

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the
MISCELLANEOUS LICENSING SUB-COMMITTEE
held in the Council Chamber, Council Offices, Woodgreen, Witney, Oxon
at 2:30pm on Wednesday 1 May 2018

PRESENT

Councillors: N A MacRae MBE (Chairman); S J Good (Vice-Chairman) E H James
and Ms E P R Leffman

63. MINUTES

RESOLVED: that the minutes of the meeting of the Sub-Committee held on 4 April 2018 be approved as a correct record and signed by the Chairman.

64. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mrs J M Doughty and Ms Leffman attended for Mr Cooper.

65. DECLARATIONS OF INTEREST

There were no declarations of interest from Members or Officers relating to matters to be considered at the meeting.

66. PARTICIPATION OF THE PUBLIC

No submissions were received from the public in accordance with the Council's Rules of Procedure.

67. AMENDMENT TO LICENCE CONDITIONS FOR HOME BOARDING (DOGS) AND APPLICATION FOR THE GRANT OF A LICENCE TO KEEP AN ANIMAL BOARDING ESTABLISHMENT

The Sub-Committee received and considered the report of the Group Manager of Environmental and Regulatory Services which sought consideration of an amendment to the current Licence Conditions for Home Boarding (Dogs) under the Animal Boarding Establishments Act 1963 and the grant of an Animal Boarding Establishment Licence.

The Licensing Officer advised Members that, since drafting the report, The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 had been made on 16 April 2018. These Regulations drew together existing provisions regarding animal welfare and would come into force on 1 October 2018.

The 2018 Regulations will place responsibility upon applicants to demonstrate that appropriate arrangements will be put in place and include a requirement that, 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.

As the Regulations will come into force on 1 October, Mr James suggested that, rather than incorporate the revised condition set out in paragraph 3.6 of the report, the Council's current licence conditions be revised to include the provision in the 2018 Regulations as set out above. Mr James indicated that he would prefer to minimise overly prescriptive licence conditions.

The Licensing Officer advised that, whilst the new Regulations would place greater emphasis upon applicants, a risk assessment would be required as part of the application process and Officers would conduct an inspection of the premises and ensure that satisfactory

Mr Good expressed some concern over the proposed changes, suggesting that it fell to the Council to do all in its power to protect children and young people from potential harm. The Chairman indicated that the Council would rely on the professional judgement of its Officers to ensure that appropriate safeguards were put in place.

Mr Good considered that there were greater risks associated with animal boarding as a variety of different animals would be taken into a property. Individual animals would have widely differing temperaments and he considered that the licence conditions should require dogs to be kept separated from children.

Mr James indicated that it was for the Council's Officers to determine that appropriate arrangements would be put in place.

Mr MacRae proposed that condition 5.8.3 of the Council's current licensing conditions be amended and replaced with the wording in paragraph 16 (3) of Schedule 4 to the 2018 regulations. Officers would ensure that appropriate arrangements to ensure the safeguarding of children were in place and the Licensing Officer advised that statutory guidance would be issued once the new Regulations came into force.

Mr Good questioned how the Council could maximise protection for children and the Council's Legal Advisor reiterated that this would be an area in which it would have to rely upon the professional judgement of its Officers.

The Licensing Officer reassured Members that similar provisions had operated successfully in the Forest of Dean for some time and advised that the onus was on the licence holder to ensure that children and animals were segregated unless under supervision.

Having been duly seconded the proposition was put to the vote and was carried.

RESOLVED: That condition 5.8.3 of the Council's current licensing conditions be amended and replaced with the wording in paragraph 16 (3) of Schedule 4 of to The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 stating that, 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.

Consequent upon the decision above, the Sub-Committee was not required to consider and determine the specific application set out in the report.

The meeting closed at 2:55pm

CHAIRMAN