must be unspoilt and free from contamination.
- (4) Feed and drinking receptacles must be capable of being cleaned and disinfected, or disposable.
- (5) Constant access to fresh, clean drinking water must be provided in a suitable receptacle for the species that requires it.
- (6) Where feed is prepared on the premises on which the licensable activity is carried on, there must be hygienic facilities for its preparation, including a working surface, hot

and cold running water and storage.

## **Monitoring of behavior and training of animals**

7. (1) Active and effective environmental enrichment must be provided to the animals in inside and any outside environments.
  - (2) For species whose welfare depends partly on exercise, opportunities to exercise which benefit the animals' physical and mental health must be provided, unless advice from a veterinarian suggest otherwise.
  - (3) The animals' behaviour and any changes of behaviour must be monitored and advice must be sought, as appropriate and without delay, from a veterinarian or (in the case of fish) and person competent to give such advice if adverse or abnormal behaviour is detected.
  - (4) Where used, training methods or equipment must not cause pain, suffering or injury.
  - (5) All immature animals must be given suitable and adequate opportunities to:
    - a) Learn how to interact with people, their own species and other animals where such interaction benefits their welfare, and
    - b) Become habituated to noises, objects and activities in their environment.

## **Animal handling and interactions**

8. (1) All people responsible for the care of the animals must be competent in the appropriate handling of each animal to protect it from pain, suffering, injury or disease.
  - (2) The animals must be kept separately or in suitable compatible social groups appropriate to the species and individual animals and no animals from a social species may be isolated or separated from others of their species for any longer than is necessary.
  - (3) The animals must have at least daily opportunities to interact with people where such interaction benefits their welfare.

## **Protection from pain, suffering, injury and disease**

9. (1) Written procedures must:
  - a) Be in place and implemented covering:
    - i) Feeding regimes,
    - ii) Cleaning regimes,
    - iii) Transportation,
    - iv) The prevention of, and control of the spread of, disease,
    - v) Monitoring and ensuring the health and welfare of all the animals
    - vi) The death or escape of an animal (including the storage of carcasses);

- b) Be in place covering the care of the animals following the suspension or revocation of the licence or during and following an emergency.
- (2) All people responsible for the care of the animals must be made fully aware of these procedures.
- (3) Appropriate isolation, in separate self-contained facilities, must be available for the care of sick, injured or potentially infectious animals.
- (4) All reasonable precautions must be taken to prevent and control the spread among the animals and people of infectious diseases, pathogens and parasites.
- (5) All excreta and soiled bedding for disposal must be stored and disposed of in a hygienic manner and in accordance with any relevant legislation.
- (6) Sick or injured animals must receive prompt attention from a veterinarian or, in the case of fish an appropriately competent person and the advice of that veterinarian or, in the case of fish, that competent person must be followed.
- (7) Where necessary, animals must receive preventative treatment by an appropriately competent person.
- (8) The licence holder must register with a veterinarian with an appropriate level of experience in the health and welfare requirements of any animals specified in the licence and the contact details of that veterinarian must be readily available to all staff on the premises on which the licensable activity is carried on.
- (9) Prescribed medicines must be stored safely and securely to safeguard against unauthorised access, at the correct temperature, and used in accordance with the instructions of the veterinarian.
- (10) Medicines other than prescribed medicines must be stored, used and disposed of in accordance with the instructions of the manufacturer or veterinarian.
- (11) Cleaning products must be suitable, safe and effective against pathogens that pose a risk to the animals and must be used, stored and disposed of in accordance with the manufacturer's instructions and used in a way which prevents distress or suffering of the animals.
- (12) No person may euthanise an animal except a veterinarian or a person who has been authorised by a veterinarian as competent for such purpose or:
- a) in the case of a fish, a person who is competent for such purpose;
- b) in the case of horses, a person who is competent and who holds a licence or certificate for such purpose.
- (13) All animals must be checked at least once daily and more regularly as necessary to check for any signs of pain, suffering, injury, disease or abnormal behaviour and vulnerable animals must be checked more frequently.
- (14) Any signs of pain, suffering, injury, disease or abnormal behaviour must be

recorded and the advice and further advice (if necessary) of a veterinarian (or in the case of fish, of an appropriately competent person) must be sought and followed.

## **Emergencies**

10. (1) A written emergency plan, acceptable to the local authority, must be in place, known and available to all the staff on the premises on which the licensable activity is carried on; and followed where necessary to ensure appropriate steps are taken to protect all the people and animals on the premises in case of fire or in case of breakdowns of essential heating, ventilation and aeration or filtration systems or other emergencies.

(2) The plan must include details of the emergency measures to be taken for the extrication of the animals should the premises become uninhabitable and an emergency telephone list that includes the fire service and police.

(3) External doors and gates must be lockable.

(4) A designated key holder with access to all animal areas must at all times be within reasonable travel distance of the premises and available to attend in an emergency.



## **APPENDIX 2 – Specific conditions applicable to boarding cats and dogs**

### **PART 1: Providing boarding for cats**

#### **Interpretation**

1. In this Part:

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

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

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

#### **Suitable environment**

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

- (10) Each cat unit must include an elevated area.
- (11) Adjoining cat units must have solid barriers covering the full height and full width of the adjoining wall.
- (12) Any gaps between cat units must be a minimum of 0.6 metres wide.
- (13) Any cat taken out of a cat unit must be secured in a suitable carrier.
- (14) The sleeping area must form part of the cat unit and be free from draughts.

### **Monitoring of behaviour and training of cats**

3. (1) There must be an area within each cat unit in which the cat can avoid seeing other cats and people outside the cat unit if it so chooses.
- (2) Each cat unit must include a facility for scratching and any surface within a cat unit available for scratching must either be disinfected between uses by different cats or disposed of.
- (3) All cats must be provided with toys or feeding enrichment (or both) unless advice from a veterinarian suggests otherwise.
- (4) All toys and other enrichment items must be checked daily to ensure they remain safe and must be cleaned and disinfected at least weekly.

### **Records**

4. A register must be kept of all the cats on the premises which must include:
  - a) The dates of each cat's arrival and departure,
  - b) Each cat's name, age, sex, neuter status and a description of it or its breed,
  - c) Each cat's microchip number, where applicable,
  - d) The number of any cats from the same household,
  - e) A record of which cats (if any) are from the same household,
  - f) The name, postal address, telephone number (if any) and email address (if any) of the owner of each cat and emergency contact details,
  - g) In relation to each cat, the name, postal address, telephone number and email address of a local contact in an emergency,
  - h) The name and contact detail of each cat's normal veterinarian and details of any insurance relating to the cat,
  - i) Details of each cat's relevant medical and behavioural history, including details of any treatment administered against parasites and restrictions on exercise,
  - j) Details of each cat's diet and related requirements,
  - k) Any required consent forms,
  - l) A record of the date or dates of each cat's most recent vaccination, worming and flea treatments, and
  - m) Details of any medical treatment each cat is receiving.

## **Protection from pain, suffering, injury and disease**

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

## **PART 2: Providing boarding in kennels for dogs**

### **Interpretation**

6. In this Part:

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

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

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

### **Suitable environment**

7. (1) Dogs within the premises must be prevented from coming into contact with other animals from outside the premises.

(2) In each kennel unit, the sleeping area must:

a) be free from draughts;

b) provide the dog with sufficient space to:

i) sit and stand at full height,

ii) lie down fully stretched-out,

iii) wag its tail

iv) walk, and

v) run around,

without touching another dog or the walls;

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

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

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

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

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

(6) Each exercise run must have a single, safe, secure, waterproof roof over a

minimum of half its total area.

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

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

### **Monitoring of behaviour and training**

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

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

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

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

(5) Any dog which, on the advice of a veterinarian, cannot be exercised must be provided with alternative forms of mental stimulation.

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

### **Records**

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

- a) The dates of each dog's arrival and departure;
- b) Each dog's name, age, sex, neuter status, microchip number and a description of it or its breed;
- c) The number of any dogs from the same household;
- d) A record of which dogs (if any) are from the same household;
- e) The name, postal address, telephone number (if any) and email address (if any) of the owner of each dog and emergency contact details;
- f) In relation to each dog, the name, postal address, telephone number and email address of a local contact in an emergency;
- g) The name and contact details of the dog's normal veterinarian and details of any insurance relating to the dog;
- h) Details of each dog's relevant medical and behavioural history; including details of any treatment administered against parasites and restrictions on exercise,
- i) Details of the dog's diet and related requirements,
- j) Any required consent forms,

- k) A record of the date or dates of each dog's most recent vaccination, worming and flea treatments, and
- l) Details of any medical treatment each dog is receiving.

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

### **Protection from pain, suffering, injury and disease**

10. (1) Where any other activity involving animals is undertaken on the premises, it must be kept entirely separate from the area where the activity of providing boarding for dogs in kennels takes place.

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

(3) A holding kennel unit must only be used in an emergency and must not be used for longer than is necessary and in any event for no longer than a total of 12 hours in any 24-hour period.

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

## **PART 3: Providing home boarding for dogs**

### **Interpretation**

11. In this Part:

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

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

### **Home**

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

(2) The home must include:

- a) Direct access to a private, non-communal, secure and hazard-free external area, and
- b) At least two secure physical barriers between any dog and any entrance to or exit from it.

### **Suitable environment**

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

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

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

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

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

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

- a) it is already habituated to it.
- b) a crate forms part of the normal routine for the dog, and
- c) the dog’s owner has consented to the use of a crate.

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

### **Suitable diet**

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

## **Monitoring of behaviour and training**

- 15.(1) Any equipment that a dog is likely to be in contact with and any toy provided must not pose a risk of pain, suffering, disease or distress to the dog and must be correctly used.
- (2) Each dog must be exercised at least once daily as appropriate for its age and health.
- (3) Dogs which on the advice of a veterinarian cannot be exercised must be provided with alternative forms of mental stimulation.

## **Housing with or apart from other dogs**

- 16.(1) Written consent must be obtained from the owner or owners (as the case may be) to keep dogs together in a designated room.
- (2) Unneutered bitches must be prevented from mating.
- (3) If any person aged under 16 years resides at the home, there must be procedures in place to regulate the interactions between the dogs and that person.

## **Records**

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



## **Protection from pain, suffering, injury and disease**

18.(1) Before a dog is admitted for boarding, all equipment to be used by or in relation to that dog must be cleaned and disinfected.

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

## **PART 4: Providing day care for dogs**

### **Interpretation**

19. In this Part:

“premises” means the premises on which the licensable activity of providing day care for dogs is carried on.

### **No overnight stay**

20.(1) No dog may be kept on the premises overnight.

### **Suitable environment**

21.(1) Each dog must be provided with:

- a) a clean, comfortable and warm area where it can rest and sleep, and
- b) another secure area in which water is provided and in which there is shelter.

(2) Each dog must have access to areas where it can:

- a) interact safely with other dogs, toys and people and
- b) urinate and defecate.

(3) There must be an area where any dog can avoid seeing other dogs and people if it so chooses.

### **Suitable diet**

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

### **Monitoring of behaviour and training**

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

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

### **Housing apart from other dogs**

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

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

### **Records**

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

- a) The dates of each dog’s attendance;

- b) The dog's name, age, sex, neuter status, microchip number and a description of it or its breed;
- c) The name, postal address, telephone number (if any) and email address (if any) of the owner of each dog and emergency contact details;
- d) The name and contact details of the dog's normal veterinarian and details of any insurance relating to the dog;
- e) Details of the dog's relevant medical and behavioural history; including details of any treatment administered against parasites and restrictions on exercise,
- f) Details of the dog's diet and related requirements;
- g) Any required consent forms;
- h) A record of the date or dates of the dog's most recent vaccination, worming and flea treatments;
- i) Details of any medical treatment the dog is receiving.

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

### **Protection from pain, suffering, injury and disease**

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

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

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

## **APPENDIX 3 – Specific conditions applicable to horse riding establishments**

### **Interpretation**

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

### **Eligibility**

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

### **Supervision**

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

### **Suitable environment**

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

## **Suitable diet**

5. (1) At all times when any horses are kept at grass, adequate pasture, shelter and clean water must be available for them.
- (2) Supplementary feed and nutrients must be provided to any horse when appropriate.
- (3) Each horse must be fed a balanced diet of a quantity and at a frequency suitable for its age, health and workload to enable it to maintain an appropriate physical condition.

## **Protection from pain, suffering, injury and disease**

6. (1) The horses must be maintained in good health and must be in all respects of physically fit.
- (2) A preventative healthcare plan agreed with the veterinarian with whom the licence holder has registered under paragraph 9(8) of Schedule 2 must be implemented.
- (3) A daily record of the workload of each horse must be maintained and available for inspection at any reasonable time.
- (4) Each horse must be suitable for the purpose for which it is kept and must not be hired out, if due to its condition, its use would be likely to cause it to suffer.
- (5) Any horse found on inspection to be in need of veterinary attention must not be returned to work until the licence holder has, at the licence holder's expense, obtained from and lodged with the local authority a veterinary certificate which confirms that the horse is fit for work.
- (6) Each horse's hooves should be trimmed as often as is necessary to maintain the health, good shape and soundness of its feet and any shoes should be properly fitted and in good condition.
- (7) An area suitable for the inspection of horses by a veterinarian must be provided.
- (8) the following must not be hired out:
  - a) A horse aged under 3 years;
  - b) A mare heavy with foal;
  - c) A mare whose foal has not yet been weaned.
- (9) The licence holder must keep a register of all horses kept for the licensable activity on the premises, each such horse's valid passport showing its unique equine life number and a record of its microchip number (if any).

## Equipment

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

## APPENDIX 4 – Specific conditions applicable to selling animals as pets

### Interpretation

1. In this schedule:

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

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

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

### Records and advertisements

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

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

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

a) this fact must be clearly indicated:

i) in writing next to it, or

ii) (where appropriate) by labeling it accordingly, and

b) it must not be sold

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

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

## **Prospective sales: pet care and advice**

3. (1) The licence holder and all staff must ensure that any equipment and accessories being sold with an animal are suitable for the animal.  
  
(2) The licence holder and all staff must ensure that the prospective owner is provided with information on the appropriate care of the animal including in relation to:
  - a) Feeding,
  - b) Housing,
  - c) Handling,
  - d) Husbandry,
  - e) The life expectancy of its species,
  - f) The provision of suitable accessories, and
  - g) Veterinary care
- (3) Appropriate reference materials on the care of all animals for sale must be on display and provided to the prospective owner.
- (4) The licence holder and all staff must have been suitably trained to advise prospective owners about the animals being sold.
- (5) The licence holder and all staff must ensure that the purchaser is informed of the country of origin of the animal and the species, and where known, the age, sex and veterinary record of the animal being sold.

## **Suitable accommodation**

4. (1) Animals must be kept in housing which minimizes stress including from other animals and the public.  
  
(2) Where members of the public can view or come into contact with the animals, signage must be in place to deter disturbance of the animals.  
  
(3) Dangerous wild animals (if any) must be kept in cages that are secure and lockable and appropriate for the species.  
  
(4) For the purposes of sub-paragraph (3), “dangerous wild animal” means an animal of a kind specified in the first column of the Schedule to the Dangerous Wild Animals Act 1976(1).

## **Purchase and sale of animals**

5. (1) The purchase or sale, by or on behalf of the licence holder of any of the following is prohibited:
  - a) Unweaned mammals;
  - b) Mammals weaned at an age at which they should not have been weaned;
  - c) Non-mammals that are incapable of feeding themselves;
  - d) Puppies, cats, ferrets or rabbits aged under 8 weeks.



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

### **Protection from pain, suffering, injury and disease**

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

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

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

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

## **APPENDIX 5 – Breeding of Dogs**

### **Advertisements and sales**

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

### **Suitable environment**

2. (1) Each dog must have access to a sleeping area which is free from draughts and an exercise area.
- (2) Each dog must be provided with sufficient space to:

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

### **Suitable diet**

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

## **Monitoring of behaviour and training**

4. (1) The licence holder must implement and be able to demonstrate use of a documented socialization and habituation programme for the puppies.
- (2) Each dog must be provided with toys or feeding enrichment (or both) unless advice from a veterinarian suggests otherwise.
- (3) Except in the circumstances mentioned in sub-paragraph (4), all adult dogs must be exercised at least twice daily away from their sleeping area..
- (4) Where a veterinarian has advised against exercising a dog, the dog must be provided with alternative forms of mental stimulation.
- (5) Any equipment that a dog is likely to be in contact with and any toy provided must not pose a risk of pain, suffering disease or distress to the dog and must be correctly used.

## **Housing with or apart from other dogs**

5. (1) Each adult dog must be provided with opportunities and social contact with other dogs where such contact benefits the dogs' welfare.
- (2) Each adult dog must be given suitable and adequate opportunities to become habituated to handling by people.
- (3) Procedures must be in place for dealing with dogs that show abnormal behaviour.
- (4) There must be an area within each sleeping area in which dogs can avoid seeing people and other dogs outside the sleeping area if they so choose.

## **Protection from pain, suffering, injury and disease**

6. (1) All dogs for sale must be in good health.
- (2) Any dog with a condition which is likely to affect materially its quality of life must not be moved, transferred or offered for sale but may be moved to an isolation facility or veterinary care facility if required until it has recovered.
- (3) The licence holder must ensure that no bitch:
  - a) is mated if aged less than 12 months;
  - b) gives birth to more than one litter of puppies in a 12-month period;
  - c) gives birth to more than six litters of puppies in total;
  - d) is mated if she has had two litters delivered by caesarean section.
- (4) The licence holder must ensure that each puppy is microchipped and registered to the licence holder before it is sold.
- (5) No dog may be kept for breeding if it can reasonably be expected, on the basis of its genotype, phenotype or state of health that breeding from it could have a

detrimental effect on its health or welfare or the health or welfare of its offspring.

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

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

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

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

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

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

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

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

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

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

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

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

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

## **APPENDIX 6 – Keeping or training animals for exhibition**

### **Insurance**

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

### **Emergencies**

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

### **Suitable environment**

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

### **Monitoring of behaviour and training**

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

### **Housing with or apart from other animals.**

- 5.(1) Social animals must not be exhibited if their removal from and reintroduction to the group with which they are usually housed causes them or any other animal within that group stress, anxiety or fear.  
  
(2) Animals must be prevented from coming into contact with each other during any exhibition where such contact would be likely to cause any of them to show signs of aggression, fear or distress.  
  
(3) All persons likely to come into contact with the animals during an exhibition must be briefed about how to behave around the animals so as to minimise anxiety, fear and stress in the animals.  
  
(4) No female animal with unweaned offspring may be removed from its home environment and newborn, unweaned or dependent offspring must not be removed from their mothers.

### **Records**

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

## **Protection from pain, suffering, injury and disease**

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

a) the full name of its supplier,

b) its date of birth,

c) the date of its arrival,

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

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

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

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

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

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

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

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

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

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

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

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



## **APPENDIX 7 – Dangerous wild animals**

### **General**

1. These Standard Conditions will apply to all licences unless disapplied or varied by the Environmental Health Manager.
2. The granting of a licence for a Dangerous Wild Animal shall not be deemed to convey any approval or consent which may be required under any enactment by law, order or regulation other than the Dangerous Wild Animals Act 1976 (as amended).

### **Standard conditions**

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

## **Special conditions**

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

## **APPENDIX 8 – Zoo Conditions**

### **General**

1. These Standard Conditions will apply to all licences unless disapplied or varied by the Environmental Health Manager.
2. The granting of a licence for a Zoo shall not be deemed to convey any approval or consent which may be required under any enactment by law, order or regulation other than the Zoo Licensing Act 1981 (as amended).
3. The licence holder must ensure that the establishment is covered by adequate and suitable public liability insurance and, where necessary, adequate and suitable employers' liability insurance. Proof of this to be deposited with the Licensing Authority.

### **Standard conditions**

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

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

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

## Agenda Item No 8

### Taxi and General Licensing Committee

28 January 2025

#### Report of the Chief Executive

#### Adoption of Pavement Licensing Policy

### 1 Summary

- 1.1 The report asks the Committee to adopt the Pavement Licensing Policy, following consultation.

#### **Recommendation to the Committee**

**That the Committee agrees to adopt The Pavement Licensing Policy.**

### 2 Public Consultation and Engagement

The Consultation for the Pavement Licensing Policy ran from the 3 October 2024 to 9 January 2025. During the consultation period we received four responses (see Appendix A)

- 2.1 Councillors Jenns (Chair) and Clews (Vice-Chair) have been sent an advanced copy of this report for comment.

The Draft Pavement Licensing Policy is attached at Appendix B.

### 3 Report

#### 3 Pavement Licensing Consultation

- 3.1 The Business and Planning Act 2020 successfully introduced a mechanism for premises serving food and drink such as bars, restaurants and pubs, to place furniture on the pavement to help the hospitality industry recover from the coronavirus lockdown and social distancing restrictions.

- 3.2 The Pavement Licensing regime was temporarily extended until March 2024 when the Levelling Up and Regeneration Act 2023 made permanent the provisions set out in the Business and Planning Act 2020 that streamlined the process to allow businesses to secure these licences quickly.

- 3.3 However the Levelling Up and Regeneration Act introduces a number of changes. Previously the Business and Planning Act allowed a maximum application fee of £100, a streamlined consultation determination period for applications and for licences to be valid for up to 12 months. Now, the fee for applying for a licence under the Business and Planning Act process is capped at £500 for first time applications and £350 for renewals and the public consultation period and licence duration has been extended.
- 3.4 The new Act also confirms that applications for Pavement Licences should where possible be made under these provisions as opposed to Pavement licences granted by Warwickshire County Council, the Highways Authority, under Part 7A of the Highways Act 1980.

## **4 Report Implications**

### **4.1 Finance and Value for Money Implications**

- 4.1.1 There are no direct finance or value for money implications in the report since any work undertaken would be funded from existing budgets.

### **4.2 Safer Communities Implications**

- 4.2.1 Several pavement licences in an area may result in larger distributed or dense crowds of people, which may result in anti-social behaviour.

### **4.3 Legal and Human Rights Implications**

- 4.3.1 This report gives an overview of the statutory procedure which applies to making a scheme. There are no material legal, data protection or human rights implications arising from the adoption of the new policies provided the relevant statutory procedures are followed.

### **4.4 Environment and Sustainability Implications**

- 4.4.1 The proposed use may result in excessive noise and litter.

### **4.5 Health, Wellbeing and Leisure Implications**

- 4.5.1 This will allow hospitality businesses to increase the numbers of customers which will ultimately increase their revenue. Customers can take advantage of consuming food and drink outdoors, a local café culture can have a positive effect on urban environments, promote town centres and contribute to the general well-being of communities.

### **4.6 Human Resources Implications**

- 4.6.1 There are no human resource implications contained in the report.

**4.7 Risk Management Implications**

4.7.1 There are no risk management implications contained in the report.

**5.8 Equalities Implications**

5.8.1 There are no specific equalities implications in relation to this report, however if the recommendation is adopted then the informal consultation process may identify ways in which any scheme could benefit particular groups having protected characteristics.

**5.9 Links to Council's Priorities**

5.9.1 Supporting employment and business, promoting sustainable and vibrant communities and Improving leisure and wellbeing opportunities.

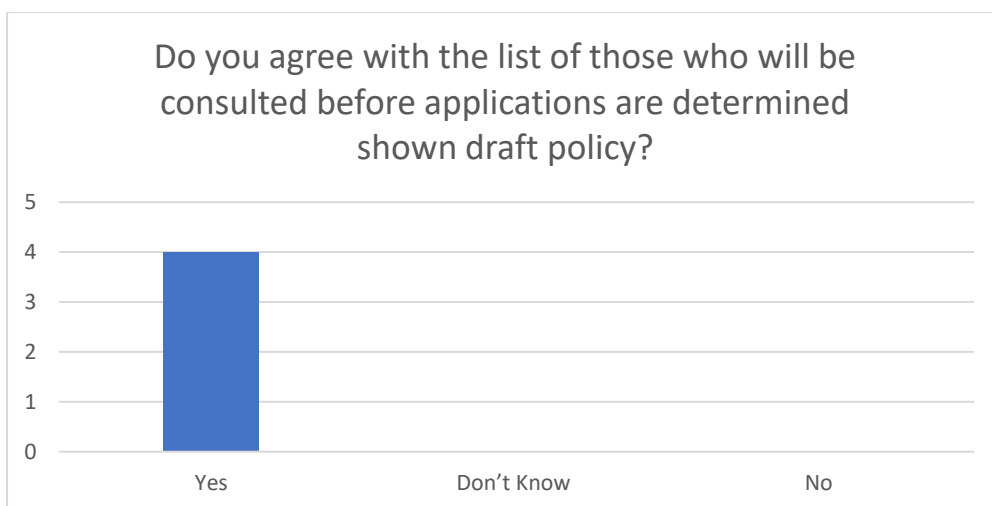
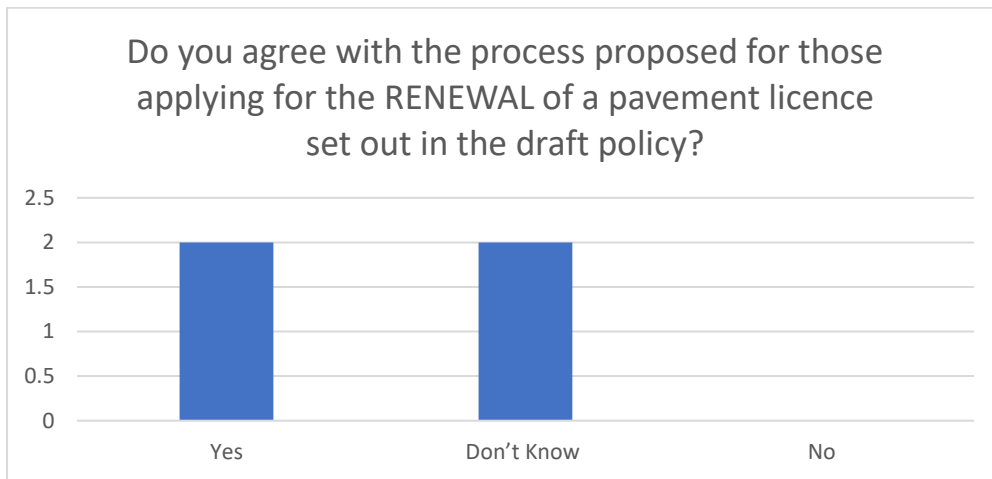
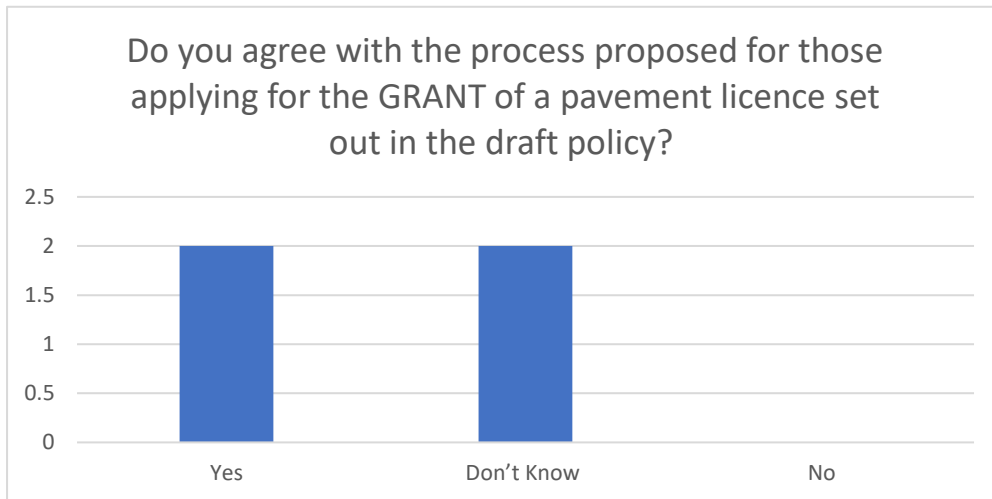
The Contact Officer for this report is Sharon Gallagher (719292).

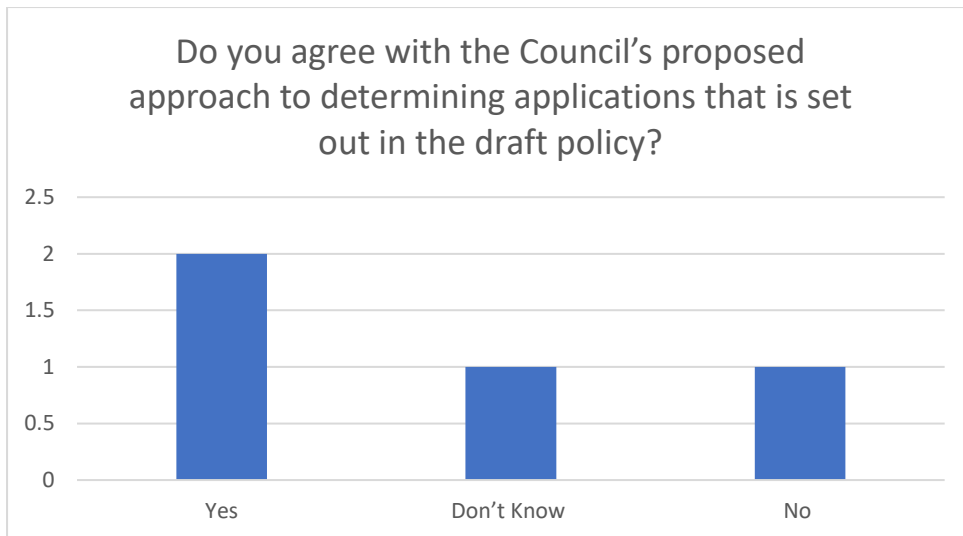
**Background Papers**

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

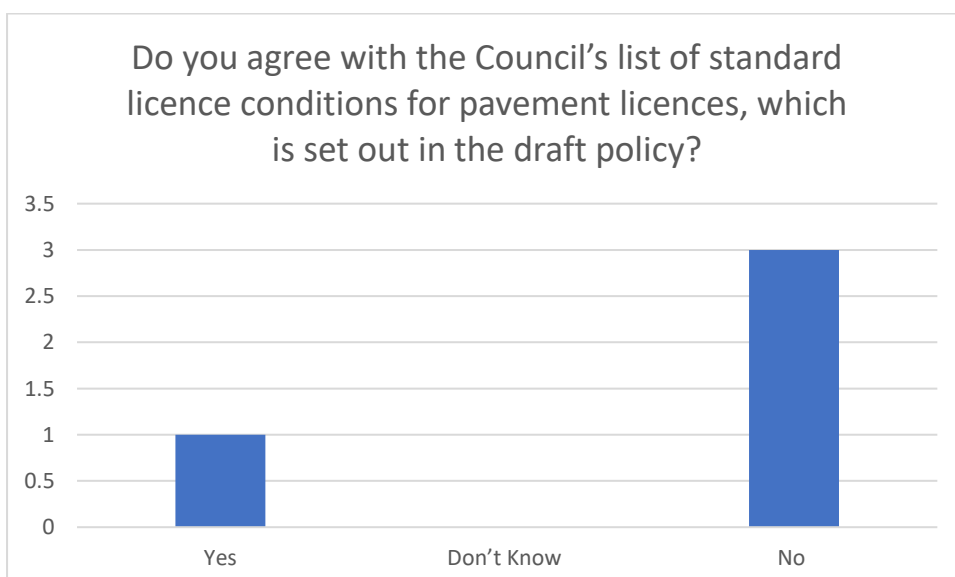
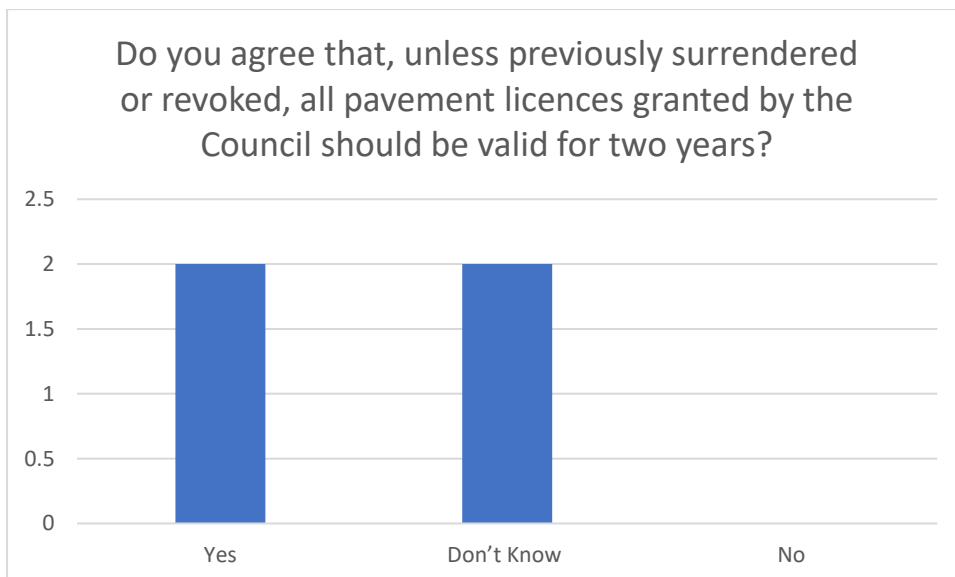
Background Paper No	Author	Nature of Background Paper	Date

Response for Pavement Licence consultation





When asked Because you have answered NO, what changes do you believe should be made to this part of the draft policy? **I believe 14 days consultation is insufficient in some cases.**





When asked Because you have answered NO, what changes to the list of standard licence conditions do you believe should be made?

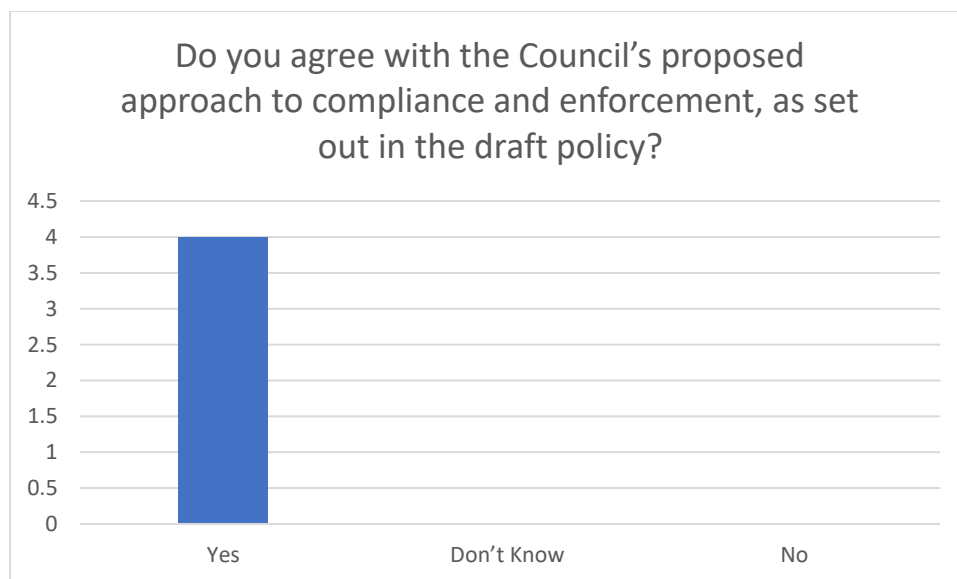
**Response 1** There is no consideration of the impacts of furniture on the Conservation Area or setting of Listed Buildings - pedestrian accessibility is obviously very important but in my view not the only consideration. Quality of materials may also be of importance when looking at how the furniture impacts the character of the area.

**Response 2** In addition to condition 17 - perhaps wording along the lines of "any barriers used to contain the licensed area shall not display any advertisement unless express consent has previously been granted by the Local Planning Authority". To do so without consent is an offence under the Town and Country Planning Act 1990 as amended.

Then an addition condition with regard to Listed Buildings:

There must be no physical attachment or alterations made to any Listed Building as part of the any pavement licence, unless consent has previously been granted by the Local Planning Authority. To do so without consent is an offence under the Planning (Listed Buildings and Conservation Areas) Act 1990.

**Response 3** I don't agree with allowing certain defined smoking areas. Pedestrians walking by would be walking through smoke. This is the same for public houses along the high street, customers stand outside and smoke, not right in my opinion.



If you have any other comments or observations in relation to the draft policy on pavement licensing, please provide these here:

**Response 1** - I think reasons for refusal should accommodate impacts on the character of the area and during the period of the license if the furniture deteriorates from a reasonable condition to a poor condition which detracts from the character of the area, then a license should be revoked.

**Response 2** - I believe that, the draft is confusing. However I understand that food and drink outlets need to have the licence and adhere to the rules that are set out. There are some shops on long street that put goods on the pavement outside there shop. And surely if those regulations are

imposed for advertising boards then goods outside the premises is more of a hazard to pedestrians, and should be addressed.

**Response 3** - Only the smoking issue mentioned above,



North Warwickshire  
Borough Council

# Pavement Licensing Policy 2024-29

DRAFT

Effective:

## Contents

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## **1. Introduction**

The Business and Planning Act 2020 successfully introduced a mechanism for premises serving food and drink such as bars, restaurants and pubs, to place furniture on the pavement to help the hospitality industry recover from the coronavirus lockdown and social distancing restrictions.

The Pavement Licensing regime was temporarily extended until March 2024 when the Levelling Up and Regeneration Act 2023 made permanent the provisions set out in the Business and Planning Act 2020 that streamlined the process to allow businesses to secure these licences quickly.

However the Levelling Up and Regeneration Act introduces a number of changes. Previously the Business and Planning Act allowed a maximum application fee of £100, a streamlined consultation determination period for applications and for licences to be valid for up to 12 months. Now, the fee for applying for a licence under the Business and Planning Act process is capped at £500 for first time applications and £350 for renewals and the public consultation period and licence duration has been extended.

The new Act also confirms that applications for Pavement Licences should where possible be made under these provisions as opposed to Pavement licences granted by Warwickshire County Council, the Highways Authority, under Part 7A of the Highways Act 1980.

## **2. Scope**

### **2.1 Definition of pavement café**

A pavement licence is a licence granted by the local authority, or deemed to have been granted, which allows the licence-holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes.

### **2.2 Eligible Businesses**

A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence. Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.

A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.

A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.

Businesses that do not use their premises for the sale of food or drink, for example salons, are ineligible. Though they can apply for permission to place furniture on the pavement under the Highways Act 1980.

### **2.3 Eligible Locations**

Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980. Generally, these are footways restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).

A pavement licence does not grant the right to permanently close a road. To do so, a pedestrian planning order made under section 249(2) or 249(2A) of the Town and Country Planning Act 1990, extinguishing the right to use vehicles on the highway, is required. Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980.

Where a pavement licence is granted, clear access routes on the highway will need to be maintained, taking into account the needs of all users, including disabled people.

## 2.4 Type of furniture permitted

The furniture which may be placed on the pavement include:

- counters or stalls for selling or serving food or drink;
- tables, counters or shelves on which food or drink can be placed;
- chairs, benches or other forms of seating; and
- umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink.

This furniture is required to be removable, which in principle means it is not a permanent fixed structure, and is able to be moved easily, and stored away of an evening.

The Council would also expect the type of furniture to be 'in keeping' with the local area.

Furniture that is not removable and used in connection with the outdoor selling or consumption of food or drink are not permitted by a pavement licence.

Advertising boards are not included in the definition of furniture within the pavement licensing regime. As well as needing consent under the Highways Act 1980, advertising boards also require express advertising consent under the Town and Country Planning Regulations 2007.

Applicants that wish to place non-removable furniture onto the highway must apply for permission under the Highways Act 1980.

## 2.5 Planning Permission

Once a licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid.

## 2.6 Interaction with Part 7A of the Highways Act 1980

Part 7A of the Highways Act 1980 already provides a mechanism for local authorities to grant businesses permission to place objects or structures on the highway for any of the following:

- (i) for a purpose which will result in the production of income;

- (ii) for the purpose of providing a centre for advice or information; or
- (iii) for the purpose of advertising.

However the Levelling Up and Regeneration Act 2023 Schedule 22, Paragraph 11 now sets out that if a Business applies for a Pavement Licence from North Warwickshire Borough Council, then they cannot apply for a permission under the Highways Act 1980.

### **3. Application and Determination of Pavement Licences**

#### **3.1 Submission of the Application**

An application for a Pavement Licence must be made to the Council, and the following will be required to be submitted with the application:

- a completed Application Form
- the required fee, paid by credit or debit-card
- proof of the applicant's identity and right to work
- a plan showing the location of the premises shown by a red line, so the application site can be clearly identified
- a plan clearly showing the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown. The plan must show the positions and number of the proposed tables and chairs, together with any other items that the applicant wishes to place on the highway. The plan shall include clear measurements of, for example, pathway width/length, building width and any other fixed item in the proposed area.
- the proposed days of the week on which, and the times of day between which, it is proposed to put furniture on the highway,
- the proposed duration of the licence;
- photos or brochures showing the proposed type of furniture and information on potential siting of it within the area applied for;
- (if applicable) reference of existing pavement licence currently under consideration by the local authority;
- (if applicable) evidence of consent from neighbouring frontage(s) to use footway space outside their property
- evidence that the applicant has met the requirement to give notice of the application (for example photographs of the notice outside the premises and of the notice itself);
- a copy of a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £5 million, and
- any other evidence needed to demonstrate how the Council's local conditions, and any national conditions will be satisfied.

#### **3.2 Fees**

The fee for applying for a licence under the Business and Planning Act process is capped at £500 for first time applications and £350 for renewals.

The Council will use an established methodology to review these fees annually, however fees have been set at £150 for new applications and £120 for renewals for 2024/25.

Application fees must accompany the application in order for the application to be considered valid and for the consultation period to commence.

The fee is an 'application' fee for the processing of the application. The fee will not be

refunded if the application is withdrawn, refused or if a licence is surrendered or revoked before expiration.

### 3.3 Consultation

Applications are consulted upon for 14 days, starting with the day after the day on which a valid application was made to the Council.

The Council will publish details of the application on its website at [www.northwarks.gov.uk](http://www.northwarks.gov.uk).

The Council is required by law to consult with the Highways Authority. In addition, to ensure that there are no detrimental effects from the application the Council will consult with:

- North Warwickshire Borough Council Environmental Health Team.
- North Warwickshire Borough Council Planning
- Warwickshire Fire & Rescue Service
- Warwickshire Police (including Police Licensing Officer and Designing Out Crime Officer)
- The appropriate Local Ward Councillor(s)
- The appropriate Parish or Town Council

Members of the public and others listed above can contact the Council to make representations.

The Council must take into account representations received during the public consultation period and consider these when determining the application.

### 3.4 Site Notice

An applicant for a pavement licence must on the day the application is made, fix a notice of the application to the premises so that the notice is readily visible to, and can be read easily by, members of the public who are not on the premises. The notice must be constructed and secured so that it remains in place until the end of the public consultation period. Evidence of compliance with the site notice requirement must be supplied to the Council. The Council would also expect the applicant serves a copy of the site notice on immediate neighbours to make them aware of the application.



The Site Notice must:

- state that the application has been made and the date on which it was made;
- state the statutory provisions under which the application is made;
- state the address of the premises and name of the business;
- describe the proposed use of the furniture;
- indicate that representations relating to the application may be made to the Council during the public consultation period and when that period comes to an end;
- state the Council's website where the application and any accompanying material can be viewed during the consultation period;
- state the address to which representations should be sent during the consultation period; and
- state the end date of the consultation (14 days starting the day after the application is submitted to the authority).

A template Site Notice is shown as Appendix 1.

### 3.5 Site Assessment

The following matters will be taken into account by the Council in considering the suitability of the proposed application:

- public health and safety – including a balanced consideration for security implications, particularly the risk to groups of people from interaction with hostile vehicles, and the creation of large crowds in public spaces. Additionally, the impact of several pavement licences in an area may result in larger, distributed, or dense crowds of people.
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour, excessive noise and litter; and
- accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, its surroundings, and its users, taking account of:
  - considerations under the no-obstruction condition including the cumulative impact of multiple pavement licences in close proximity, in particular considering the needs of disabled people, see section 3.6 below,
  - any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles,
  - whether there are other permanent street furniture or structures in place on the footway that already reduce access,
  - the impact of access and egress to the premises
  - the impact on any neighbouring premises
  - the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.2 of [Inclusive Mobility](#), and
  - other users of the space, for example if there are high levels of pedestrian or cycle movements.

Applicants are strongly encouraged to talk to neighbouring businesses and occupiers prior to applying to the local authority, and take any issues around noise, and nuisance into consideration as part of the proposal.

### 3.6 Ensuring the needs of disabled persons

When determining whether furniture constitutes an unacceptable obstruction the Council must consider the needs of disabled people.

In order to do this, the Council will consider the following matters when setting conditions, determining applications and when considering whether enforcement action is required:

- Section 3.2 of Inclusive Mobility - gives advice on the needs of particular pavement users sets out a range of recommended widths which would be required, depending on the needs of particular pavement users. Section 4.2 of Inclusive Mobility sets out that footways and footpaths should be as wide as practicable, but under normal circumstances a width of 2000mm is the minimum that should be provided, as this allows enough space for two wheelchair users to pass, even if they are using larger electric mobility scooters. The Council is aware of the restricted nature of some of the streets in the borough and therefore will take a proportionate approach if this is not feasible due to physical constraints. A minimum width of 1500mm could be regarded as the minimum acceptable distance between two obstacles under most circumstances, as this should enable a wheelchair user and a walker to pass each other.
- any need for a barrier to separate furniture from the rest of the footway so that the visually impaired can navigate around the furniture, such as colour contrast and a tap rail for long cane users. In some cases, it may be appropriate to use one or more rigid, removable objects to demarcate the area to which the licence applies, for example wooden tubs of flowers. However, as these are not necessary for the consumption of food, this will need to be balanced to ensure any barriers do not inhibit other street users, such as the mobility impaired, as such barriers may create a further obstacle in the highway. Advertising boards are not included in the definition of furniture within the pavement licensing regime, therefore, should not be used as a barrier;
- any conflict of street furniture with the principal lines of pedestrian movement particularly for disabled people, older people and those with mobility needs. The positioning of furniture should not discourage pedestrians from using the footway or force pedestrians into the highway. The available route must be entirely clear for pedestrians to use and not be impeded with tables and chairs;
- the cumulative impact of multiple pavement licences in close proximity to each other and if there is specific evidence that this may create a build-up furniture in a particular area and potentially cause obstruction on the footway for certain pavement users, such as disabled people;
- so that where possible furniture is non-reflective and of reasonable substance such that it cannot easily be pushed or blown over by the wind, and thereby cause obstruction – for example, the local authority could refuse the use of plastic patio furniture, unless measures have been taken to ensure it is kept in place.

Section 149 of the Equality Act 2010 places a duty on the Council to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity between people who share a protected characteristic and those who do not and foster or encourage good relations between people who share a protected characteristic and those who don't.

### 3.7 Determination

Once the application is submitted the Council has 28 days from the day after a valid application is made (excluding public holidays) to consult on and determine the application. This consists of 14 days for public consultation, and then 14 days to consider and determine the application after the consultation period has ended.

If the local authority determines the application before the end of the determination period, the local authority can:

- grant the licence in respect of any or all of the purposes specified in the application,
- grant the licence for some or all of the part of the highway specified in the application,
- impose conditions on any licence granted, or
- refuse the application.

If the local authority does not determine the application within the 28 day period, the application will be deemed to have been granted subject to any published local or national conditions.

Applications will normally be determined by an Officer with the appropriate delegation due to the determination period as set out in the Act resulting in timing difficulties in convening a Regulatory Sub-Committee.

### 3.8 Approval of Applications

North Warwickshire Borough Council supports the aims of the Business and Planning Act and wishes to help promote economic growth and a 'café culture' in its area and will therefore seek to grant applications for licences where possible.

However this aim has to be balanced with the need to ensure the issuing of pavement licences does not put public health or safety at risk, does not lead to antisocial behaviour or public nuisance and ensures that the public, particularly those with disabilities such as sight impairment are unhampered when walking along streets.

The Council will consider the criteria contained within these guidelines in determining applications and will treat each case on its merits.

On approving the application, the Council will issue a Pavement Café Licence to which conditions will be attached. The licence will also contain specific terms such as days and hours when tables and chairs are permitted and appearance and location of the furniture corresponding to the application.

A copy of the Council's standard conditions, which will be attached to all Pavement Café Licences are shown at Appendix 2. Additional conditions may be attached if the Council considers it appropriate in the circumstances of any particular case.

The Council generally will only permit Pavement licences between 09:00 and 23:00.

Applications outside these hours will be assessed in terms of the criteria detailed above. The Council however retains the right to specify permitted hours of trading that are less than those specified above in appropriate circumstances.

### 3.9 Licences Deemed to be Granted

The Council aims to determine all applications within the determination period provided by the Act. That means that applications will be granted or refused within the period of 14 days beginning with the first day after the public consultation period.

If the Council does not make a determination by the end of the determination period, the Act provides that the licence is deemed to have been granted for two years and the business can place the proposed furniture such as tables and chairs within the area set out in the application for the purpose or purposes proposed.

### 3.10 Licence Duration

If the Council determines an application before the end of the determination period (which is 14 days, beginning with the first day after the end of the public consultation period, excluding public holidays) the duration of the licence will be specified.

The expectation from the Guidance is that local authorities will grant licences for two years unless there are good reasons for granting a licence for a shorter period, such as plans for future changes in use of road space.

If a licence is 'deemed' granted because the authority does not make a decision on an application before the end of the determination period, then the licence will be valid for two years.

### 3.11 Refusal of Applications

If the site is deemed unsuitable for a Pavement licence, or if relevant representations are made which cannot be mitigated by imposing conditions, then the application may be refused.

The Council may refuse an application on other grounds including (but not limited to) where the granting of the licence would put at risk public health or safety, lead to antisocial behaviour or public nuisance or unreasonably hamper pedestrian's ability to move freely.

The Council will notify applicants of the reasons for refusal following determination.

There is no statutory appeal process against a decision to refuse an application.

## 4. Conditions

### 4.1 Local Conditions

The Council's standard conditions are set out at Appendix 2. In some cases, extra measures may be required. This will be determined when assessing any application and representations received on a case by case basis.

Where a local authority sets a local condition that covers the same matter as set out in national published conditions, then the locally set condition takes precedence over the national condition to the extent that it is inconsistent with it.

### 4.2 National Conditions

The national conditions relating 'no obstruction' and provision of 'no smoking' areas applies to all Licences. The National conditions are shown in Appendix 3.

### 4.3 National No Obstruction Condition

Section 3.6 above provides guidance on ensuring the needs of disabled persons and consequently the no-obstruction condition.

#### 4.4 National No Smoking Condition

The national smoke-free seating condition seeks to ensure customers have greater choice, so that both smokers and non-smokers are able to sit outside.

It is important that businesses can cater to their customers' preferences. The National Conditions impose a smoke-free seating condition in relation to licences where seating used for the purpose of consuming food or drink has been placed on the highway. The condition requires a licence-holder to make reasonable provision for seating where smoking is not permitted. This means that where businesses provide for smokers, customers will also have the option of sitting in a non-smoking area.

The Council will not prescribe how businesses will wish to cater for their customers, however ways of meeting this condition could include:

- Clear 'smoking' and 'non-smoking' areas, with 'no smoking' signage displayed in designated 'smoke-free' zones in accordance with Smoke-free (Signs) Regulations 2012.
- No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified.
- Licence holders should provide a minimum 2m distance between non-smoking and smoking areas, wherever possible.

Further, business must continue to have regard to smoke-free legislation under The Health Act 2006, and the subsequent Smoke-free (Premises and Enforcement) Regulations 2006.

## 5. Enforcement

### 5.1 General Principles of Enforcement

The Council aims to work closely with other enforcement authorities to enforce the provisions of all appropriate legislation. The case remains that an obstruction of the Highway is an offence under The Highways Act 1980 and will be dealt with by the Highways Authority or the Police. The Council will normally seek to rectify any issues arising as a consequence of the activities authorised by a pavement licence by engaging in informal discussions with the licence holder in the first instance.

Obtaining a Pavement Licence does not confer the holder immunity in regard to other legislation that may apply, e.g. Public Liability, Health & Safety at Work, Food Hygiene and Safety, Alcohol and Entertainment Licensing, applicants must ensure all such permissions, etc. are in place prior to operating.

All enforcement activity will be undertaken in line with the principles set out in the Regulator's Code and the Council's Enforcement Policy.

### 5.2 Breaches of Pavement Licence Conditions

If the Council considers that a licence-holder has breached any condition of the licence, the authority may:

- revoke the licence, or
- serve a notice on the licence-holder requiring the taking of such steps to remedy the breach as are specified in the notice within such time as is so specified.

If a licence-holder on whom an enforcement notice is served fails to comply with the notice, the Council may:

- revoke the notice, or
- take the steps itself and recover the costs of doing so from the licence holder.

The Council may revoke a licence in the following circumstances:

1. For breach of condition, (whether or not a remediation notice has been issued) or
2. Where:
  - There are risks to public safety.
  - the highway is being obstructed (other than by anything permitted by the licence);
  - there is anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night or litter is not being cleaned up;
  - it comes to light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling hot food and had applied for tables and chairs on which drinks could be consumed; or
  - the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.
3. The Council may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised. The Council will give reasons where these powers are used.

### 5.3 Removal of Unlicensed Furniture

The Levelling Up and Regeneration Act introduces a new provision allowing the Council to deal with unlicensed Pavement Café facilities.

In cases where furniture which would normally be permitted by a pavement or other licence has been placed on a relevant highway without the required licence, The Council can give notice requiring the business to remove the furniture before a date specified and to refrain from putting furniture on the highway unless they gain a licence.

If furniture continues to be placed on the highway, in violation of the notice, the Council may remove and store the furniture, recover the costs from the business for the removal and storage of the furniture and refuse to return the furniture until those costs have been paid. If within 3 months of the notice, the costs are not paid, the Council can dispose of the furniture by sale or other means and retain the proceeds.

## 6. Review Procedures

Now there is a permanent Pavement Licensing regime, the Council's Policy has been updated to reflect the new procedures in place and revised Guidance published by the Department for Levelling Up, Housing and Communities in April 2024.

This Policy will be reviewed from time to time should changes occur in relevant legislation or guidance, or the nature of Pavement licences generally, or as a result of local considerations within the North Warwickshire Borough. In any case the Policy will be reviewed after a period of 5 years following adoption.

**Site Notice Template for display by an applicant for a Pavement Licence.**

**Section 2 of the Business and Planning Act 2020.**

I/We *(name of applicant)*,

do hereby give notice that on *(date of application)* [I/we] have applied to North Warwickshire Borough Council for a 'Pavement Licence' at:

*(postal address of premises)*

known as

*(name premises known by)*

The application is for:

*(brief description of application (e.g outdoor seating to the front of the premises for serving of food and drink))*

Any person wishing to make representations to this application may do so by writing, preferably by email, to:

Licensing  
North Warwickshire Borough Council  
The Council House  
South Street  
Atherstone  
CV9 1DE  
[Licensing@northwarks.gov.uk](mailto:Licensing@northwarks.gov.uk)

by: *(last date for representations being the date 14 days after the date the application is submitted to the local authority (excluding public holidays))*

The application and information submitted with it can be viewed on the Council's website at:

Signed .....

Dated *(date the notice was placed which must be the same date as the date of application)*

## **Pavement Licence Standard Conditions**

1. The Holder(s) of this Licence is not permitted to carry out the activities authorised by this Licence otherwise than strictly in accordance with the Licence and these Conditions.
2. The Holder(s) shall produce a copy of this Licence on demand when so required by a Police Officer or an Officer of the Council authorised in writing under the Act.
3. The Holder(s) shall return this Licence to the Council at Council House, South Street, Atherstone, Warwickshire, CV9 1DE immediately on revocation of this Licence.
4. The Holder(s) shall not cause any unnecessary obstruction of the highway or danger to persons using it and shall not permit persons to gather in the Licensed Area so as to cause a nuisance or annoyance or danger to any person lawfully using the highway. A clear width of 1.5m of footway (or any other distance specified in your Licence) is to be left for the safe passage of pedestrians.
5. The Holder(s) shall not use or allow to be used any music playing, music reproduction or sound amplification apparatus or any musical instruments, radio or television receiving sets whilst carrying out the activities authorised by this Licence unless otherwise permitted by the Council in writing.
6. The Holder(s) shall not make any excavation or indentations of any description whatsoever in the surface of the Licensed Area or surrounding highway or place or fix any equipment or furniture of any description other than as referred to in this permission on the surface of the Licensed Area or surrounding highway.
7. The Licensed Area must be used solely for the purpose of selling or serving food or drink supplied from the premises or consuming food or drink supplied in connection with that purpose and not for any other purpose whatsoever.
8. The Holder(s) shall have full responsibility for the Licensed Area, which must be adjacent to their premises. The total number of customers using the Licensed Area must be monitored in order to prevent overspill on to the highway outside the Licensed Area.
9. Licences will not usually be granted to allow activities to take place outside the hours of 0900 to 2300. Specific times will be stated on each Licence.
10. If the Licensed Area is licensed for the consumption of alcohol the Licence Holder shall display in a prominent position, as specified by the Council, a notice setting out the hours for which the premises are licensed to sell alcohol.

*(Licence holders should also note that:*

*You may only sell alcohol if you have a Licence granted by your local Council. If you have not already got one you should contact your local Council to find out how you can apply for one.*

*Other Conditions on their Licence to sell alcohol under the Licensing Act 2003 must also be complied with in relation to the sale of alcohol in the Licensed Area)*

11. The Holder(s) shall not place on the highway any furniture or equipment or advertisement other than as expressly permitted by the Licence and must maintain the furniture and equipment in a clean and tidy condition and not place it so as to obstruct the entrance to or exit from any premises. All furniture and equipment must comply with the terms of the Licence.
12. The Holder(s) shall not make any claim or charge against the Council in event of the furniture or equipment or other objects being lost, stolen or damaged in any way from whatever cause whilst in use under the Licence.
13. The Holder(s) shall not do or suffer anything to be done in or on the Licensed Area or adjoining highway which in the opinion of the Council may be or become a danger, nuisance or annoyance to or



cause damage or inconvenience to the Council or to the owners or occupiers of any adjacent or neighbouring premises or to members of the public.

14. The Holder(s) shall not assign, underlet or part with this Licence or any interest or possession given by it but the Holder(s) may surrender it to the Council at any time by written electronic notice in a form approved by the Council.

15. The Holder(s) shall observe and comply with any directions in relation to the use of the highway given by Officers of the Council authorised in writing. In particular, access shall be provided at all times for highway works by statutory undertakers or telecommunications operators.

16. The Holder(s) shall maintain the Licensed Area shown edged in red on the plan attached to this Licence, and the immediately adjacent highway, in a clean and tidy condition during the hours permitted by this Licence. The Holder shall leave those areas in a clean, tidy and unobstructed condition at the end of each period of daily use permitted by this Licence which shall include (1) sweeping and/or washing down the area as necessary, and (2) removing any refuse and litter deposited on the highway in the vicinity of the furniture and equipment.

17. The Licensed Area shall be surrounded by planters or ropes or other suitable barriers to contain the furniture and equipment within the boundary. Any such barriers must comply with good practice in the Secretary of States' Guidance in relation to Pavement Licences to assist people with visual impairment to recognise the boundary.

18. The Holder(s) shall provide litterbins or similar receptacles for the deposit of cartons, wrappers, containers and similar discarded items and ensure that these are emptied daily. Waste from the Holder(s) use of the Licensed Area must not be disposed of in the permanent litterbins provided by the Council within the highway.

19. The Holder(s) shall remove all furniture and equipment or other articles placed on the highway in accordance with this Licence at the end of each period of daily use permitted by this Licence. The Holder must provide suitable storage for all furniture and equipment when not in use in accordance with this Licence and may not store furniture and equipment on the highway.

20. The Holder(s) shall indemnify the Council against all actions, proceedings, claims, demands and liability which may at any time be taken, made or incurred in consequence of the use of the furniture and equipment and for this purpose must take out and maintain throughout the duration of this licence at the Holder(s) expense a policy of insurance approved by the Council in the sum of at least, £5,000.000 in respect of any one event. The Holder must produce current receipts for premium payments, policy documents and confirmation of annual renewal of the policy on request to an Officer of the Council authorised in writing under Act.

21. The Council may revoke this licence at any time as permitted by the Act and the Council shall not in any circumstances whatsoever be liable to pay any compensation to the Holder(s) in respect of such revocation. The Council may also serve notice on the holder requiring them to remedy any breach of this Licence and, should they fail to do so take the action required under that notice and recover the costs of doing so from the Licence holder.

22. Nothing in the Licence or these Conditions shall be construed as the granting or purported granting by the Council of any tenancy under the Landlord and Tenant Act 1954 or any permission under the Town and Country Planning Act 1990 or any statutory modification or re-enactment thereof for the time being in force.

23. The Holder(s) shall be responsible for any rates, taxes and outgoings, which may be charged in relation to the Licensed Area under any enactment or agreement.

24. The Holder(s) must be aware of any potential conflict with and must not interfere with any special cyclic events on the highway including but not limited to Markets, Fairs, Seasonal Events, Sporting Events, Local Events.

25. Any failure to comply with any Conditions of this Licence may be considered by the Council in determining whether to grant any subsequent Licence under the Act or similar legislation relating to use of the highway.

26. If the Holder ceases to trade during the duration of this Licence, no refund of the application fee will be issued under any circumstances.

27. The Licence Holder shall use plastic and/or polycarbonate glasses for serving alcoholic drinks in the Licensed Area.

28. The Licence Holder must comply with any relevant health protection legislation which is in force at any time when this Licence is in effect and ensure that the Licensed Area is operated in accordance with that legislation and/or guidance.

'Holder' means the person or persons who apply for a Licence and are granted a Licence.

'Licensed Area' means the area shown on the plan attached to the Licence granted by the Council.

'Premises' means the shop, pub, restaurant or other business premises from which you are trading or intend to trade from and in connection with which food and/or drink is to be served.

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## National Conditions

The Secretary of State publishes this condition in exercise of their powers under Section 5 of the Business and Planning Act 2020:

### 1. Condition relating to clear routes of access:

It is a condition that clear routes of access along the highway must be maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.2 of [Inclusive Mobility](#).

Guidance on the effect of this condition:

- Section 3.2 of Inclusive Mobility - gives advice on the needs of particular pavement users sets out a range of recommended widths which would be required, depending on the needs of particular pavement users. Section 4.2 of Inclusive Mobility sets out that footways and footpaths should be as wide as practicable, but under normal circumstances a width of 2000mm is the minimum that should be provided, as this allows enough space for two wheelchair users to pass, even if they are using larger electric mobility scooters. Local authorities should take a proportionate approach if this is not feasible due to physical constraints. A minimum width of 1500mm could be regarded as the minimum acceptable distance between two obstacles under most circumstances, as this should enable a wheelchair user and a walker to pass each other.
- any need for a barrier to separate furniture from the rest of the footway so that the visually impaired can navigate around the furniture, such as colour contrast and a tap rail for long cane users. In some cases, it may be appropriate to use one or more rigid, removable objects to demarcate the area to which the licence applies, for example wooden tubs of flowers. However, as these are not necessary for the consumption of food, this will need to be balanced to ensure any barriers do not inhibit other street users, such as the mobility impaired, as such barriers may create a further obstacle in the highway. Advertising boards are not included in the definition of furniture within the pavement licensing regime, therefore, should not be used as a barrier;
- any conflict of street furniture with the principal lines of pedestrian movement particularly for disabled people, older people and those with mobility needs. The positioning of furniture should not discourage pedestrians from using the footway or force pedestrians into the highway. The available route must be entirely clear for pedestrians to use and not be impeded with tables and chairs;
- the cumulative impact of multiple pavement licences in close proximity to each other and if there is specific evidence that this may create a build-up furniture in a particular area and potentially cause obstruction on the footway for certain pavement users, such as disabled people;
- so that where possible furniture is non-reflective and of reasonable substance such that it cannot easily be pushed or blown over by the wind, and thereby cause obstruction – for example, the local authority could refuse the use of plastic patio furniture, unless measures have been taken to ensure it is kept in place.

## **2. Condition relating to smoke-free seating**

The national smoke-free seating condition seeks to ensure customers have greater choice, so that both smokers and non-smokers are able to sit outside.

It is important that businesses can cater to their customers' preferences. The Business and Planning Act 2020 imposes a smoke-free seating condition in relation to licences where seating used for the purpose of consuming food or drink has been, (or is to be) placed on the relevant highway. The condition requires a licence-holder to make reasonable provision for seating where smoking is not permitted. This means that where businesses provide for smokers, customers will also have the option of sitting in a non-smoking area. Ways of meeting this condition could include:

Clear 'smoking' and 'non-smoking' areas, with 'no smoking' signage displayed in designated 'smoke-free' zones in accordance with Smoke-free (Signs) Regulations 2012. No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified.

Licence holders should provide a minimum 2m distance between non-smoking and smoking areas, wherever possible.

Further, business must continue to have regard to smoke-free legislation under The Health Act 2006, and the subsequent Smoke-free (Premises and Enforcement) Regulations 2006.

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