

## Licensing Committee

Wednesday 12 March 2014

7.00 pm

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

### Membership

Councillor Renata Hamvas (Chair)  
Councillor Jeff Hook (Vice-Chair)  
Councillor Michael Bukola  
Councillor Sunil Chopra  
Councillor Dora Dixon-Fyle  
Councillor David Hubber  
Councillor Lorraine Lauder MBE  
Councillor Eliza Mann

Councillor Abdul Mohamed  
Councillor Adele Morris  
Councillor Wilma Nelson  
Councillor The Right Revd Emmanuel Oyewole  
Councillor Lewis Robinson  
Councillor Ian Wingfield  
Vacancy

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#### Contact

Andrew Weir on 020 7525 7222 or email: [andrew.weir@southwark.gov.uk](mailto:andrew.weir@southwark.gov.uk)  
Webpage: <http://www.southwark.gov.uk>

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Acting Chief Executive

Date: 3 March 2014



# Licensing Committee

Wednesday 12 March 2014

7.00 pm

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

## Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
<b>1.</b>	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
<b>2.</b>	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
<b>3.</b>	<b>CHANGE OF COMMITTEE MEMBERSHIP</b>	
	Following the change in the political composition of the council, with effect from 19 February 2014, Councillor Althea Smith has been withdrawn as the Labour group nominee on this committee.	
<b>4.</b>	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
<b>5.</b>	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any personal interests and dispensation in respect of any item of business to be considered at this meeting.	
<b>6.</b>	<b>MINUTES FROM THE LICENSING COMMITTEE</b>	1 - 3
	To approve as a correct record the minutes of the open section of the meeting held on 4 November 2013.	

Item No.	Title	Page No.
7.	<b>MINUTES FROM THE LICENSING SUB-COMMITTEES</b>	4 - 75
	To agree as a correct record the minutes of the open sections of the meetings held on: 1 November 2013, 5 November 2013, 14 November 2013, 19 November 2013, 22 November 2013, 29 November 2013, 6 December, 17 December 2013, 19 December 2013, 13 January 2014, 17 January 2014, 21 January 2014, 24 January 2014, 14 February 2014 and 18 February 2014.	
8.	<b>PET ANIMALS ACT 1951 - NEW STANDARD CONDITIONS FOR PET SHOP LICENCES</b>	76 - 113
	To agree to adopt the new standard conditions for pet shop licences.	
9.	<b>ANIMAL BOARDING ESTABLISHMENTS ACT 1963 - NEW STANDARD CONDITIONS FOR CAT BOARDING ESTABLISHMENTS</b>	114 - 158
	To agree to adopt the new standard conditions for cat boarding establishments.	
10.	<b>REGULATORS COMPLIANCE CODE</b>	
	To receive a briefing on the regulators compliance code.	
11.	<b>BAN ON SALE OF ALCOHOL BELOW COST OF DUTY PLUS VAT</b>	
	To receive a briefing on the ban of sale of alcohol below cost of duty plus VAT.	
12.	<b>HOME OFFICE CONSULTATION ON LOCALLY SET LICENSING FEES</b>	
	To receive a briefing on Home Office consultation on locally set licensing fees.	
13.	<b>LOCAL GOVERNMENT ASSOCIATION REWIRING LICENSING PROPOSALS</b>	
	To receive a briefing on Local Government Association rewiring licensing proposals.	
14.	<b>UPDATE ON CURRENT APPEAL CASES</b>	
	To receive an update on current appeal cases.	
	<b>ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.</b>	

**EXCLUSION OF PRESS AND PUBLIC**

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

**PART B - CLOSED BUSINESS**

**15. MINUTES FROM THE LICENSING SUB-COMMITTEES**

To agree as a correct record the Minutes of the closed section of the meeting held on 19 November 2013.

**ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.**

Date: 3 March 2014



## Licensing Committee

MINUTES of the OPEN section of the Licensing Committee held on Monday 4 November 2013 at 7.00 pm at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

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- PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor Jeff Hook  
Councillor Dora Dixon-Fyle  
Councillor David Hubber  
Councillor Lorraine Lauder MBE  
Councillor Eliza Mann  
Councillor Wilma Nelson  
Councillor The Right Revd Emmanuel Oyewole  
Councillor Lewis Robinson  
Councillor Ian Wingfield
- OFFICER SUPPORT:** Richard Parkins, health, safety, licensing & environmental protection unit manager  
Cynthia Barrientos, legal officer  
Paul Gander, trading standards team leader  
Andrew Weir, constitutional officer

### 1. APOLOGIES

Apologies for absence were received from Councillor Abdul Mohamed, Althea Smith, Michael Bukola and Adele Morris.

### 2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

### 3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

#### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

#### 5. MINUTES FROM THE LICENSING COMMITTEE

##### RESOLVED:

That the open minutes of the committee meeting held on 4 September 2013 be agreed as a correct record and signed by the chair subject to the following amendment:

That Councillor Lorraine Lauder's apologies be recorded in the minutes.

#### 6. MINUTES FROM THE LICENSING SUB-COMMITTEES

##### RESOLVED:

That the open minutes of the sub-committee meetings held on 20 August 2013, 16 September 2013, 23 September 2013, 26 September 2013, 1 October 2013, 8 October 2013, 10 October 2013 and 21 October 2013 be agreed as a correct record and signed by the chair.

#### 7. THE LICENSING ACT 2003: PARTNERSHIP ANALYSIS OF CUMULATIVE IMPACT OF LICENSED PREMISES WITHIN THE PECKHAM SATURATION POLICY AREA

The health, safety, licensing and environmental protection unit manager presented the report. Members had questions for the officer.

##### RESOLVED:

1. That the licensing committee agreed that it was appropriate and necessary to maintain the existing cumulative impact policy in Peckham, based on the information provided by the partnership analysis of the Peckham saturation policy area (July 2013), together with the additional information provided on calls received by the council's noise nuisance team.
2. That the committee be provided with an analysis of street drinking in the Peckham saturation policy area.
3. That the committee be provided with an analysis of the breakdown of the figures relating to ambulance call outs in the Peckham saturation policy area.
4. That the committee be provided with the piece of work commissioned by the head of community safety relating to the correlation between ambulance call outs and alcohol related violence and disorder.
5. That the committee be provided with figures (for information only) relating to alcohol

related violence in the Peckham saturation policy area.

#### **8. REFUSALS BOOKS BRIEFING NOTE**

The committee received a presentation from the trading standards team leader on refusals books.

Members had questions for the officer.

Members noted the presentation and asked that officers undertake to review the use and effectiveness of the new refusals books produced by the council.

#### **9. UPDATE ON CURRENT APPEAL CASES**

The committee received a presentation from the legal officer on current appeal cases.

Members had questions for the officer.

Members noted the presentation.

The meeting closed at 8.00pm.

**CHAIR:**

**DATED:**



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 1 November 2013 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Lorraine Lauder MBE (Chair)  
Councillor Eliza Mann  
Councillor Abdul Mohamed

**OTHERS PRESENT:** Alan Aylott, representative for Payless Food and Wine.

**OFFICER SUPPORT:** Wesley McArthur, licensing officer  
Debral Allday, legal officer  
Andrew Weir, constitutional officer

### 1. APOLOGIES

There were none.

### 2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as the voting members. In the absence of the chair, Councillor Lorraine Lauder was nominated to chair the meeting by Councillor Abdul Mohamed. This was seconded by Councillor Eliza Mann.

### 3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.



**5. LICENSING ACT 2003 - PAYLESS FOOD AND WINE, 174 JAMAICA ROAD, LONDON, SE16 4RT**

The licensing officer presented their report. Members had no questions for the licensing officer.

The council's legal officer addressed the sub-committee. Members had questions for the legal officer.

The representative from Payless Food and Wine addressed the sub-committee. Members had no questions for the representatives of Payless Food and Wine.

The licensing sub-committee went into closed session at 10.15am.

The licensing sub-committee resumed at 10.18 am and the chair read out the decision of the sub-committee.

**RESOLVED:**

That having had regard to the interim transfer of the licence the licensing sub-committee decided that no action would be taken as a result of the review application.

The meeting closed at 10.20am.

**CHAIR:**

**DATED:**



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 5 November 2013 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

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<b>PRESENT:</b>	Councillor Renata Hamvas (Chair) Councillor The Right Revd Emmanuel Oyewole Councillor David Hubber
<b>OTHERS PRESENT:</b>	Clare Johnson, representative for WM Morrison Supermarkets PLC Kelly Michas, representative for WM Morrison Supermarkets PLC John Beasley, local resident Paolo Tonnello, representative for The Hide Rufus Grantham, representative for The Hide Michael Budd, local resident Catherine Butcher, local resident Ravi Bhaskaran, local resident Patrick Pierre-Powell representative for Dog Kennel Hill Adventure Playground
<b>OFFICER SUPPORT:</b>	Kristie Ashenden, licensing officer Jayne Tear, licensing officer Mark Orton, licensing officer (observing) Sarah Newman, environmental protection team Debra Allday, legal officer Andrew Weir, constitutional officer

### 1. APOLOGIES

There were none.

### 2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as the voting members.

### 3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair accepted the following late and urgent item:

Licensing Act 2003: Dog Kennel Hill Adventure Playground, Dog Kennel Hill, London SE22 7AA - Temporary Event Notice.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

### 5. LICENSING ACT 2003: M LOCAL, 18-22 GROVE VALE, LONDON SE22 8EE

The licensing officer presented their report. Members had no questions for the licensing officer.

The applicant addressed the sub-committee. Members had no questions for the applicant.

The sub-committee heard from a local resident. Members had no questions for the local resident.

The licensing sub-committee went into closed session at 10.35am.

The licensing sub-committee resumed at 11.15am and the chair read out the decision of the sub-committee.

#### RESOLVED:

That the application submitted by WM Morrison Supermarkets PLC for a premises licence in respect of M Local, 18-22 Grove Vale, London SE22 8EE be granted as follows.

Licensable Activity	Monday to Sunday
Supply of alcohol (for consumption off the premises)	06.00 – 00.00
Hours premises are open to the public	06.00 – 00.00

#### Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions from the operation schedule highlighted in Section M of the application form and the following conditions.

The following additional special conditions developed through discussion from the original operating schedule attached to the application as follows:

- (i) That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises.
- (ii) That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to officers of the police and the council.
- (iii) That no super strength beer, lager or cider of 5.5% abv or above shall be sold other than premium beer, lager or cider priced at £1.95 or above.
- (iv) That there will be no self service display of alcohol within 2 metres of the entrance door.
- (v) That all staff are trained in their responsibilities under the Licensing Act 2003 and training records to be kept and updated every six months and shall, upon request, be made immediately available to officers of the police and the council.

### **Reasons**

The licensing sub-committee heard evidence from the applicant who informed the sub-committee that WM Morrison Supermarkets PLC operated in excess of 500 premises which had the same licensed hours as being applied for and operated in densely populated areas in close proximity to local residents and also in saturation zones. There had been no prosecution or review in the last decade against WM Morrison Supermarkets PLC.

The licensing sub-committee noted that the police had withdrawn their representation based on conciliation of conditions as detailed on page 28 of the agenda and listed above.

The licensing sub-committee heard from a local resident who advised the sub-committee that he moved to London to undertake alcohol education and that he had been a social worker and a volunteer with Alcoholics Anonymous. The local resident objected to the application stating that it would cause nuisance by noise, drunkenness, leading to aggression and crime, loitering and threatening behaviour and litter from take-aways. He accepted that it was impossible to predict any consequences when individuals had consumed alcohol and made it clear that in his opinion that prevention was better than cure.

The sub-committee noted the second objection from another local resident, who was not in attendance.

The sub-committee having taken into account all the representations, took into account that the "need" for additional licensed premises was not a relevant consideration. WM Morrison Supermarkets PLC had a considerable number of premises with similar licences and had had no prosecutions or reviews against the company since the commencement of the Licensing Act 2003. The sub-committee acknowledged the local resident's concerns of the sale of alcohol generally. However, the sub-committee noted that there were no representations relevant to the area or against WM Morrison Supermarkets PLC generally. Unfortunately, the representations submitted by the local residents were speculative

concerns and not evidence based.

The sub-committee were also reminded of paragraph 10.13 of the guidance issued under section 182 of the Licensing Act which provides "... supermarkets should normally be free to provide the sale of alcohol for consumption off the premises at any times when the retail outlet is open for shopping, unless there are good reasons, based on the licensing objectives for restricting those hours".

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that it was appropriate and proportionate to attach these conditions in order to address the licensing objectives.

### **Appeal rights**

Any appeal must be made to the Magistrates' Court for the petty sessions area (or any such area) in which the premises concerned are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

## **6. LICENSING ACT 2003: THE HIDE, GROUND FLOOR, 39 – 45 BERMONDSEY ST, LONDON SE1 3XF**

The licensing officer presented their report. Members had questions for the licensing officer.

The applicant addressed the sub-committee. Members had questions for the applicant.

The sub-committee heard from local residents. Members had questions for the local residents.

Both the applicant and the local residents took the opportunity to sum up.

The sub-committee went into closed session at 11.54am.

The sub-committee resumed at 12.40pm and the chair read out the decision of the sub-committee.

### **RESOLVED:**

That the application by Blood and Sand Limited for a premises licence variation in respect of the premises known as The Hide, Ground floor, 39 - 45 Bermondsey Street London SE1 3XF be granted as follows:

<b>Licensable Activity</b>	<b>Monday and Tuesday</b>	<b>Wednesday to Friday</b>	<b>Saturday</b>	<b>Sunday</b>
Recorded music	08.00 – 01.00	08.00 – 02.00	11:00 – 02:00	11:00 – 00:00

Late night Refreshment	23.00 – 01.00	23.00 – 02.00	23:00 – 02:00	23:00 – 00:00
Supply of Alcohol on the premises	08.00 – 01.00	08.00 – 02.00	08:00 – 02:00	08:00 – 00:00
Supply of alcohol off the premises	08.00 – 22.00	08.00 – 22.00	08:00 – 22:00	08:00 – 22:00
Opening hours	08.00 – 01.30	08.00 – 02.30	08:00 – 02:30	08:00 – 00:30

### Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions from the operation schedule highlighted in Section M of the application form and the following conditions:

- b) All mandatory conditions set out in the Licensing Act 2003 relating to:
- (i) Authorisation of the retail sale of alcohol
- c) The following additional special conditions developed through discussion from the original operating schedule attached to the application as follows:
- (i) That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises.
  - (ii) That all CCTV footage shall be kept for a period of 31 days and shall, upon request, be made immediately available to officers of the police and the council.
  - (iii) That all staff are trained in their responsibilities under the Licensing Act 2003 and training records to be kept and updated every six months and shall, upon request, be made immediately available to officers of the police and council.
  - (iv) That suitable notices shall be displayed requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.
  - (v) That customers shall use no outside area after 23.00 other than those who temporarily leave the premises to smoke a cigarette and no more than five people at any one time.
  - (vi) That all licensable activities shall cease 30 minutes prior to the terminal hour.
  - (vii) That there are no off sales beyond 22.00 each day.
  - (viii) That no drinks are to be taken outside at any time. Signs will be displayed to

this effect.

- d) Subject to the following additional condition agreed by the sub-committee:
- (i) That the premises shall display a contact telephone number in order that local residents can raise any concerns or issues they may have with the management of the premises.

### **Reasons**

The licensing sub-committee heard evidence from the applicant who informed the sub-committee that this was a single venue operation of approximately seven years and the clientele required an extension of hours. The original application to vary was more substantial: originally they requested 16 additional hours per week, which had now been reduced through the conciliation process to five. They advised that several premises within the vicinity had more extensive licensing hours. The applicant had no intention of setting a precedent for other venues to increase their hours rather, they sought to come in line with their competitors. During the course of The Hide's operation no complaints had been received by them relating to noise, public nuisance or crime and disorder. In view of this, the applicant's were confident that they could continue to operate with these reduced extension of hours peacefully and without complaint.

The licensing sub-committee noted the police had withdrawn their representation following conciliation with the applicant.

The sub-committee noted that there were ten representations lodged by other persons which concerned the prevention of public nuisance, noise and anti-social behaviour. Three local residents who submitted representations attended the hearing.

The local residents complained of late night noise from people leaving the area when no public transport was available, causing additional traffic noise through the night. The residents were of the view that there were many bars and restaurants within the area and customers would leave the venues inebriated and making a lot of noise, shouting through the night and on occasion, urinating in doorways. It was noted in particular that one of the residents complained of being disturbed at 1.00am on the morning of the hearing. However, it was also accepted that The Hide was closed at this time, therefore, this complaint can not be attributed to them.

The sub-committee were sympathetic to the concerns and the complaints of the local residents. However, it was noted that all the complaints were general in nature and could not be associated directly with The Hide. Neither the Metropolitan Police Service nor the council's noise team had raised complaints about these premises relating to noise, anti-social behaviour or crime and disorder. In view of the fact that there were no substantiated complaints against the premises, this application was granted.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that it was appropriate and proportionate to attach these conditions in order to address the licensing objectives.

## Appeal rights

Any appeal must be made to the Magistrates' Court for the petty sessions area (or any such area) in which the premises concerned are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

### 7. LICENSING ACT 2003: DOG KENNEL HILL ADVENTURE PLAYGROUND, DOG KENNEL HILL, LONDON SE22 7AA - TEMPORARY EVENT NOTICE

The licensing officer presented their report. Members had no questions for the licensing officer.

The applicant addressed the sub-committee. Members had questions for the applicant.

The sub-committee heard from the environmental protection officer. Members had questions for the environmental protection officer.

The sub-committee went into closed session at 1.03pm.

The sub-committee resumed at 1.24pm and the chair read out the decision of the sub-committee.

#### RESOLVED:

That a counter notice not be issued under section 105 of the Licensing Act 2003 in respect of the temporary event notice given by Mr Patrick Pierre-Powell in respect of the premises known as Dog Kennel Hill Adventure Playground, Dog Kennel Hill, London SE22 8DA.

#### Reasons

This was temporary event notice given by Mr Patrick Pierre-Powell in respect of the premises known as Dog Kennel Hill Adventure Playground, Dog Kennel Hill, London SE22 8DA.

The licensing sub-committee heard evidence from the council's environmental protection team officer who objected to the application as officers from the noise team had witnessed a substantial statutory nuisance due to noise from amplified music without the appropriate temporary event notice (TEN) being in place, on 24 July 2013. The officer stated that with the exception of this incident there had been only one historical complaint of noise nuisance back in 2008.

The licensing sub-committee heard evidence from the premises user, Mr Patrick Pierre-Powell, who advised that he had managed the premises for 17 to 18 years and that the bonfire night event had taken place for the previous four years without complaints. Concerning the incident on 24 July 2013, which was the cause of over 20 complaints and resulted in the environmental protection team objecting to this application, the applicant submitted that he had hired out the premises to the tenants/residents' association in good faith and that it was not an event that he had any control over. It was expected that the



association would apply for a TEN if required, but they failed to do so. Since this date, the applicant has only hired out the premises subject to an amended venue hire agreement. He advised that no similar incident would occur again.

The sub-committee accepted that the incident of 24 July 2013 was an isolated incident and that the applicant had assured that no similar incident would occur as a result of the rewording of the venue hire agreement.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

### **Appeal rights**

Where the relevant counter notice under Section 105(3) is given the premises user may appeal against the decision. Where counter notice is not given, the chief officer of the environmental protection team may appeal against that decision. The appeal must be made to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against. No appeal may be brought later than five working days before the day on which the event begins.

The meeting closed at 1.27pm.

**CHAIR:**

**DATED:**



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 14 November 2013 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

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<b>PRESENT:</b>	Councillor Renata Hamvas (Chair) Councillor Althea Smith Councillor Ian Wingfield
<b>OTHERS PRESENT:</b>	Mayurkumar Dhavde, Applicant Triveni Dhavade, Applicant Jules Munns, Legal Representative Mr Dominic Passmore, Applicant
<b>OFFICER SUPPORT:</b>	Joanne Devlin, Legal Officer David Franklin, Licensing Officer Mark Orton, Licensing Officer Kenny Uzodike, Constitutional Team

### 1. APOLOGIES

There were none.

### 2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as the voting members.

### 3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

## 5. LICENSING ACT 2003 - CENTRAL NEWS, 68 EAST STREET, LONDON SE17 2DQ

The licensing officer presented their report. Members had no questions for the licensing officer.

The applicant addressed the sub-committee. Members had questions for the applicant.

The sub-committee heard from the council's trading standards officers. Members had questions for the officers.

The licensing sub-committee went into closed session at 12.39pm.

The licensing sub-committee resumed at 1.30pm and the chair read out the decision of the sub-committee.

### **RESOLVED:**

That the council's licensing sub-committee, having had regard to the application by the trading standards team for a review of the premises granted under the Licensing Act 2003 to Mayurkumar Dhavde and Triveni Dhavade in respect of the premises known as Central News, 68 East Street, London SE17 2DQ and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

- a) Suspend the licence for a period of 14 days
- b) Modify the conditions of the licence as follows:
  1. That an electronic point of sale (EPOS) system be installed at all tills on the premises and it shall be configured to prompt the operator to check proof of age when an alcoholic product is scanned. The prompt should require the operator to confirm that the purchaser is over 18 before the next item can be scanned or the transaction completed.

### **Reasons**

This was a rehearing of an application by the Southwark Council trading standards team for a review of the premises known as Central News, 68 East Street, London SE17 2DQ. This application was made under Section 51 of the Licensing Act 2003.

The licensing sub-committee reconsidered the decision dated 16 July 2013 and in view of the evidence before the sub-committee on 16 July 2013 decided to remove the condition as set out in the aforementioned decision at paragraph 1 (b) (i). That no beers/ciders in single cans, bottles or multi-packs with an ABV of above 7% will be displayed, sold or offered for sale from the premises.

The decision of the licensing sub-committee was based on the same reasons as set out in the previous decision and being based on the following evidence.

The Southwark Council trading standards officer advised of three recent test purchases carried out at the premises where alcohol and cigarettes were sold to a 19 year old without

challenging her age and/or asking for any identification, in breach of the premises licence conditions. The trading standards officer confirmed that out of the 63 test purchases that were carried out at the time using the same 19 year old purchaser, 32 premises refused the sales. Out of the further 32 test purchases carried out, 22 premises refused sales. The trading standards officer pointed out that despite seeking to engage in correspondence with the premises licence holders and following the third test purchase, they continued to be in breach of their licence conditions.

The premises licence was granted in 2011 whereby the licensees agreed to all license conditions imposed including to implement and maintain duties under Challenge 25 policy, including appropriate training for all staff.

The licensing sub-committee also considered the evidence given by the applicants on 16 July 2013 who stated that since the test purchases the licensees have installed the EPOS system on one of their two tills and that staff have now undergone training in respect of Challenge 25 and the licensing objectives. The licensees' representative highlighted that this is an indication of the licensees' willingness to comply with the licence conditions and confirmed that from now on ongoing training of staff would continue every four months.

The licensing sub-committee also heard from the applicants today who confirmed that they intend to ensure that all alcohol with 7% ABV or above is located at the rear of the premises.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that its decision was appropriate and proportionate in order to address the licensing objectives.

### **Appeal rights**

The decision is open to appeal by:

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application.

Such appeal must be commenced by notice of appeal given by the appellant to the justices chief executive for the magistrates court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either:

- a) The end of the period for appealing against this decision or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

**6. LICENSING ACT 2003: ARCH 61 EWER STREET, LONDON SE1 0NR - TEMPORARY EVENT NOTICE**

The licensing officer presented their report. Members had no questions for the licensing officer.

The applicant addressed the sub-committee. Members had questions for the applicant.

The sub-committee heard from environmental protection officers. Members had questions for the officers.

The licensing sub-committee went into closed session at 10.33am.

The licensing sub-committee resumed at 11.30 am and the chair read out the decision of the sub-committee.

**RESOLVED:**

That a counter notice should not be issued under section 105 of the Licensing Act 2003 in respect of a temporary event notice served by Mr Dominic Passmore regards to an event to take place between 12 noon and 11.00pm at premises known as Arch 61 Ewer street, SE1 0NR.

**Reasons**

The licensing sub-committee heard evidence from the applicant regarding who a temporary event notice served by Mr Dominic Passmore in respect of an event to take place on 17 November 2013 between 12 noon and 11.00pm at premises known as Arch 61 Ewer street, SE1 0NR. The applicant explained that the event is part of the London jazz festival with a total of five bands playing starting at 2.00pm and last band playing at 8.30pm.

The applicant voluntarily agreed to reduce the operating hours from midnight to 11.00pm and agreed that they would not permit patrons to take alcoholic drinks outside the premises in addition to limiting the number of smokers outside at any one time.

The licensing sub-committee also heard evidence from the environmental protection team who stated that there had been issues in relation to noise issues in the area. However the licensing sub-committee also heard evidence from the licensing officer who confirmed that this did not appear to be an issue directly related to the premises.

This licensing sub-committee did not consider noise nuisance to be an issue in relation to this application and therefore that the prevention of nuisance licensing objective would not be undermined.

In reaching this decision, the sub-committee had regard to all the relevant considerations and four licensing objectives.

**Appeal rights**

Where the relevant counter notice under section 105(3) is given the appeal user may appeal against the decision. Where counter notice is not given the chief officer of the environmental team may appeal against that decision. The appeal must be made to the magistrate court within a period of 21 days beginning on the day on which the applicant was notified by the licensing authority of the decision to be appealed against. No appeal may be brought later than 5 working days before the day on which the event begins.

The meeting closed at 1.40pm.

**CHAIR:**

**DATED:**



## LICENSING SUB-COMMITTEE

MINUTES of the Open section of the Licensing Sub-Committee held on Tuesday 19 November 2013 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor Adele Morris  
Councillor Wilma Nelson

**OFFICER SUPPORT:** Joanne Devlin, legal officer  
Hannah Lilley, senior street trading officer  
Kaye Payne, street trading officer  
Lesley John, constitutional officer

### 1. APOLOGIES

There were no apologies.

### 2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as the voting members.

### 3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair agreed to accept revised versions of Closed Appendix A and Q.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were no declaration of interest.

### 5. REVOCATION OF TRADING LICENCES

The sub-committee noted the open report and considered the revocation of a street trading licence, identified in revised Appendix A of the closed report.

The sub-committee agreed to revoke the licence of the trader after hearing the report from the street trading officer and considering the information outlined in revised Appendix Q.

The remaining applications to revoke street traders' street trading licences were withdrawn.

**EXCLUSION OF PRESS AND PUBLIC**

It was moved, seconded and

**RESOLVED:**

That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in category 1 and 3 of paragraph 10.4 of the Access to Information Procedure Rules of the Southwark Constitution.

The following is a summary of the decisions taken in the closed section of the meeting.

**6. REVOCATION OF TRADING LICENCES**

The licensing sub-committee considered the closed information relating to this report.

The meeting ended at 10.22am.

**CHAIR:**

**DATED:**





## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 22 November 2013 at 2.00 pm at Ground Floor Meeting Room G03 - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor David Hubber  
Councillor Lorraine Lauder MBE

**OTHERS PRESENT:** Christian Cole, representative from Pardis  
P.C. Ian Clements, Metropolitan Police Service

**OFFICER SUPPORT:** Debra Allday, legal officer  
Jayne Tear, licensing officer  
Virginia Wynn-Jones, constitutional officer

### 1. APOLOGIES

There were none.

### 2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

### 3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair accepted item 5: Licensing Act 2003: Pardis, 280 Old Kent Road, London SE1 5UE, as late and urgent.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

### 5. LICENSING ACT 2003: PARDIS, 280 OLD KENT ROAD, LONDON SE1 5UE

The licensing officer introduced the report. Members had no questions for the licensing

officer.

The Metropolitan Police Service addressed the sub-committee. Members had questions of the police officer.

The licensee addressed the sub-committee. Members had questions of the licensee.

The committee went into closed session at 3.08pm.

The sub-committee reconvened at 3.30pm and the chair read out their decision.

### **RESOLVED:**

That, as interim steps to promote the licensing objectives pending the determination of the review application at the full hearing the premises licence be suspended.

### **Reasons**

This was a hearing to consider if it is appropriate to take interim steps to promote the licensing objectives upon receipt of an application by the Metropolitan Police Service for an expedited summary review of the premises.

The licensing authority have considered the application made by the Metropolitan Police Service and supplementary evidence from the police presented at this hearing.

The licensing authority have also considered evidence submitted by the premises licence holder in relation to the application. The license holder did not attend but sent a representative, the designated premises supervisor (DPS), who gave evidence and refuted the Metropolitan Police Service's application in its entirety.

The sub-committee noted the seriousness of the incident of 19 November 2013, that the premises were warned the previous day on 18 November 2013 regarding the no re-entry to the premises condition, and the fact that there had been ten incidents of serious assault at the premises in the last 18 months. The police have no confidence in the operation of the premises and the sub-committee in the circumstances felt there was no alternative but to suspend the licence.

In considering the evidence the licensing sub-committee paid particular attention to the licensing objective of the prevention of crime and disorder and considered that this decision was appropriate and proportionate.

### **Appeal rights**

There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.

The meeting closed at 3.35pm.

**CHAIR:**

**DATED:**



## **Licensing Sub-Committee**

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 29 November 2013 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor Sunil Chopra  
Councillor Jeff Hook

**OTHERS PRESENT:** Benson Fabusiwa, applicant  
Councillor Robin Crookshank Hilton, ward councillor  
P.C. Graham White, Metropolitan Police Service  
John Brunton, Herne Hill Society  
Laurenace Marsh, Herne Hill Society

**OFFICER SUPPORT:** Cynthia Barrientos, legal officer  
Jayne Tear, licensing officer  
Gavin Blackburn, planning officer  
Farhad Chowdhury, health and safety officer

### **1. APOLOGIES**

There were none.

### **2. CONFIRMATION OF VOTING MEMBERS**

The three members present were confirmed as the voting members.

### **3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT**

There were none.

### **4. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

## 5. LICENSING ACT 2003: 75-79 NORWOOD ROAD, LONDON SE24 2AA

The licensing officer presented their report and circulated a list of conciliated conditions. Members had no questions for the licensing officer.

The applicant addressed the sub-committee. Members had questions for the applicant.

The sub-committee heard from the Metropolitan Police Service. Members had questions for the police.

The planning officer addressed the sub-committee. Members had no questions for the planning officer.

The health and safety officer addressed the sub-committee. Members had no questions for the health and safety officer.

The sub-committee heard from the licensing officer, representing the council as a responsible authority. Members had questions for the licensing officer.

Members heard from the ward councillor. Members had questions for the ward councillor.

Members heard from representatives from the Herne Hill Society. Members had questions for the representatives from the Herne Hill Society.

All parties were given five minutes for summing up.

The licensing sub-committee went into closed session at 11.57am.

The licensing sub-committee resumed at 2.14pm and the chair read out the decision of the sub-committee.

### RESOLVED:

That the application by Mr Benson Fabusiwa and Ms Marketa for a grant of a premises licence issued under the Licensing Act 2003 in respect of 75 - 79 Norwood Road, London SE24 2AA be granted as follows:

Licensable Activity	Monday to Wednesday	Thursday	Friday and Saturday	Sunday
Live music (indoors)		21.00 to 00.00	21.00 to 00.00	
Recorded music (indoors)		21.00 to 00.00	21.00 to 00.00	
Performance of dance (indoors)	16.00 to 23.00	16.00 to 23.00	16.00 to 00.00	16.00 to 23.00

Late night refreshment (indoors)	23.00 to 00.00	23.00 to 00.00	23.00 to 00.00	
Supply of alcohol (for consumption on the premises)	11.00 to 23.30	11.00 to 23.30	11.00 to 23.30	11.00 to 22.30
Hours premises are open to the public	11.00 to 00.00	11.00 to 00.00	11.00 to 00.00	11.00 to 00.00

### Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions from the operation schedule highlighted in Section M of the application form and the following additional conditions developed through discussion from the original operating schedule attached to the premises application as follows:

1. That licensed entertainment shall take place only in the most northerly of the premises (beyond the arch).
2. That all loud acoustic instruments (for example brass, drums, etc.) shall not be amplified at any time and are required to be muted or muffled when performing.
3. That before the premises license can take effect, the most southerly doors on the Norwood Road frontage (main entrance) shall be fitted with an acoustic lobby of sufficient resistance time to permit one door to close before the other is opened as persons are entering. The doors to the lobby shall be fitted with self closers (in accordance with BS 6459 Pt.1 1984) and with adequate reveals, rubber seals and/or brushes to ensure all air gaps around the doors are acoustically protected when the doors are closed.
4. That before the premises license can take effect all speakers used within the premises shall be isolated from the structure of the building by either rubber matting or anti vibration hangers.
5. That before the premises license can take effect a working sound limiting device, or speaker protection system that will permit maximum volume and bass levels to be set, shall be fitted to the in-house sound amplification equipment in the ballroom. The maximum bass and volume levels shall be set by the applicant's sound engineer in conjunction with environmental protection team officers.
6. That the sound limiting device/speaker protection system shall be installed in a secure and locked location to ensure that only the licensee/designated premises supervisor is able to affect access.

7. That the sound limiter installation and its maximum volumes/set levels shall be maintained thereafter.
8. That all performers shall use the in-house sound amplification system and no additional amplification equipment shall be imported on to the premises by third parties. (i.e. any of the performers own speakers must be connected to the in-house amplification system and may not use any independent, uncontrolled amplification system).
9. That all openings in the building fabric such as doors, windows and vents shall be closed during licensed entertainment.
10. That before the premises license can take effect details of an internal ventilation system for the premises shall be submitted for approval by the environmental protection team and the approved system installed.
11. That the rear smoking area will close at 23.00.
12. That there shall be no drinks in any external area at any time.
13. That there shall be no licensed entertainment in any external area at any time.
14. That there will be a maximum of five patrons in the rear smoking area until 23.00 and a maximum of five patrons on smoking on the premises frontage after 23.00.
15. That waste collections, deliveries, the cleaning of external areas and external waste handling shall take place between the hours of 08.00 and 22.00.
16. That there shall be no movement of musical or performance equipment to or from the premises between the hours of 00.00 and 08.00.
17. That all exit doors for patrons will be fitted with clearly legible, noticeable signs requesting that patrons leave the premises and area quietly and be mindful of neighbours.
18. That before the premises license can take effect the applicant shall prepare a dispersal policy to be submitted to the licensing authority for approval.
19. That the premises shall operate an agecheck 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.
20. That all staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck 'Challenge 25' policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the Metropolitan Police Service.
21. That Agecheck or 'Challenge 25' signage shall be displayed at entrances to the

premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck 'Challenge 25' policy applies and proof of age may be required.

22. That a register of refused sales of alcohol and if applicable, cigarette sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by the council's authorised officers or the Metropolitan Police Service.
23. That no ticketed entry to the premises or admission fee shall be charged to enter the premises.
24. That no variation in the sale price of alcohol shall take place in respect of when in the day the alcohol is sold.
25. That no minimum order is to be set in respect of what a customer may order in terms of drink or food.
26. That the premises may not be let or licenced to a third party and no promotions shall take place at the premises.
27. That the (door) staff at the premises shall ensure that at no time does any queue form on the pavement in front of the premises. Anyone waiting for a table shall do so inside the premises, or be advised that the venue is full and asked to move on.
28. That the door staff shall familiarise themselves with the traffic and parking restrictions on Norwood Road and advise anyone not complying with those restrictions to comply and move their vehicle if necessary (removed if there is no requirement for door security).

In addition to the following additional conditions agreed by the licensing sub-committee:

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV system must be capable of capturing a clear facial image of every persons who enters the premises.
2. That all CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
3. That all staff are trained in their responsibilities under the Licensing Act 2003 and training records be kept and updated every six months and shall, upon request, be made immediately available to officers of the police and the council.
4. That customers shall use no outside area after 22.00 other than those who temporarily leave the premises to smoke a cigarette.
5. That a personal licence holder shall be on the premises at all times after 20.00 and the premises are in operation under its licence.



6. That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal.
7. That before the premises licence can take effect the applicant shall complete the schedule of works as specified by the health and safety team. The works, detailed in page 38 of the sub-committed report, must be completed to the satisfaction of the health and safety team.
8. That before the premises licence can take effect, the maximum capacity of the premises must be agreed with the health and safety team.
9. That before the premises licence can take effect, the applicant shall submit a full and detailed business plan, including details of professional cooking facilities and staffing levels to evidence the use of this premises as a commercial restaurant to the licensing team.

### **Reasons**

The licensing sub-committee heard evidence from the applicant. He advised the sub-committee that this was a joint application with Ms Hovorkova, however she would not be attending the hearing today. He initially proposed that the meeting be adjourned as his solicitor was unable to attend and that he felt unwell. However, he then confirmed that he would be happy to proceed.

He informed the sub-committee that he had obtained a lease for the premises. He explained that he had invested a substantial amount of money in the business and intended to successfully run the premises. He advised that he had addressed a number of the concerns from the responsible authorities and had agreed to a large number of conditions which he intended to comply with. He advised that he was willing to continue to work with the authorities should the licence be granted.

In response to allegations that he had previously run licensed premises in Lambeth, which had been placed under review, he explained that he was an investor in these premises and that other people had been responsible for management. He confirmed that he was now no longer involved with these premises. He explained that he had a personal licence issued by Lambeth and there were currently no concerns in relation to this.

The licensing sub-committee heard from the police who raised concerns about the suitability of both applicants to run this premises. The police advised that Mr Fabusiwa had been the licence holder of premises in Lambeth which had been reviewed. He highlighted that Mr Fabusiwa would agree to conditions but would later be in breach and this was evident from his history of being a premises licence holder for premises in Lambeth. In respect of Ms Hovorkova, the officer explained that she was involved with the running of a premises which had recently been reviewed by Lambeth Council and she is therefore not a responsible person to hold a premises licence.

The licensing sub-committee noted that the trading standards team had conciliated with the applicant and had agreed conditions.

The licensing sub-committee noted that the environmental protection team had conciliated

with the applicant and had agreed conditions.

The licensing sub-committee heard from the planning officer who confirmed that he had agreed conditions with the applicant, including the reduction of hours. He noted that the matter of maximum capacity had yet to be agreed and it would be for the health and safety team to approve this.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority who advised the sub-committee that the operating schedule submitted by the applicant had contained no details. He advised that he would have expected a much more substantial operating schedule from an experienced premises licence holder. He advised that the conditions agreed between the applicant and the responsible authorities largely satisfied his concerns. However, he had concerns about whether the applicant would be compliant.

The licensing sub-committee noted that the health and safety team were unable to attend today's hearing.

The licensing sub-committee heard from other persons, including the ward councillor who raised concerns about monitoring the compliance of the premises with any conditions imposed. The ward councillor supported the police view that the applicants were not suitable persons to run this venue. She reiterated her view that the premises would operate as a nightclub venue rather than a restaurant/bar. The ward councillor felt that the proposed conditions would not address her concerns and the concerns of local residents. This view was supported by the representative of the Herne Hill Society.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that it was appropriate and proportionate to attach these conditions in order to address the licensing objectives.

The sub-committee reminded the applicants that should there be any breaches of the licence conditions that the licence is highly likely to be subject to review.

### **Appeal rights**

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a) The licence ought not to be been granted
- b) On granting the licence, the licensing authority ought to have imposed different or additional conditions the conditions of the licence, or ought to have modified them in a different way

May appeal against the decision.

Any appeal must be made to the Magistrates' Court for the petty sessions area (or any such area) in which the premises concerned are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

The meeting closed at 2.20pm.

**CHAIR:**

**DATED:**



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 6 December 2013 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

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- PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor Lorraine Lauder MBE  
Councillor The Right Revd Emmanuel Oyewole
- OTHERS PRESENT:** Omo Ayoade, representative from Club Couture  
Graham Hopkins, legal representative for Club Couture  
Councillor Mark Williams, ward councillor  
P.C. Ian Clements, Metropolitan Police Service  
Robert Morris, local resident  
N.W. Roskill, local resident  
Julie Ruskin, local resident  
Hilary Eastman, local resident  
Douglas Eastman, local resident  
James Bowling, local resident
- OFFICER SUPPORT:** Joanne Devlin, legal officer  
Dorcas Mills, licensing officer  
Mark Prickett, environmental protection officer  
David Swaby, licensing officer representing the council as a responsible authority  
Virginia Wynn-Jones, constitutional officer

### 1. APOLOGIES

There were none.

### 2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

### 3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair agreed to accept the late supplemental papers for item 5: Club Couture, ground

floor and basement, 58A Camberwell Church Street, London SE5 8QZ as late and urgent.

#### **4. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

#### **5. LICENSING ACT 2003 - CLUB COUTURE, GROUND FLOOR AND BASEMENT, 58A CAMBERWELL CHURCH STREET, LONDON SE5 8QZ**

The licensing officer introduced the report.

The environmental protection officer addressed the sub-committee. Members had questions of the environmental protection officer.

The Metropolitan Police Service addressed the sub-committee. Members had questions of the police licensing officer.

The licensing authority addressed the sub-committee. Members had questions of the licensing officer.

Other persons addressed the sub-committee. Members had questions of the other persons.

A ward councillor addressed the sub-committee. Members had questions of the ward councillor.

The licensee's representative addressed the sub-committee. Members had questions of the licensee's representative.

The sub-committee went into closed session at 12.20pm.

The sub-committee reconvened at 2.34pm and the chair read out the decision.

#### **RESOLVED:**

The council's licensing sub-committee, having had regard to the application by environmental protection team for a review of the premises granted under the Licensing Act 2003 to OHMS ENT Limited in respect of the premises known as Club Couture, 58a Camberwell Church Street, London SE5 and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to revoke the licence.

#### **Reasons**

This was a review hearing submitted by the council's environmental team and supported by the Metropolitan Police Service in addition to 16 representations. The review was raised on the grounds of prevention of public nuisance. The licensing sub-committee heard evidence from the environmental protection officer, who expressed concern with a number of complaints and incidents of disorder and rowdy behaviour by patrons related to

the premises. He stated that there were 13 complaints from four different households since March 2013, and a statutory noise nuisance notice had also been served on the premises. He further highlighted various conditions of the licence had been breached, including condition 841, where it had been witnessed that there were in excess of seven patrons outside the premises at any one time, furthermore that alcohol had been served beyond the permitted hours and patrons permitted entry beyond the terminal hour.

He also referred to the various complaints as noted within the report, illustrating the licence holder's persistent breaches of the licensing conditions and further showing little or no regard to their neighbours, further demonstrated by the various complaints of noise nuisance received beyond the premises' operating hours.

The environmental protection officer's review was also supported by the Metropolitan Police Service, who had also received complaints regarding the operation of the premises; in particular noise caused by patrons outside the premises and operation beyond the agreed terminal hour. The police referred to an event on 19 October 2013, whereby they witnessed patrons being permitted entry to the premises beyond the licensable hours; police submitted that police spoke directly to the license holder, and security staff refused entry to uniformed police officers. The police further stated that the current operation of the premises was having a clear detrimental effect on the living standards of residents, and gave their full agreement and support for the revocation of the licence.

The council also heard from the licensing authority, who stated that they considered there were clear management issues with the premises. In doing so, he referred to the premises licence review which was considered in June 2006. Although an appeal was made to the magistrates' court and upheld on the basis that management had put in place measures to alleviate concerns for crime and disorder and public safety; however, he submitted that since this time the premises do not appear to be operating in a responsible way and in compliance with the licensing conditions and objectives, and therefore he supported the application to revoke the licence.

The sub-committee also heard from residents who stated that the public nuisance had increased as a result of the premises' failure to comply with the licensing conditions since 2010, and noted that such issues appeared to be as a result of failure to manage individuals outside the premises, either while smoking or leaving the premises. The residents highlighted that the issues continued throughout the night and into the morning, and therefore suggested a breach of the licensed hours. Residents further referred to their submissions contained within the licensing report, which set out a series of in excess of 20 incidents, including yelling and loud noise by patrons outside the premises and thumping music. Residents stated that there was a consistent pattern of public nuisance whereby their nights are routinely disturbed as a result of the premises, and they could therefore see no alternative but to support the application to revoke the licence.

The sub-committee heard from the licence holder's representative, who stated that he did not consider there was sufficient evidence to consider revocation or suspension of the licence, and that he understood that the premises had a noise limiter; and further stated that there was no evidence of criminality as a direct association with the premises. He stated that he did not consider that the responsible authority had sought to engage with the licence holder, and said that the licence holder had not received letters referred to in the environmental protection team's submission to the sub-committee. Despite hearing the representations, he stated that he did not consider that there was evidence of music

being a problem, and highlighted that the appeal was upheld in 2006 and that the review has not been brought due to violence.

The sub-committee also heard directly from the licensee, who stated that he felt that the premises were a legitimate business with responsible management, and he did not feel there were any issues until they were brought to his attention. He further stated that he wanted to engage with the responsible agents and local residents, and stated that whilst there was an abatement notice served on the premises, he is currently appealing this to the magistrates' court. He submitted that he did not consider that the breaches of the conditions happened.

The licensing sub-committee considered the evidence and concluded that the licence holder is not taking responsibility to fulfill his obligations under his licence, this was in view of the 16 representations received from local residents and ward councillors supporting the application, and various complaints about the premises to the night time economy team, and evidence provided demonstrating a wilful disregard of the licensing objective as matters had been going on for a significant time.

### **Appeal rights**

This decision is open to appeal by either:

- a) The applicant for the review;
- b) The premises licence holder; or
- c) Any other person who made relevant representations in relation to the application.

Such appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either:

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

The meeting closed at 2.40pm.

**CHAIR:**

**DATED:**



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 17 December 2013 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

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- PRESENT:** Councillor Renata Hamvas (Chair)  
Councillor Dora Dixon-Fyle  
Councillor Eliza Mann
- OTHERS PRESENT:** Mustafa K Mohamed, representative from Marquis  
Jay Patel, representative from Marquis  
Akash Patel, representative from Marquis  
John Wallsgrove, representative from Pardis  
Christian Cole, representative from Pardis  
P.C. Graham White, Metropolitan Police Service
- OFFICER SUPPORT:** Debra Allday, legal officer  
Cynthia Barrientos, legal officer  
Dorcas Mills, licensing officer  
Gavin Blackburn, planning officer  
Jayne Tear, licensing officer  
David Franklin, licensing officer representing the council as a responsible authority  
Farhad Chowdhury, health and safety officer  
Andrew Weir, constitutional officer

### 1. APOLOGIES

There were none.

### 2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as the voting members.

### 3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.



#### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

#### 5. LICENSING ACT 2003: MAQUIS RESTAURANT AND BAR, 10 ARNSIDE STREET, LONDON SE17 2AP

The licensing officer presented their report and circulated a list of conciliated conditions. Members had no questions for the licensing officer.

The applicant's representative addressed the sub-committee. Members had questions for the applicant and their representative.

The licensing sub-committee heard from the planning officer. Members had questions for the planning officer.

All parties were given five minutes for summing up.

The licensing sub-committee went into closed session at 11.24am.

The licensing sub-committee resumed at 1.02pm and the chair read out the decision of the sub-committee.

#### RESOLVED:

That the application by Mustafa Kamal Mohamed for a grant of a Premises Licence issued under the Licensing Act 2003 in respect of Maquis Restaurant and Bar, 10 Arnside Street, London SE17 2AP be granted as follows:

Licensable Activity	Sunday to Thursday	Friday and Saturday
Sale and supply of alcohol (on the premises)	09.00 to 23.30	09.00 to 00.00
Late night refreshment		23.00 to 23.30
Hours premises are open to the public	09.00 to 00.00	09.00 to 00.30
Non standard timings	A one hour extension for late night refreshment, sale and supply of alcohol and opening hours for the following days.  New years – 31 December Christmas Eve – 24 December	

	Somalian independence Day – 1 June Ethiopian New year – 11 September
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### Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions from the operation schedule highlighted in Section M of the application form and the following conditions:

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises.
2. That all CCTV footage shall be kept for a period of 31 days and shall, upon request, be made available immediately to the officers of the police and the council.
3. That all staff are trained in their responsibilities under the Licensing Act 2003 and training records to be kept and updated every six months and shall, upon request, be made immediately available to the officers of the police and the council.
4. That suitable notices shall be displayed requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents.
5. That customers shall use no outside area after 23.00 other than those who are allowed to temporarily leave the premises to smoke a cigarette with a maximum of five persons at any one time.
6. That no beverage of any kind to be consumed by customers using the outside area of the premises.
7. That one SIA registered Door Supervisor shall be employed at all times after 20.00 till 22.00 hours and two SIA registered Door Supervisors shall be employed at all times after 22.00 till the terminal hours on Friday and Saturday. Their responsibility will be to assist with controlled entry and exit of customers from the premises, to monitor and control noise made by customers prior to entry and while leaving the premises and those using the outside area for the purpose of smoking.
8. That a personal licence holder shall be present on the premises at all times after 20.00 and the premises are in operation under the licence.
9. That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking a substantial table meal and for consumption by such persons as an ancillary to his/her meal.
10. That the premises shall operate an agecheck 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.

11. That all staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck 'Challenge 25' policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.
12. That Agecheck or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck 'Challenge 25' policy applies and proof of age may be required
13. That a register of refused sales of alcohol and if applicable, cigarette sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.

In addition the following condition as agreed by the licensing sub-committee shall apply:

1. That a contact telephone number for the management of the premises shall be made available to local residents on request.

### **Reasons**

This was an application by Mustafa Kamal Mohamed for a grant of a Premises Licence issued under the Licensing Act 2003 in respect of Maquis Restaurant and Bar, 10 Arnside Street, London SE17 2AP

The licensing sub-committee heard evidence from the applicant's representative who informed the sub-committee that the applicant had taken into account with careful consideration the representations made by other persons and the responsible authorities and had agreed to the conditions put forward by the police and the trading standards team.

The applicant advised that the business was to operate as a restaurant only and that alcohol was to be ancillary to a table meal. The applicant advised that there would be eight tables with a maximum capacity of thirty five people, including staff. The applicant had installed a kitchen and a covered smoking area within the boundaries of the premises. The applicant advised that he would limit the maximum capacity of the smoking area to five people at one time and that no drinks would be allowed to be taken into this area.

The applicant further advised that they had installed eight CCTV cameras, recordings of which would be available to the police and residents if requested. The applicant advised that they appreciated the concerns of the local residents and would be willing to consider any of their concerns and will work with residents to address any complaints. The applicant confirmed that a telephone number would be made available to local residents in the event that there were any complaints.

On questioning, the applicant clarified that in relation to venue hire, this would typically be for group bookings for no more than 30 people. The applicant stated that the policy of the premises would be that no alcohol or food would ever be brought from outside the

premises and that no amplified music or dancing would take place at the premises. Only background music would be played whilst the premises was open.

The licensing sub-committee noted that the police and the trading standards team had conciliated with the applicant on the basis that the applicant had accepted their proposed conditions.

The licensing sub-committee heard from the planning officer who expressed concerns in relation to the degree in which the application had evolved. The planning officer advised that, like local residents, his primary concerns were in relation to public nuisance. The officer highlighted that the application had initially stated that the maximum capacity would be for 40-50 people. However, in evidence, this number had changed to 35 people, including staff. The officer noted that there was limited seating and that the venue was to be used for private hire and there was potential that noise nuisance may occur during these times.

The planning officer highlighted the terminal hours for a number of other licensed premise in the vicinity and recommended that in light of the more residential location of the premises and that the fact that this was a restaurant that the terminal hour should be reduced further to 23.00.

The licensing sub-committee noted the representations of the seven local residents who were unable to attend the meeting.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that it was appropriate and proportionate to attach these conditions in order to address the licensing objectives.

### **Appeal rights**

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a) The licence ought not to be been granted; or
- b) On granting the licence, the Licensing Authority ought to have imposed different or additional conditions the conditions of the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the magistrates court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the

decision appealed against.

**6. LICENSING ACT 2003 - PARDIS WINE BAR, 280 OLD KENT ROAD, LONDON, SE1 5UE**

At the beginning of the meeting it was advised that there was additional information from the police. All parties agreed for this information to be circulated.

The applicant's representative requested additional time to address the sub-committee. The chair agreed to this request and advised that all parties would be allocated extra time should they require it.

The licensing officer presented their report. Members had no questions for the licensing officer.

The police, the applicant for the review addressed the sub-committee. Members had questions for the police.

The sub-committee heard from the licensing officer representing the council as a responsible authority. Members had no questions for the licensing officer.

The health and safety officer addressed the sub-committee. Members had questions for the health and safety officer.

The representative and the designated premises supervisor from Pardis addressed the sub-committee. Members had questions for the representative and the designated premises supervisor from Pardis.

All parties were given five minutes for summing up.

The licensing sub-committee went into closed session at 3.30pm.

The licensing sub-committee resumed at 4.50pm and the chair read out the decision of the sub-committee.

**RESOLVED:**

That the council's licensing sub-committee, having had regard to the application by the Metropolitan Police Service for a review of the premises granted under the Licensing Act 2003 to Pardis Entertainment Limited in respect of the premises known as Pardis Wine Bar, 280 Old Kent Road, London SE1 5UE having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to revoke the licence.

**Reasons**

This was a hearing of an application by the Metropolitan Police Service for a review of the premises known as Pardis Wine Bar, 280 Old Kent Road, London SE1 5UE.

This application was made under Section 53A of the Licensing Act 2003.

The licensing sub-committee heard evidence from the Metropolitan Police Service the applicant for the review who advised that on 19 November 2013 at approximately 04.05 a male was seriously assaulted with a bottle in the premises. The victim was drinking in the premises having entered at approximately 02.00. He was drinking with a female. He was approached by the female suspect and an argument ensued. The female was ejected from the premises. Sometime later, she re-entered the premises and picked up a glass bottle and hit the victim over the head, smashing the bottle, causing the victim grievous bodily harm. The victim tried to call for police assistance but was allegedly stopped by the management of the premises. The victim was required to go to the toilet and call 999, he was then required to wait outside for police and medical assistance. No effort was made by the management to assist the victim in any way, nor did management call the police or call an ambulance nor did they preserve the crime scene in the premises. The police tried to obtain a copy of the CCTV but the management of the premises failed to produce this. On 4 December 2013 an assessment of the digital video recorder (DVR) from the premises was completed and it was found that only 38 minutes of CCTV footage was available as there was insufficient capacity on the hard drive.

The police went on and said that in the last 18 months there had been 12 serious incidents relating to the premises and a number of conditions of the licence had been breached. In particular, the premises is currently licensed as a restaurant (as per condition 135) but had been clearly operating as a night club/wine bar. Furthermore, condition 289 that recordings taken by the CCTV system installed upon the premises shall be kept and made available for inspection for 31 days; condition 309 that there be no new admissions or re-admissions of the public to the premises after 02.00.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority who advised that Southwark promoted provision of late night economy but based on the police representations the licensing authority had serious concerns and have no confidence in the management of the premises.

The licensing sub-committee heard from the health and safety officer who informed the sub-committee that on 14 September 2013 at 03.12 they attended the premises with licensing officers and the police. The police spoke to the door staff who did not have their SIA badge. The police informed him that as a result they were unable to work until they received a new SIA badge. During this time, it was witnessed that there was a queue of customers going into the premises and at least 10 people were admitted into the premises. The premises were due to be closed at 02.00. The police spoke to the manageress, Ms Soloman, and told her that there were to be no admissions after 02.00 and questioned why she was allowing people inside at 03.20. Between 03.20 and 03.55 approximately 25 customers entered the premises and another 20 were queuing outside to go in.

The licensing sub-committee heard evidence from the representatives of Pardis. The representative apologised for the absence of Ms Soloman, who he advised had a previously arranged trip abroad. He went on to accept that there had been some failings. However, the extent of these failings could not be accepted. He stated that the licence did not take into account the smoke free legislation and the customers alleged to have been queuing to enter the premises were smokers. The failure was not to have submitted a minor variation and this was the nub of the problem. He went on and said that a meeting took place with the police on 20 August 2013 when the concerns of the police had been discussed but there was no indication that the police intended to review the licence.

Concerning the CCTV the representative advised that during the period of suspension a quote for works had been obtained to install an up to date CCTV system, which would address the police's concerns. Regarding the incident of 6 April 2013, the police removed the hard drive for the CCTV system. It was this hard drive that was handed to the police regarding the 19 November 2013 incident. It was accepted that the hard drive should have been upgraded but ultimately it was the police that provided the hard drive in question.

The incident of 19 November 2013 was discussed and the police's version of the events was disputed. Mr Cole, the designated premises supervisor, stated that on 19 November 2013, the premises were closed and had not been trading at the time of the incident. The female suspect had been ejected earlier and the victim had remained behind. The victim is a friend of Mr Cole's. The door staff had gone for the night, the staff had left and the premises had been cleared. However, staff had failed to secure the front door. The female entered illegally, there were no bottles or glasses available in the premises and she assaulted the victim. Mr Cole did not see the assault. There was no discussion that the victim should not call the police, as alleged by the police. There was no broken glass or blood in the premises and there was no crime scene to preserve. Mr Cole accepted that he left the premises but only to pursue the female suspect.

The licensing sub-committee, having heard all the evidence, had no confidence in any of the management team to fulfil the licensing objectives. The reason given for the admission/re-admission after the terminal hour is said to be the management taking into account the smoke free legislation, but they failed to apply for a minor variation to address this. The door staff have worked un-badged and also on one occasion when a badge had been revoked. The management failed to undertake simple checks in respect to these. The CCTV is inferior, management have not been cooperative with the police in providing CCTV recordings and have failed to keep the recordings for 31 days as specified in their licence (condition 289). The CCTV system should also be maintained in good working condition and be operable at all times (condition 288). The premises was supposed to be run as a restaurant but it is not (condition 135). The incident of 19 November 2013 was extremely serious. The prosecution had been seriously compromised because of the management failings.

The representative failed to have Mr Cole's friend, the victim of the incident of 19 November 2013, to attend the hearing to corroborate his version of events. The director and manageress, Ms Soloman, was not in attendance despite the seriousness of the hearing and the implications that it was likely to have on Pardis Entertainment Ltd.

In reaching this decision the sub committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that its decision was appropriate and proportionate in order to address the licensing objectives.

### **Appeal rights**

This decision is open to appeal by:

- a) The applicant for the review
- b) The premises licence holder

- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices clerk for the magistrates court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either:

- a) The end of the period for appealing against this decision or  
b) In the event of any notice of appeal being given, until the appeal is disposed of.

The interim steps will remain in place until either:

- a) The end of the period for appealing against this decision or  
b) In the event of any notice of appeal being given, until the appeal is disposed of.

The meeting closed at 4.55pm.

**CHAIR:**

**DATED:**





## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 19 December 2013 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

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<b>PRESENT:</b>	Councillor Sunil Chopra (Chair) Councillor Adele Morris Councillor Eliza Mann
<b>OTHERS PRESENT:</b>	P.C. Ian Clements, Metropolitan Police Service Anthony Joseph, representative from Club Ebony Philip Ulbrich, local resident Jimmy Lee, local resident
<b>OFFICER SUPPORT:</b>	Debra Allday, legal officer Jayne Tear, licensing officer Sarah Newman, environmental protection officer Farhad Chowdhury, health and safety officer Dennis Sangweme, planning officer Andrew Weir, constitutional officer

### 1. APOLOGIES

Apologies were received from Councillors Abdul Mohamed and The Right Reverend Emmanuel Oyewole.

### 2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as the voting members. In the absence of the chair, Councillor Lorraine Lauder was nominated to chair the meeting by Councillor Adele Morris. This was seconded by Councillor Eliza Mann.

### 3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

**4. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

**5. LICENSING ACT 2003 - CLUB EBONY (AKA K & F LTD) BASEMENT AND GROUND FLOOR, 39-45 CAMBERWELL ROAD, LONDON SE5 0EZ**

The chair apologised for the late start of the meeting.

The licensing officer advised that there was additional information from Club Ebony and also from the environmental protection team. All parties agreed for this information to be circulated.

The licensing officer presented their report. Members had no questions for the licensing officer.

The environmental protection officer addressed the sub-committee. Members had questions for the environmental protection officer.

The police representative addressed the sub-committee. Members had questions for the police.

The health and safety officer addressed the sub-committee. Members had questions for the health and safety officer.

The sub-committee heard from the planning officer. Members had questions for the planning officer.

Members heard from local residents. Members had questions for the local residents.

The representative from Club Ebony addressed the sub-committee. Members had questions for the representative from Club Ebony.

All parties were given five minutes for summing up.

The licensing sub-committee went into closed session at 2.23pm.

The licensing sub-committee resumed at 4.18pm and the chair read out the decision of the sub-committee.

**RESOLVED:**

That the licensing sub-committee, having had regard to the application by the environmental protection team for a review of the premises granted under the Licensing Act 2003 to Club Ebony Limited in respect of the premises known as Club Ebony, (previously known as K & F Ltd) at 39-45 Camberwell Road, London SE5 0EZ and having had regard also to all other relevant representations decided it necessary for the promotion of the licensing objectives to revoke the licence.

## Reasons

This was a hearing of an application by the environmental protection team for a review of the premises granted under the Licensing Act 2003 to Club Ebony Limited in respect of the premises known as Club Ebony, (previously known as K & F Ltd) at 39-45 Camberwell Road, London SE5 0EZ.

This application was made under Section 51 of the Licensing Act 2003.

The licensing sub-committee heard evidence from the environmental protection officer, the applicant for the review who gave evidence to the sub-committee and advised of the history of complaints and statutory noise nuisance being witnessed by noise officers. Since the last review of December 2012, there had been an additional 35 further complaints of noise nuisance from the premises, five occasions when circumventing the noise limiting device have been witnessed by officers, two further occasions where statutory noise nuisance had been witnessed, despite the noise limiting device being re-set, two occasions when officers had witnessed the premises over-running the licence and further incidents of public disorder outside the premises. The noise team were currently progressing a prosecution for a statutory noise nuisance. Many residents lived within 50 yards of the premises and the level and frequency of noise was leading to significant impact on sleep, particularly when most of the complaints received were between 00.00 and 06.00. The current activities permitted by the licence were not appropriate for the vicinity. Despite the transfer of the premises to Club Ebony Ltd, on 4 November 2013, there had been four separate complaints of noise nuisance received.

The licensing sub-committee heard from the police who advised that they supported the review application. The police confirmed that they had received numerous calls regarding noise nuisance.

The licensing sub-committee heard from the planning officer who supported the review of the premises licence on the grounds of public nuisance to surrounding residents. The officer advised that the premises had not been granted planning permission for use as a night club and at best, the most appropriate use of the premises would be as an A4 public house with a closing time of 23.00.

The licensing sub-committee heard from the health and safety officer who advised that he had visited the premises on 22 June 2013 and faced obstruction from door staff, who would not let him into the premises and even when returning with the police, the police were stopped by the door staff. The officer also informed the sub-committee that the London Fire Brigade had served a prohibition notice on 6 June 2013 on the premises to prohibit the use of the upper floors as sleeping accommodation, and the use of the kitchen. He went on to advise that the council's residential team had served a prohibition order on the previous designated premises supervisor, Mr Kolawole Adeleye, to prohibit the use of the kitchen and the bedsits on the first, second and third floors. This was a category 1 fire hazard of the use of the commercial kitchen as there was no separate means of escape for tenants who had to pass the commercial kitchen to exit the building.

The licensing sub-committee heard from one other person and their witness who complained of loud music regularly being heard from the premises and strongly supported the review. They referred to a schedule of incidents (page 58 and 59 of the agenda), which referred to noise nuisance and flytipping since the transfer of the licence on 4

November 2013.

The licensing sub-committee heard evidence from the representative of Club Ebony, Mr Joseph, who explained that he fully understood the concerns of all parties. When he took over the premises he did not realise the extent of non-compliance and was eager and willing to work with everyone. However, Mr Joseph did express concerns that none of the residents had approached him with their grievances. All he wanted was to be given a chance and be judged on his merits despite having no experience of running a club.

The sub-committee questioned Mr Joseph on a number of aspects relating to his recent transfer of licence in particular, the lease of the premises was purchased for £120,000 for a six month period only. The sub-committee noted that the lease expired on 31 March 2014 with no option of review or renewal. Mr Joseph did not know whether his lease was registered or not. Mr Joseph said that he had made a mistake in that he did not undertake any enquiries regarding the premises licence, nor did his solicitors. The works referred to in condition 844 had not been completed nor had those works referred to in condition 348 of the current licence. He was not aware of the mandatory conditions attached to his licence and believed that everything was in place, despite having a full induction meeting with the licensing unit on 18 November 2013 and signing the minutes of this meeting.

Given the complex history of the premises and the significant number of complaints this licensing sub-committee were of the view that it had no alternative option but to revoke this licence. The sub-committee had no confidence in Mr Joseph's ability to manage the premises, under the current licence, based on his responses to relevant licensing objectives.

In reaching this decision the sub committee had regard to all the relevant considerations and the licensing objectives.

The licensing sub-committee considered that its decision was appropriate and proportionate in order to address the licensing objectives.

### **Appeal rights**

This decision is open to appeal by:

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices clerk for the magistrates court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either:

- a) The end of the period for appealing against this decision or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

The meeting closed at 4.25pm.

**CHAIR:**

**DATED:**



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 13 January 2014 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

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<b>PRESENT:</b>	Councillor Renata Hamvas (Chair) Councillor David Hubber Councillor The Right Revd Emmanuel Oyewole
<b>OTHERS PRESENT:</b>	Wilson Delgado, applicant Alex Jayes, applicant's representative Councillor Poddy Clark, ward councillor Sam Golding, local resident Paul Grubb, local resident Michael Zreika, local resident P. Powell, local resident J. Powell, local resident Richard Reeves, local resident Aleksandra Borkowska, local resident Ivy Harris, local resident Angela Fodwour, local resident Yuriy Shcherbak, local resident Claire Connolly, local resident Steve Smithson, local resident P.C. Lewis, safer neighbourhood team P.C. Green, safer neighbourhood team
<b>OFFICER SUPPORT:</b>	Joanne Devlin, legal officer Wesley McArthur, licensing officer Mark Prickett, environmental protection officer Sarah Koniarski, constitutional officer (observing) Andrew Weir, constitutional officer

### 1. APOLOGIES

There were none.

**2. CONFIRMATION OF VOTING MEMBERS**

The three members present were confirmed as the voting members.

**3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT**

There were none.

**4. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

**5. LICENSING ACT 2003 - COSTA AZUL, RAILWAY ARCH 102A ROCKINGHAM STREET, LONDON, SE1 6PG**

The licensing officer advised that there was a late conciliation statement to be circulated.

The licensing officer presented their report. Members had no questions for the licensing officer.

The applicant's representative addressed the sub-committee. Members had questions for the applicant and their representative.

The sub-committee heard from the safer neighbourhoods team. Members had no questions for the safer neighbourhood team.

The meeting adjourned at 10.55am to allow officers to print an email from the police to the applicant in order to clarify some points.

The meeting reconvened at 11.30am and copies of the document were circulated to all parties.

The environmental protection officer addressed the sub-committee. Members had questions for the environmental protection officer.

The sub-committee heard from the ward councillor and local residents. Members had questions for the ward councillor and local residents.

All parties were given five minutes for summing up.

The licensing sub-committee went into closed session at 12.22pm.

The licensing sub-committee resumed at 1.58pm and the chair read out the decision of the sub-committee.

**RESOLVED:**

That the application submitted by Mr. Wilson Armijos for the grant of a premises licence

issued under the Licensing Act 2003 in respect of Costa Azul, Railway Arch 102a, Rockingham Street, London SE1 6PG be granted as follows:

<b>Licensable Activity</b>	<b>Sunday to Thursday</b>	<b>Friday and Saturday</b>
Sale and supply of alcohol (on the premises)	11.00 to 22.30	11.00 to 23.30
Live music (indoors)	11.00 to 23.00	11.00 to 00.00
Recorded music (indoors)	11.00 to 23.00	11.00 to 00.00
Hours premises are open to the public	11.00 to 23.00	11.00 to 00.00
Non-standard timings	None	

### **Conditions**

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the application form and the following conditions:

- a) Additional conditions developed through discussion with the applicant and responsible authorities and / or other persons as follows:
- 1) That the premises shall operate a 'Challenge 25' policy whereby customers purchasing alcohol who appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms of proof of age shall include a driving licence, passport or a Proof of Age Standards Scheme (PASS) approved proof of age card.
  - 2) That all staff involved in the sale of alcohol shall attend a training scheme which will include training in the 'Challenge 25' policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.
  - 3) That 'Challenge 25' signage (in both English and Spanish) shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an 'Challenge 25' policy applies and proof of age may be required. This shall be maintained free from obstruction at all times.
  - 4) That a register of refused sales of alcohol and if applicable, cigarette sales, which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation



of the Challenge 25 policy. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.

- 5) That all staff are trained in their responsibilities under the Licensing Act 2003 and records of the training shall be kept and updated every six months. The training records shall be made immediately available to officers of the police and the council upon request.
- 6) That customers shall use no outside area after 23.00 other than those who temporarily leave the premises to smoke a cigarette. No more than five people at any one time.
- 7) That no drinks or food obtained from the premises will be permitted to be consumed outside the premises at any time..
- 8) That a personal licence holder is on the premises and on duty at all times that intoxicating liquor is supplied after 22.00 on Friday and Saturday nights until the terminal hour, and if not on the premises, will be contactable at all times and will leave a designated manager at the premises as a deputy.
- 9) That no spirits (liquids containing more than 20% ABV are to be sold by the bottle or half bottle.
- 10) That all spirits (liquids containing more than 20% ABV) should be sold in measures of 25ml or 35ml to a maximum of two measures per container / glass.
- 11) That alcohol shall cease 30 minutes prior to the terminal opening hour.
- 12) That SIA registered door supervisors, at least one of whom shall be a female, shall be employed at all times after 21.00 when the terminal opening hour is after 23.00.
- 13) That an identification scanning system specified to the reasonable satisfaction of police shall be installed and maintained at the premises. The system must be capable of: (1) storing information about banned customers and sharing such information with other venues that use the same system, (2) identify passports, driving licences and Proof of Age Standards Scheme (PASS) approved identification cards and (3) be able to identify forgeries of such documents to a reasonable standard. The system will be in operation in respect of all customer entries to the premises with no exceptions at all times after 18.00 when the terminal opening hour at the premises is after 23.00.
- 14) That any promotional material on or in any media shall state to the effect that there are no parking spaces available in the immediate vicinity of the premises. Any persons hiring and / or promoting events at the premises will be informed that that any promotional material on or in any media must state to the effect that there are no parking spaces available in the immediate vicinity of the premises.
- 15) That a sound limiting device (SLD) shall be installed at the premises and shall

be calibrated to the satisfaction of the council's environmental protection team (EPT). All amplification equipment in regards to both live and recorded sound must be routed through the SLD. At no time shall any such amplification equipment be operated independently of the SLD. The SLD shall be calibrated to the satisfaction of the EPT prior to any recorded or amplified live music being provided at the premises. Once calibrated, the control settings of the SLD shall not to be altered at any time except with the prior consent of the EPT. The SLD shall be accessible to the licensee and / or manager of the premises only and its installation be such that its control panel cannot be accessed by any other staff.

- 16) That the depositing of waste glass / earthenware into external waste receptacles shall not take place between 22.00 and 10.00 the following day.
- 17) That the mass depositing of waste glass / earthenware into internal waste receptacles shall not take place between 22.00 and 10.00 the following day. This condition allows the separate depositing of individual pieces of waste glass / earthenware into small internal waste receptacles throughout the operating hours of the premises.
- 18) That any doors at the premises leading directly to the outside of the premises will be fitted with door bottom and perimeter acoustic seals.
- 19) That a lobby entrance will be installed at the premises. The doors in the lobby entrance will be fitted with door bottom and perimeter acoustic seals.
- 20) That a comprehensive customer dispersal policy shall be written to the reasonable satisfaction of the council's EPT. All staff at the premises shall be briefed in regards to the dispersal policy. The dispersal policy shall be reviewed at any time that the operation of the premises changes and the policy shall be amended if necessary. A copy of the dispersal policy shall be kept at the premises and shall be made available to officers of the council or police on request.
- 21) That the details of a local cab company shall be kept at the premises and shall be provided to customers on request. If staff at the premises order a cab for a customer then those staff shall instruct the cab-driver not to sound their vehicle horn to attract attention, but to approach a staff member and let the staff member know that they are a cab that has been ordered by the premises.
- 22) That all doors and windows at the premises shall be kept closed when licensable activities are taking place at the premises.
- 23) That no additional amplification equipment may be used at the premises by performers of any description. Only the installed in house amplification equipment may be used in regards to any performance.
- 24) That performances of any description shall take place to the rear of the premises.
- 25) That on each day that the premises are in operation the alley way that the

premises' entrance is adjacent to and the immediate vicinity of the premises shall be cleared of any refuse produced by or associated with the operation of the premises after the premises has closed.

## Reasons

This was an application submitted by Mr. Wilson Armijos for the grant of a premises licence issued under the Licensing Act 2003 in respect of Costa Azul, Railway Arch 102a, Rockingham Street, London SE1 6PG.

The licensing sub-committee heard evidence from the applicant's representative who informed the sub-committee that the application was in respect of a restaurant and was therefore not to be confused with a night club. The applicant's representative highlighted that they had taken on board representations by local residents and responsible authorities and made reference to the conciliation statement. He went on to say that the applicant had in excess of ten years experience of operating similar premises and emphasised the desire to work with local residents in order to reduce concerns in respect of potential nuisance and/or crime and disorder in relation to the premises.

The sub-committee also heard from the safer neighbourhood team who expressed concerns about street drinking and anti social behaviour in the area. However, the applicant and the police conciliated in respect of all the conditions proposed by the police, to be attached to the licence if granted.

The licensing sub-committee heard from the environmental protection officer who expressed concerns in relation to the premises being situated in the vicinity of a residential area. However, he suggested that reducing the proposed operating hours in addition to the installation of a sound limiting device, would assist in reducing the risk of nuisance.

The licensing sub-committee heard from other persons who live in the vicinity of the premises and the ward councillor who spoke on behalf of local residents. They expressed objections to the application due to being concerned about the likelihood of noise nuisance and increase in anti social behaviour in the area. In addition, concerns were highlighted in respect of the premises being in the vicinity of a residential area. The residents informed the sub-committee that there are existing anti social behaviour issues within the area and that they were concerned that the premises could add to these existing problems.

In summing up the applicant highlighted that any issues relating to anti social behaviour were already existent in the area and are not therefore related to his premises or patrons. On the contrary, he believed that his restaurant would assist in increasing the security within the area.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that it was appropriate and proportionate to attach these conditions in order to address the licensing objectives.

**Appeal rights**

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that

- a) That the licence ought not to be granted; or
- b) That on granting the licence, the Licensing Authority ought to have imposed different or additional conditions the conditions of the licence, or ought to have modified them in a different way

May appeal against the decision.

Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the magistrates court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

The meeting closed at 2.14pm.

**CHAIR:**

**DATED:**



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 17 January 2014 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

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<b>PRESENT:</b>	Councillor Renata Hamvas (Chair) Councillor Sunil Chopra Councillor Wilma Nelson
<b>OTHER S PRESENT:</b>	Romanda Liu, applicant Niall McCann, applicant's representative Anastasia Cavouras, local resident Anthony Oh, local resident Mary Aramo, local resident Rory Sewell, local resident Claire Hamilton, local resident Elaine Bisseur, local resident Caitlin Douglas, local resident P. Adenwalla, local resident Audrey Shcherbakov, local resident
<b>OFFICER SUPPORT:</b>	Debra Allday, legal officer Wesley McArthur, licensing officer Mark Prickett, environmental protection officer Sarah Koniarski, constitutional officer (observing) Andrew Weir, constitutional officer

### 1. APOLOGIES

There were none.

### 2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as the voting members.

### 3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

#### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

#### 5. LICENSING ACT 2003 - HAPPY VALLEY, UNIT NR6, MONTREAL HOUSE, CANADA WATER, LONDON, SE16 7AP

The chair apologised for the late start of the meeting.

The licensing officer advised that there were a number of additional documents to be circulated. All parties agreed to these documents being circulated.

The licensing officer presented their report. Members had questions for the licensing officer.

The applicant's representative addressed the sub-committee. Members had questions for the applicant and their representative.

The sub-committee heard from local residents. Members had questions for the local residents.

All parties were given five minutes for summing up.

The licensing sub-committee went into closed session at 12.30pm.

The licensing sub-committee resumed at 1.56pm and the chair read out the decision of the sub-committee.

#### **RESOLVED:**

That the application submitted by Chris and Cherry Limited for the grant of a premises licence issued under the Licensing Act 2003 in respect of Happy Valley, Unit NR6, Montreal House, Canada Water, London SE16 7AP be granted as follows:

<b>Licensable Activity</b>	<b>Monday to Sunday</b>
Sale and supply of alcohol (on the premises)	10.00 to 23.00
Recorded music (indoors)	10.00 to 23.00
Hours premises are open to the public	10.00 to 23.30

Non standard timings	None

### Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the application form and the following conditions:

- a) Additional conditions developed through discussion with the applicant and responsible authorities and / or other persons as follows:
- 1) The premises shall operate a 'Challenge 25' policy whereby customers purchasing alcohol who appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms of proof of age shall include a driving licence, passport or a Proof of Age Standards Scheme (PASS) approved proof of age card.
  - 2) That all staff involved in the sale of alcohol shall attend a training scheme which will include training in the 'Challenge 25' policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.
  - 3) That 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an 'Challenge 25' policy applies and proof of age may be required. This shall be maintained free from obstruction at all times.
  - 4) A register of refused sales of alcohol and if applicable, cigarette sales, which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the Challenge 25 policy. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.
  - 5) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirement to the Metropolitan Police licensing officer. All entry and exit points will be covered enabling a clear facial image of every person entering in any light conditions. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be made available immediately upon request of police or authorised officers throughout the preceding 31 day period.
  - 6) That a staff member from the premises, who is conversant with the operation of CCTV system shall be on the premises at all times when the premises are opened to the public. This staff member must also be able to show the police or authorised council officer recent data or footage with the absolute minimum of delay when requested.

- 7) That no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 8) That persons permitted to temporarily leave and then re-enter the premises shall not be permitted to take drinks or glass containers with them.
- 9) That one male and one female SIA licensed door supervisors shall be on duty at the premises after 21.00 when the premises are in operation.
- 10) That neither staff nor patrons will be permitted to smoke in the courtyard to the rear of the premises.
- 11) That off sales will only be permitted via sealed containers.
- 12) That only background music shall be permitted within the ground floor of the premises.
- 13) That the collection of waste from or deliveries to the premises shall only take place between 08.00 and 21.00 on Monday to Saturday and between 10.00 and 20.00 on Sundays and bank holidays.
- 14) That waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- 15) That notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- 16) That notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

### **Reasons**

This was an application submitted by Chris and Cherry Limited for the grant of a premises licence issued under the Licensing Act 2003 in respect of Happy Valley, Unit NR6, Montreal House, Canada Water, London SE16 7AP.

The licensing sub-committee heard evidence from the applicant who informed the sub-committee that since the original application the parties had made significant progress through the conciliation process, the contents of which will not be duplicated within this decision. The applicant advised the sub-committee that the premises was a purpose built commercial premises with class A3 usage in an urban and busy location. The premises would be a fine dining restaurant with karaoke as a secondary concern.

The licensing sub-committee heard from other persons who raised concerns regarding the prevention of crime and disorder in that alcohol would lead to anti-social behaviour, harassment of residents and crimes which would directly impact on residents. In regard to public safety, there was high concern that patrons of the premises would congregate outside and smoke, which would affect the neighbouring residential premises. In relation to the prevention of public nuisance residents raised concerns of noisy disturbances from



karaoke during the evenings, which would affect the sleep of local residents. Lastly, there were concerns relating to the protection of children from harm in that there is a children's playground behind the premises and concern was raised of strangers entering and leaving the premises by the rear entrance of the premises, close to this play area.

Happy Valley will be a Chinese restaurant based over two floors. It is intended that the basement will have a bar and two karaoke booths, which would be able to hold a maximum of twelve persons in each. Both booths will be sealed and soundproofed and therefore noise shall not emanate to disturb the residents above. In following negotiations between the applicant and the environmental protection team (EPT), the EPT did not recommend the need for additional sound limiting to be included as a condition of the premises licence.

The residents raised concerns of smoking. However, the sub-committee are satisfied with the conditions agreed relating to this matter in particular, not smoking in the courtyard at the rear of the premises. The residents were also concerned of the proximity of the children's playground and the rear entrance to the premises. However, the sub-committee is satisfied that the playground is sufficiently secure with a fence enclosing it. It was also noted that the council's safeguarding team made no representations in respect of protecting children from harm.

In all the circumstances the application has made significant concessions. The sub-committee feels that the only reasonable restrictions that can be imposed for the benefit of the residents is to reduce the hours that the premises are open to the public from 00.00 to 23.30, in line with the planning condition in addition to reducing the collection of waste and deliveries to the premises to 21.00 (as agreed by the applicant in the meeting). The sub-committee feels that there is sufficient protection to the local residents and any breaches of the conditions and/or complaints can be dealt with by way of a review of the premises licence or alternatively a prosecution for breaches of the Licensing Act.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that it was appropriate and proportionate to attach these conditions in order to address the licensing objectives.

### **Appeal rights**

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that

- a) That the licence ought not to be granted; or
- b) That on granting the licence, the Licensing Authority ought to have imposed different or additional conditions the conditions of the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the magistrates court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

The meeting closed at 2.07pm.

**CHAIR:**

**DATED:**



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 21 January 2014 at 2.00 pm at Ground Floor Meeting Room G10 - 160 Tooley Street, London SE1 2QH

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<b>PRESENT:</b>	Councillor Renata Hamvas Councillor David Hubber Councillor Adele Morris
<b>OTHERS PRESENT:</b>	Candido Rodrigues, representative from Banana's Bar Philip Somarkis, legal representative for Banana's Bar P.C Graham White, Metropolitan Police Service
<b>OFFICER SUPPORT:</b>	Debra Allday, legal officer Dorcas Mills, licensing officer Sarah Koniarski, constitutional officer (observing) Virginia Wynn-Jones, constitutional officer

### 1. APOLOGIES

There were none.

### 2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

### 3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair agreed to accept item 5: Licensing Act 2003: Summary review - Banana's Bar, 374 Walworth Road, London SE17 2NF as late and urgent.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

**5. LICENSING ACT 2003: SUMMARY REVIEW - BANANA'S BAR, 374 WALWORTH ROAD, LONDON SE17 2NF**

This was an application for a summary review of the premises.

The licensing officer presented the report.

The police licensing officer addressed the sub-committee. Members had questions of the police licensing officer. The licensee's solicitor had questions of the police licensing officer.

The licensee's solicitor addressed the sub-committee. Members had questions for the licensee's solicitor.

The sub-committee went into closed session at 3.02pm.

The sub-committee reconvened at 3.20pm.

The chair of the sub-committee announced that the sub-committee rejected the application and dismissed the meeting without imposing interim steps, as the police had not satisfied the sub-committee that the conduct constituted an offence for which a person 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for three or more years nor that the amount to serious disorder, which was threshold that fell within the guidance for an expedited summary review.

The meeting closed at 3.21pm.

**CHAIR:**

**DATED:**



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 24 January 2014 at 2.00 pm at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Renata Hamvas  
Councillor Adele Morris  
Councillor Althea Smith

**OTHERS PRESENT:** Candido Rodrigues, representative from Banana's Bar  
Philip Somarkis, legal representative for Banana's Bar  
Sarah Le Fevre, legal representative for the Metropolitan Police Service  
P.C. Ian Clements Metropolitan Police Service

**OFFICER SUPPORT:** Joanne Devlin, legal officer  
David Franklin, licensing officer  
Andrew Weir, constitutional officer

### 1. APOLOGIES

There were none.

### 2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as the voting members.

### 3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair agreed to accept item 5: Licensing Act 2003: Summary review - Banana's Bar, 374 Walworth Road, London SE17 2NF as late and urgent.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

**5. LICENSING ACT 2003: SUMMARY REVIEW - BANANA'S BAR, 374 WALWORTH ROAD, LONDON SE17 2NF**

This was an application for a summary review of the premises.

The licensing officer presented the report.

The solicitor representing the police and the police licensing officer addressed the committee. The committee had questions of the police licensing officer. The licensee's solicitor had questions of the police licensing officer and the solicitor representing the police.

The licensee's solicitor and the licensee addressed the committee. The committee had questions for the licensee and their solicitor. The solicitor representing the police had questions for the licensee and their solicitor.

The licensing sub-committee went into closed session at 4.55pm.

The licensing sub-committee resumed at 5.47pm and the chair read out the decision of the sub-committee

**RESOLVED**

This was an application for a summary review of the premises.

The sub-committee rejected the application and dismissed the meeting without imposing interim steps, as the sub-committee did not consider that the police had provided substantial evidence to satisfy the requisite tests in respect of serious crime or disorder and in consideration of Section 81 (2) and (3) (a) and or (b) of the Regulation of Investigatory Powers Act 2000. It was considered that the evidence submitted did not meet the threshold that fell within the guidance for an expedited summary review.

**Appeal rights**

There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.

The meeting closed at 5.49pm.

**CHAIR:**

**DATED:**



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Friday 14 February 2014 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

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<b>PRESENT:</b>	Councillor Lorraine Lauder MBE (Chair) Councillor Eliza Mann Councillor The Right Revd Emmanuel Oyewole
<b>OTHERS PRESENT:</b>	Ian Clements, Metropolitan Police Service Keith Dempseen, Metropolitan Police Service Mike Woolfe, interested party Jay Patel, interested party Ishmail Koroma, premises licence holder Stella Pieh, premises licence holder Kamal Abchi, observer Alison Brittain, observer
<b>OFFICER SUPPORT:</b>	Dorcas Mills, licensing officer Debra Allday, legal officer Sarah Koniarski, constitutional officer Andrew Weir, constitutional officer Farhad Chowdhury, health and safety officer Sarah Newman, environmental protection officer David Swaby, licensing officer representing the council as a responsible authority

### 1. APPOINTMENT OF CHAIR

#### RESOLVED:

That Councillor Lauder be appointed as the chair for the duration of the meeting.

### 2. APOLOGIES

There were none.

**3. CONFIRMATION OF VOTING MEMBERS**

The three members present were confirmed as the voting members.

**4. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT**

There were none.

**5. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were none.

**6. REVIEW APPLICATION UNDER THE LICENSING ACT 2003: SIERRA SPOT, 6 ARNSIDE STREET, LONDON SE17 2AP**

The chair apologised for the delayed commencement of the meeting.

The licensing officer presented their report.

The licensing officer advised that hard copies of additional written submissions from both the premises licence holders and an interested party, which had been submitted prior to the meeting and circulated to members of the sub-committee, were available.

Additional evidence in the form of CCTV footage was submitted by an interested party to support their submission. There was no objection to this evidence being considered by the sub-committee.

The licensing authority, being the applicant for the review, addressed the sub-committee in its capacity as a responsible authority.

Members had questions for the applicant.

The following responsible authorities addressed the sub-committee in support of the review application:

- the environmental protection team
- the health and safety team
- the Metropolitan Police Service.

Members had questions for the responsible authorities.

The sub-committee heard representations in support of the review application from a local resident (who addressed the sub-committee on behalf of 13 local households) and the representative of an interested party.

The sub-committee viewed CCTV footage submitted by an interested party.



The premises licence holders addressed the sub-committee in objection to the review application.

Members had questions for the premises licence holders.

All parties were given the opportunity to sum up their submissions and respond to the evidence they had heard.

The meeting went into closed session at 12.30pm.

The meeting resumed open session at 2.06pm. The chair read out the sub-committee's decision, including the rights to appeal its decision.

### **RESOLVED:**

The licensing sub-committee, having had regard to the application by Southwark Council's licensing team for a review of the premises licence granted under the Licensing Act 2003 to Stella Pieh and Ishmail Koroma in respect of the premises known as Sierra Spot at 6 Arnside Street, London SE17 2AP and having had regard also to all other relevant representations decided it necessary for the promotion of the licensing objectives to revoke the licence.

### **Reasons**

This was a hearing of an application by Southwark Council's licensing team for a review of the premises granted under the Licensing Act 2003 to Stella Pieh and Ishmail Koroma in respect of the premises known as Sierra Spot at 6 Arnside Street, London SE17 2AP.

This application was made under Section 51 of the Licensing Act 2003.

The licensing sub-committee heard evidence from the officer for the licensing authority, being the applicant for the review. The licensing officer informed the sub-committee of his concern regarding the frequent number of breaches of the premises licence conditions and that the premises had repeatedly operated beyond the hours permitted by the premises licence, therefore undermining the prevention of crime and disorder objective. He also raised concerns that a number of complaints had been received of noise nuisance and an abatement notice had been served in respect of statutory noise nuisance. These complaints were not restricted to noise emanating from music played in the premises but also related to the unauthorised late night use of the premises.

The licensing sub-committee heard evidence from the environmental protection officer in support of the review application, who advised that the premises had been subject to seven complaints from members of the public in 2013 regarding loud, amplified and excessive noise coming from the premises. The statutory noise nuisance had been witnessed by council officers and an abatement notice had been served by enforcement officers.

The licensing sub-committee heard evidence from the health and safety officer in support of the review application, stating that the premises had not been run in accordance with the premises licence and was not being run a safe environment.

The licensing sub-committee heard evidence from the Metropolitan Police Service who supported the review application and cited a number of occasions when the premises licence had been breached, thus demonstrating a lack of control and proper management of the premises.

The licensing sub-committee noted that seven written representations had been submitted by other persons. The sub-committee heard from a local resident who spoke on behalf of 13 local households and who informed the sub-committee that the local residents had experienced two years of Sierra Spot blatantly disregarding the terms of its licence and local residents. The sub-committee heard that the considerable noise nuisance had a detrimental effect on residents, including local families and undermined the prevention of children from harm licensing objective. He also referred to the intimidating and abusive behaviour of Sierra Spot's customers who had been witnessed urinating in public, which in turn undermined public safety.

The licensing sub-committee also heard evidence from the representative of the proprietors of a local business and submitted CCTV evidence supporting their concerns regarding instances of public disorder associated with Sierra Spot and demonstrated the aggressive style of management adopted by Sierra Spot.

The licensing sub-committee heard evidence from the premises licence holders Stella Pieh and Ishmail Koroma. The premises licence holders referred to their on-going dispute with a nearby business and their concerns that the evidence submitted was motivated by business rivalry. The premises licence holders sought to reassure the sub-committee that they had displayed signs and made an effort to encourage patrons to leave the premises quietly. In response to questions from the sub-committee, Stella Pieh refuted the allegations made against her, stating that they were all untrue, particularly that she had never operated outside of permitted hours and that she was in control of the premises.

Nothing was disclosed in evidence from the premises licence holders to convince the sub-committee that the licence conditions and the licensing objectives would be upheld should the licensed activities at the premises be allowed to continue. In addition, the premises licence holders failed to address any of the alleged breaches as specified by the responsible authorities. The sub-committee noted that the designated premises supervisor had been prosecuted on 3 February 2014 in relation to the same alleged breaches and following trial, was convicted and ordered to pay a £10,000 fine.

In the circumstances and following consideration of the evidence, the sub-committee had no alternative but to revoke the licence.

In reaching its decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that its decision was appropriate and proportionate in order to address the licensing objectives.

### **Appeal rights**

This sub-committee advised that its decision was open to appeal by either:

- a) the applicant for the review
- b) the premises licence holder
- c) any other person who made relevant representations in relation to the application.

The sub-committee further advised that such an appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the magistrates' court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

The sub-committee explained that its decision would not have effect until either:

- a) the end of the period for appealing against this decision or
- b) in the event of any notice of appeal being given, until the appeal was disposed of.

**7. VARIATION APPLICATION UNDER THE LICENSING ACT 2003: SIERRA SPOT, 6 ARNSIDE STREET, LONDON SE17 2AP**

Following a request from the applicants for the variation, the meeting was adjourned at 2.15pm.

The meeting was reconvened at 2.25pm and the applicants confirmed their intention to withdraw the application for a variation of the premises licence. The sub-committee accepted the withdrawal.

The meeting closed at 2.25pm.

**CHAIR:**

**DATED:**



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Tuesday 18 February 2014 at 10.00 am at Ground Floor Meeting Room G02B - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Jeff Hook (Chair)  
Councillor Dora Dixon-Fyle  
Councillor Wilma Nelson

**OTHERS PRESENT:** Graham White, Metropolitan Police Service  
Craig Baylis, interested party  
James Hatts, press

**OFFICER SUPPORT:** Kristie Ashenden, licensing officer  
Joanne Devlin, legal officer  
David Swaby, licensing officer representing the council as a responsible authority  
Sarah Koniarski, constitutional officer  
Andrew Weir, constitutional officer

### 1. APOLOGIES

There were none.

### 2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as the voting members.

### 3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

**5. LICENSING ACT 2003: BLUE EYED MAID, 173 BOROUGH HIGH STREET, LONDON SE1 1HR**

The licensing officer presented their report. Members had no questions for the licensing officer.

The Metropolitan Police Service, being the applicant for the original review of the premises licence, addressed the sub-committee. Members had no questions for the police.

The licensing officer representing the council as a responsible authority addressed the sub-committee. Members had questions for the licensing officer.

The sub-committee heard representations from the legal representative of the designated premises supervisor (DPS) for the Blue Eyed Maid. Members had no questions for the legal representative.

All parties were given the opportunity to sum up their submissions.

The meeting went into closed session at 10.34am.

The meeting resumed at 11.21am and the chair read out the sub-committee's decision.

**RESOLVED:**

The licensing sub-committee, having had regard to the decision made on 8 October 2013 following determination of an application for a review of the premises licence granted under the Licensing Act 2003 to Punch Taverns PLC in respect of the premises known as Blue Eyed Maid, 173 Borough High Street, London SE1 1HR and having had regard also to the subsequent appeal and proposed conciliation between the applicant and the appellant decided it necessary for the promotion of the licensing objectives to amend the conditions as follows:

1. Suspend the licence for a period of three weeks.
2. Remove the designated premises supervisor being Kamal Hussain.
3. Modify the conditions of the premises licence as follows:
  - i. That there be a change in the senior management team of the day to day operation of the Blue Eyed Maid.
  - ii. That the operating hours be reduced on Fridays and Saturdays to 11.00 to 02.30 and all licensable activities cease at 02.00.
  - iii. That there be no entry or re-entry to the premises after 00.30 Monday to Sunday with the exception of smokers.
  - iv. An ID scanning system to the reasonable satisfaction of the police be installed and maintained. The system will be capable of sharing information about banned customers with other venues, identify the hologram of another ID and

read both passports and ID cards, able to identify fake or forged ID documents to a reasonable standard. The system will be in operation at all times after 21:00 whilst the premises are in operation under the premises licence. All persons that enter the premises including staff, patrons, DJs and associated staff will be scanned and have their details stored on the system. The details shall be stored and made available for a period of no less than 31 days.

- v. The premises will ensure that there is at least two persons on duty at all times the ID scan system is in operation, trained in its use and able to search and retrieve the information stored within.
- vi. That all staff employed in the supply of intoxicating liquor complete a refresher training course on the relevant licensing legislation.
- vii. That an incident log shall be maintained and details of all refusals recorded. This book shall be reviewed monthly by the DPS and any actions taken shall be recorded in the book and be signed off by the DPS. This log shall be maintained on the premises and shall be made available for inspection by authorised officers.
- viii. That a dispersal policy be introduced to provide quick dispersal of customers from outside the premises after closing time.

### **Reasons**

The licensing sub-committee heard evidence from the Metropolitan Police Service, being the applicant for the original review application who stated that he considered that a three week suspension would be sufficient time to allow the appellant to adhere to the proposed conditions and that the amended conditions concerning the ID scanning system would satisfy the police in respect of their concerns in view of the licensing objectives.

The licensing sub-committee heard evidence from the licensing authority in its capacity as a responsible authority who stated that he considered that the proposed amended conditions would assist the premises in complying with their requirements under the licensing objectives.

The licensing sub-committee heard evidence from a solicitor on behalf of the designated premises supervisor Kamal Hussain, who stated that he would withdraw the appeal to the magistrates' court. This would be done by way of a consent order as per the amended conditions above.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that its decision was appropriate and proportionate in order to address the licensing objectives.

### **Appeal rights**

The sub-committee advised that its decision was open to appeal by either:

- a) the applicant for the review
- b) the premises licence holder
- c) any other person who made relevant representations in relation to the application.

The sub-committee further advised that such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the magistrates' court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

The sub-committee explained that its decision would not have effect until either:

- a) The end of the period for appealing against this decision or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

The meeting closed at 11.27am.

**CHAIR:**

**DATED:**

<b>Item No.</b> 8.	<b>Classification:</b> Open	<b>Date:</b> 12 March 2014	<b>Meeting Name:</b> Licensing Committee
<b>Report title:</b>		Pet Animals Act 1951 – New Standard Conditions for Pet Shop Licences	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATION

1. That the 'Model Conditions for Pet Vending Licensing 2013' published by the Chartered Institute of Environmental Health and set out in Appendix A to this report, be adopted to form this authority's standard conditions attached to pet shop licences issued under the Pet Animals Act 1951, with effect from 1 April 2014.

## BACKGROUND INFORMATION

2. Local authorities in England, Scotland and Wales issue licences to the proprietors of pet shops and other pet vendors under the provisions of the Pet Animals Act 1951.
3. Before granting a licence the local authority must be satisfied that the animals are:
  - Kept in accommodation that is suitable (with regard to size, temperature, lighting, ventilation and cleanliness)
  - Supplied with appropriate food and drink
  - Adequately protected from disease and fire.
4. The local authority may:
  - Attach conditions to the licence
  - Inspect the premises at all reasonable times
  - Refuse a licence if the standards at the premises are unsatisfactory or revoke a licence if the terms of the licence are not being complied with.
5. This authority currently has a set of standard conditions which are applied to all pet shop licences. These are complemented by premises specific conditions as appropriate. The standard conditions derive from model conditions compiled by animal welfare professionals, which are updated from time to time.
6. The model conditions have recently been revised and updated by a working group comprising industry experts, animal welfare charities and local authority representatives (including from the Chartered Institute of Environmental Health Officers (CIEH); the Local Government Association; the British Veterinary Association; the RSPCA; and others) The revised conditions have been published by the CIEH and are recommended for adoption by the working group.



## KEY ISSUES FOR CONSIDERATION

### The model conditions

7. A copy of the new model conditions is attached at Appendix A to this report.
8. The model conditions are the working group's recommendations for the basic minimum standards considered necessary to ensure the health, safety and welfare of animals in pet shops.
9. The working group advises that "the model conditions should not be considered as a complete manual on animal husbandry". They are intended by the working group as a "living document which will be revised from time to time to take into account new knowledge of animal physiology and behaviour, as well as advances and developments in standards of animal welfare".
10. Even so, the revised model conditions provide for a far more comprehensive and detailed assessment of the situation than its predecessor. The previous version dealt in generalities providing umbrella clauses to deal with issues covered, whereas the revised conditions go further and provide specific considerations in respect of each species likely to be offered for sale as pets. The document also provides guidance alongside each clause for purpose of providing greater clarification of the expectations placed upon premises management.
11. The model conditions comprise 10 sections as follows:
  - Schedule A – General conditions
  - Schedule B – Dogs
  - Schedule C – Cats
  - Schedule D – Rabbits and guinea pigs
  - Schedule E – Other small mammals
  - Schedule F – Ferrets
  - Schedule G – Birds
  - Schedule H – Reptiles and amphibians
  - Schedule I – Fish
  - Appended further information and useful contacts.
12. Subject matter covered by the conditions includes:
  - Licence display
  - Accommodation
  - Exercise facilities
  - Register of animals
  - Stocking numbers and densities
  - Health disease and acclimatisation
  - Food and drink
  - Observation
  - Disposal of waste
  - Transportation to the premises
  - Sales of animals
  - Dangerous wild animals

- Pet care advice, staff training and knowledge
- Fire and other emergency.

### **Animal Welfare Act 2006**

13. Providing some context to the pet shops licensing regime under the Pet Animals Act 1951 is the more recent Animal Welfare Act 2006. Under the 2006 Act, those responsible for animals, including pet vendors, have a responsibility towards the welfare of the animal in their care. It is an offence to cause unnecessary suffering to a protected animal, whether by act or omission. Vendors also have a legal 'duty of care' towards the animals in their care. Vendors must therefore take such steps as are reasonable in all the circumstances to meet the welfare needs of the animals, to the extent required by good practice. The Acts define an animal's needs as including:
- Its need for a suitable environment
  - Its need for a suitable diet
  - Its need to be able to exhibit normal behaviour patterns
  - Any need to be housed with, or apart from, other animals
  - Its need to be protected from pain, suffering, injury and disease.
14. During premises inspections prior to the issue of a licence it is important that these five needs are addressed. The Department for the Environment, Food and Rural Affairs (Defra) has produced various codes of practice under the Animal Welfare Act 2006, which outline in more detail certain species' needs.
15. The Animal Welfare Act 2006 also increased the minimum age at which a person can buy an animal from 12 to 16 and prohibited giving animals as prizes to unaccompanied children below this age.

### **Introduction of the model conditions**

16. It is proposed that, if adopted, the model conditions be applied as the new standard conditions attached to all new pet shop licences issued from 1 April 2014 and to all renewals from 1 January 2015. Pet shop licences are due for renewal annually on 31 December.
17. Currently there are five licensed pet shops operating within the borough. All licensed operators will be provided with copies of the new standard conditions in advance of their next renewal date. They will be advised that the content represents best management practice and asked to review and upgrade their practice, where necessary, with a view to full compliance by that date. Supporting advice and information will be provided to operators to help with compliance where necessary.

### **Policy implications**

18. The adoption of the new model conditions is considered consistent with the council's fairer future promises to:
- Treat residents as we would wish members of our own family. By ensuring that all companion animals offered for sale have been kept in suitable conditions with proper regard to the welfare of the animal concerned.

- Being open, honest and accountable. By making clear the expectations placed upon prospective licensed operators.
- Spending money as if it were from our own pocket. By directing resources firstly into constructively supporting lawful responsible business operators over enforcement.
- Working for everyone to realise their potential. By providing that support and guidance while being prepared to take effective actions against illegal or irresponsible operators when the situation demands.
- Making Southwark a place to be proud of. By ensuring that current best management practice and standards of animal welfare are employed by all our local pet vendors.

### **Community impact statement**

19. Companion animals play an important role in today's society. Caring for a pet can provide companionship; reduce anxiety; provide sensory stress relief; add structure and routine to life; and also help promote opportunity for increased exercise and for meeting people.
20. In return we carry a responsibility for animals in our care. This extends to pet vendors.
21. Anyone intending to purchase a companion animal should have an expectation that the animals offered for sale have been well cared for and are in good health. The model conditions will assist in ensuring that best management practice is established at all licensed vendors.
22. The model conditions have been developed to encourage consistency in approach across local licensing authorities in order to minimise the risk of transmission of disease from animals to humans, as well as to protect animals from cruelty and ill-treatment and to encourage good standards of animal husbandry in pet vending.
23. An equality analysis has been considered in the preparation of this report and it is considered that the adoption of these new standard conditions offer no potential for discrimination. All appropriate opportunities to advance equality of opportunity and foster good relations between people with different protected characteristics have been taken into account.

### **Resource implications**

24. There are no specific resource implications contained within this report. All work generated by the potential introduction of the new standard conditions will be absorbed by current resources. The schedule of fees and charges is unaffected.

### **Consultation**

25. No consultation has taken place in the operation of this report nor is planned for the future. In the event that the model conditions are adopted they will be published and all affected operators informed and given time and support in complying.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Legal Services**

26. The model conditions detailed in the Chartered Institute of Environmental Health "Model Conditions for Pet Vending Licensing 2013" (July 2013) set out recommendations for the basic minimum standards considered necessary to ensure the health, safety and welfare of animals in pet shops.
27. Licensing authorities should apply and enforce the licence conditions sensibly and appropriately.
28. The model conditions are not a complete manual on animal husbandry, but alternatively, a living document.
29. Local authorities issue licences to proprietors of pet shops and other pet vendors under the provisions of the Pet Animals Act 1951. Before a local authority grants a licence to a proprietor, it must be satisfied that the animals are kept in accommodation that is suitable; they are supplied with appropriate food and drink and are adequately protected from disease and fire. The local authority may attach conditions to the licence, may inspect the licensed premises at all reasonable times and may refuse a licence if the standards at the premises are unsatisfactory or if the terms of the licence are not being complied with.
30. Under the Animal Welfare Act 2006 those responsible for animals, including pet vendors, have a responsibility towards the welfare of the animals in their care. Under the Act it is an offence to cause unnecessary suffering to a protected animal, whether by an act or omission. Vendors also have a legal 'duty of care' towards the animals in their care. Vendors must therefore take such steps as are reasonable in all the circumstances to meet the welfare needs of the animals, to the extent required by good practice.
31. The Animal Welfare Act 2006 also increased the minimum age at which a person can buy an animal to 16 and prohibit giving animals as prizes to unaccompanied children under this age. Another key objective is to encourage conditions in pet shops licensing and a consistency of approach across local authorities which minimises the risk of transmission of disease from animals to humans, alongside the need to protect animals from cruelty and ill-treatment and to encourage good standards of animal husbandry in pet vending.

### **Strategic Director of Finance and Corporate Services**

32. The report recommends that the 'Model Conditions for Pet Vending Licensing 2013' published by the Chartered Institute of Environmental Health and set out in Appendix A to this report, be adopted with effect from 1 April 2014.
33. The strategic director of finance and corporate services notes the resource implications contained within the report and that there are no financial implications as a result of accepting the proposals. Officer time to effect the recommendations will be contained within existing budgeted revenue resources.

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Pet Animals Act 1951	Health Safety Licensing and Environmental Protection Unit, C/O 160 Tooley Street, London, SE1	Mrs Kirty Read. Tel: 020 7525 5748
Animal Welfare Act 2006	As above	As above
Current Southwark standard conditions for pet shop licences	As above	As above
Model conditions for pet vending licences 2013	As above	As above

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix A	Model conditions for pet vending licences 2013

**AUDIT TRAIL**

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Leisure	
<b>Report Author</b>	Richard Parkins, Licensing and Environmental Protection Unit Manager	
<b>Version</b>	Final	
<b>Dated</b>	21 February 2014	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>		21 February 2014



# Model Conditions for Pet Vending Licensing 2013



July 2013

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

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## Introduction

The Model Conditions set out in this document are the working group's recommendations for the basic minimum standards considered necessary to ensure the health, safety and welfare of animals in pet shops.

Licensing authorities should apply and enforce the licence conditions sensibly and appropriately.

These Model Conditions should not be considered as a complete manual on animal husbandry. It is a living document which will be revised from time to time to take into account new knowledge of animal physiology and behaviour as well as advances and development in standards of animal welfare.

Local authorities in England, Scotland and Wales issue licences to proprietors of pet shops and other pet vendors under the provisions of the Pet Animals Act (1951). Before granting a licence the local authority must be satisfied that the animals are kept in accommodation that is suitable; that they are supplied with appropriate food and drink; and are adequately protected from disease and fire. The local authority may attach conditions to the licence, may inspect the licensed premises at all reasonable times and may refuse a licence if the standards at the premises are unsatisfactory or if the terms of the licence are not being complied with.

Under the Animal Welfare Act (2006)<sup>1</sup> which applies in England and Wales and the Animal Health and Welfare (Scotland) Act 2006<sup>2</sup> in Scotland those responsible for animals, including pet vendors, have a responsibility towards the welfare of the animals in their care. Under these Acts it is an offence to cause unnecessary suffering to a protected animal, whether by an act or omission. Vendors also have a legal 'duty of care' towards the animals in their care. Vendors must therefore take such steps as are reasonable in all the circumstances to meet the welfare needs of the animals, to the extent required by good practice. The Acts define an animal's needs as including:

- Its need for a suitable environment
- Its need for a suitable diet
- Its need to be able to exhibit normal behaviour patterns
- Any need to be housed with, or apart from, other animals
- Its need to be protected from pain, suffering, injury and disease

During the inspection, prior to the issue of a licence, it is important that the five needs as outlined above are considered. Defra, the Welsh Assembly Government and the Scottish Government have produced various Codes of Practice under the Animal Welfare Acts, which outline in more detail certain species' needs that can be referred to for guidance. Issues specific to pet shops and other pet vendors are covered in this document.

The Animal Welfare Acts also increased the minimum age at which a person can buy an animal to 16 and prohibit giving animals as prizes to unaccompanied children under this age. In Scotland, there is a prohibition on giving animals as prizes.

Another key objective in developing these model licensing conditions is to encourage conditions in pet shops licensing and a consistency of approach across local authorities which minimises the risk of transmission of disease from animals to humans, alongside the need to protect animals from cruelty and ill-treatment and to encourage good standards of animal husbandry in pet vending.

Humankind shares a world with animals; it is unsurprising therefore that we also share some diseases. Zoonoses, or zoonotic disease are infectious diseases transmissible between humans and other animals; many thousands of zoonotic disease have been identified. While the reported instances of transmission are infrequent, they nevertheless represent significant disease prevalence. The risk to humans depends on the kind of disease and the type of exposure.

<sup>1</sup> [www.defra.gov.uk/foodfarm/farmanimal/welfare/act](http://www.defra.gov.uk/foodfarm/farmanimal/welfare/act)

<sup>2</sup> [www.oqps.gov.uk/legislation/acts/acts2006/pdf/asp\\_20060011\\_en.pdf](http://www.oqps.gov.uk/legislation/acts/acts2006/pdf/asp_20060011_en.pdf)

**Legislation/Orders that are relevant<sup>3</sup>:****England**

- Pet Animals Act 1951
- Dangerous Dogs Act 1991
- Dangerous Wild Animals Act 1976
- Breeding of Dogs Act 1973
- EU Regulation on the protection of animals during transport (EC) 1/2005
- Welfare of Animals (Transport)(England) Order 2006
- Animal Welfare Act 2006
- Docking of Working Dogs' Tails (England) Regulations 2007
- Mutilations (Permitted Procedures)(England) Regulations 2007
- EU Wildlife Trade Regulations: Council Regulation (EC) No. 338/97, implements CITES (Convention on International Trade in Endangered Species of Flora and Fauna) in the European Community
- The Conservation of Habitats and Species Regulations 2010, implements the EU Habitats Directive: Council Directive 92/43 EEC.

**Scotland**

- Pet Animals Act 1951
- Dangerous Dogs Act 1991
- Control of Dogs (Scotland) Act 2010
- Dangerous Wild Animals Act 1976
- Breeding of Dogs Act 1973
- EU Regulation on the protection of animals during transport (EC) 1/2005
- Welfare of Animals (Transport)(Scotland) Order 2006
- Animal Health and Welfare (Scotland) Act 2006
- The Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2010
- The Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009

**Wales**

- Pet Animals Act 1951
- Animal Welfare Act 2006
- The Welfare of Animals (Transport) (Wales) Order 2007
- The Docking of Working Dogs' Tails (Wales) Regulations 2007
- Mutilations (Permitted Procedures) (Wales) Regulations 2007
- Dangerous Dogs Act 1991
- Dangerous Wild Animals Act 1976
- Breeding of Dogs Act 1973
- EU Regulation on the protection of animals during transport (EC) 1/2005
- The Conservation of Habitats and Species Regulations 2010, implements the EU Habitats Directive: Council Directive 92/43 EEC.

The working group agreed that the LGA Model Standards<sup>4</sup> needed to be updated whilst anticipating secondary legislation under the Animal Welfare Act 2006. These conditions should therefore not be seen as a substitute for secondary legislation.

<sup>3</sup> All legislation referred to in this document is intended to represent the most recent version

<sup>4</sup> Local Government Association (1998) "The Pet Animals Act 1951: Model standards for pet shop licence conditions", LGA Publications

**The groups consulted included:**

- British Veterinary Association
- Cats Protection
- Chartered Institute of Environmental Health
- Department for Environment, Food and Rural Affairs (Defra)
- Dogs Trust
- Federation of Companion Animal Societies
- Feline Advisory Bureau
- Local Government Association
- Ornamental Aquatic Trade Association
- Pet Care Trade Association
- Rabbit Welfare Association & Fund
- Reptile and Exotic Pet Trade Association
- Royal Society for the Prevention of Cruelty to Animals

**Special thanks also to:**

- Peter Scott – Zoo and Aquatic Veterinary Group/Companion Animal Welfare Council
- William H Wildgoose – Fish Veterinary Society/Midland Veterinary Surgery
- Ian Strachan – Scottish Government
- Wood Green Animal Shelters
- OneKind

**Definition of terms**

\*\* A batch should be defined as a group of animals arriving from the same supplier, at the same time

\*\* m<sup>2</sup> is a measurement of area.

One m<sup>2</sup> measures one metre by one metre. Consequently 2 m<sup>2</sup> measures 2 metres by 1 metre. (2 square metres measures 2 metres by 2 metres.)

## Schedule A – General conditions

### 1. Licence Display

#### 1.1 Condition

The licence or a copy of the licence must be suitably displayed to the public in a prominent position

#### Guidance

For security reasons, the licence should not display the licence holder's home address.

### 2. Accommodation

#### 2.1 Condition

Animals must at all times be kept in accommodation designed to prevent escape and an environment suitable to their species and condition with respect to behavioural needs, situation, size, temperature, ventilation, and cleanliness. All accommodation must avoid drafts and overexposure to direct sunlight and must be kept in good repair.

#### Guidance

Animals should be able to move around freely, climb, fly, swim and jump where appropriate, and be comfortable in their environment. Definitions of appropriate sizes and materials are in the appropriate schedules to this document. Regular maintenance and repair will prevent injury from damaged housing. Temperature monitoring devices should be provided. It is important to avoid draughts.

#### 2.2 Condition

Ventilation must be provided to all interior areas without the creation of excessive, localized draughts. Ventilation is important as an aid to disease control and aims to decrease smell accumulation and prevent excessive humidity of the atmosphere.

#### Guidance

The spread of airborne infections can be a significant risk. Excessive or inadequate humidity can cause other health problems.

#### 2.3 Condition

If animals are displayed outdoors, they must have protection appropriate to their species

#### Guidance

This should include shelter from wind, rain or snow and/or the sun and predators if appropriate.

#### 2.4 Condition

In order to control the spread of disease, and to prevent injury, housing must be constructed of non-porous materials or be appropriately treated. Junctions between all sections need to be fully cleanable.

#### Guidance

Appropriate housing will prevent direct transmission of disease and injuries. This will maintain structural integrity and ensure dry, easily cleansed surfaces. In general, untreated wood is not an appropriate material as it cannot be thoroughly cleaned.

#### 2.5 Condition

Animals must be kept in housing which minimises stress from other animals or the public. Signage must be in place to deter public interference.

#### Guidance

An area to hide away, if needed, will help to reduce stress levels for the animals. In addition to signs, other measures maybe required, such as limiting access to some sides of animal enclosures. Care should be taken to avoid sensory contact between prey and predator species.

#### 2.6 Condition

All animals for sale must be readily accessible and easy to inspect by staff.

#### Guidance

This should help to ensure that the cage is kept clean and hygienic and animals can be easily observed for illness or injury

**2.7 Condition**

Accommodation must be cleaned as often as necessary to maintain good hygiene standards

**Guidance**

To maintain a clean environment, a cleaning Standard Operating Procedure (SOP) should be provided and should detail the routine daily cleaning regime and the procedure for cleaning between periods of occupation. Soiled bedding should be removed frequently to ensure animals do not have to lie in it.

**2.8 Condition**

Where accommodation is on a tiered system, water, food or droppings must not be allowed to enter the lower housing

**Guidance**

This will prevent contamination of the lower cages. This does not apply to centrifuged fish systems or aviaries where perching and ground birds are housed together.

**2.9 Condition**

All accessories provided for environmental enrichment in the accommodation must be appropriate for the species.

**Guidance**

To stimulate the performance of natural behaviours.

**3. Exercise Facilities****3.1 Condition**

Suitable and sufficient facilities must be available where appropriate.

**Guidance**

Animals must be able to exhibit normal behaviour patterns and this may require the provision of suitable space for exercise.

**4. Register of Animals****4.1 Condition**

A purchase register must be maintained for all animals detailing their source and identification where appropriate,

**Guidance**

This can be by cross referenced to an invoice file. The purpose of the register is to ascertain the source of the animals.

**4.2 Condition:**

A sales register must be maintained for:

**4.2.1 Dogs****4.2.2 Cats****4.2.3 Psittacines****4.2.4 Species contained in the Schedule to the Dangerous Wild Animals Act 1976****Guidance**

The purpose of the register is for emergency contact of purchasers. The name, address and telephone number of the purchaser should be obtained. This is not required for other species.

**4.3 Condition**

Animals under veterinary treatment must be identifiable.

**5. Stocking Numbers and Densities****5.1 Condition**

No animals other than those specified in the licence, may be stocked.

The licence conditions should clearly state the numbers for each species or species group that may be kept on the premises, except fish. Please refer to Schedules for individual species for more details.

Animals are defined as any vertebrate animals; invertebrates are exempted from the regulations.

**5.2 Condition**

Where appropriate, all animals must be housed in social groups of suitable size.

**Guidance**

Details can be found in the relevant schedules.

**6. Health Disease and Acclimatisation****6.1 Condition**

All animals for sale must be in good health

**Guidance**

Vendors and staff are responsible for providing the animals' needs including good health care. Illness and obvious parasitic infection should be addressed before the animal is sold. Veterinary advice should be sought in any case of doubt.

Transport and the introduction to a novel environment are stressful and animals should be allowed to acclimatise before being further stressed by being offered for sale. Where animals are obtained for sale to a specific client it may be acceptable for the animal to be sold immediately.

All animals should receive appropriate vaccination where required for the species, as advised by the retailer's veterinary surgeon. Veterinary advice must be sought whenever necessary.

A Record of Treatment should be provided to the purchaser. Vaccination courses should begin at the appropriate age for each species.

### 6.2 Condition

Any sick or injured animal must receive appropriate care and treatment without delay. These must only be treated by appropriately competent staff or veterinary surgeons.

#### Guidance

"Care and treatment" may include euthanasia but under no circumstances may an animal be euthanised other than in a humane and effective manner. In case of doubt, veterinary advice must be sought.

### 6.3 Condition

Provision must be made for the isolation of sick/injured/infectious animals and those that might reasonably be expected to be carrying serious infectious diseases.

#### Guidance

Isolated animals should be kept in a secure, comfortable location where their condition and needs can be kept, also detailing treatment. For ornamental fish, in-line UV treatment or other sterilising devices effectively provide a means of isolating individual tanks in multiple tank systems. They must be of a proper size and maintained in accordance with manufacturers' recommendations.

### 6.4 Condition

Any animal with an abnormality which would materially affect its quality of life, must not be offered for sale. When in doubt, veterinary advice should be sought.

#### Guidance

Information on any known conditions should be provided to the new owner.

### 6.5 Condition

All reasonable precautions must be taken to prevent the outbreak and spread of disease. No animal which is suffering from, or could reasonably be suspected of having come into contact with any other animal suffering from any infectious or contagious disease or which is infested with parasites, shall be brought into or kept on the premises unless effectively isolated.

#### Guidance

Precautions should include regular cleaning (see 2.6) and good personal hygiene of staff in addition to effective quarantine of incoming groups of animals except for fish. Staff handling animals should wash or disinfect, and rinse if appropriate, their hands between groups. The shop should be registered with a veterinary practice and there should be veterinary input to SOPs where appropriate. It is important that the supplying breeders should have a policy for inherited and infectious disease control agreed. Staff should be aware of zoonotic transmission.

### 6.6 Condition

All necessary precautions must be taken to prevent harbourage, or the introduction to the premises, of rodents, insects and other pests.

#### Guidance

"Rodent" and "Insect" excludes animals for sale or feeding

## 7. Food and Drink

### 7.1 Condition

Animals must be supplied with adequate amounts of food and drink, appropriate to their needs at suitable intervals. All food must be suitable for the species concerned.

#### Guidance

Water should be available at all times except for those species where it may be harmful. An SOP should be produced for basic nutritional needs for each species or species group, and age group if appropriate. The owner should be advised to continue feeding consistent with the diet given by the pet shop.

**7.2 Condition**

Food and Drink receptacles must be appropriate to the species, constructed and positioned to minimise faecal and urine contamination and spillage. Receptacles must be cleaned out at regular intervals.

**Guidance**

Faecal and urine contamination is a risk to health. Maintaining a clean environment may require regular cleaning of receptacles. Receptacles should be thoroughly cleaned before being moved between batches/groups

**8. Food Storage****8.1 Condition**

All food, excluding live foods intended for feeding to animals on the premises, must be stored in impervious closed containers.

**Guidance**

Such containers prevent spoilage of the food or attraction of rodents or pests to the premises.

**8.2 Condition**

The containers and equipment used for feeding must be kept in a clean and sound condition.

**Guidance**

There must be suitable facilities for cleaning of receptacles and equipment which should be separate from staff facilities.

**9. Observation****9.1 Condition**

All animals must be attended to at regular intervals, except where defined in the schedule, at least once daily, and appropriate to the individual animal.

**Guidance**

Regular checks and observation records aid in early detection of illness, injury or behavioural problems and should be considered very important for all animals.

A system of recording observation should be maintained.

**10. Disposal of Waste****10.1 Condition**

All excreta and soiled bedding for disposal must be kept in a hygienic manner and stored in impervious containers with close fitting lids - away from direct sunlight.

**Guidance**

This is important for biosecurity and odour reduction.

Excreta and soiled bedding should be removed from the premises on a regular basis, at least weekly, disposed of to the satisfaction of the appropriate local authority, and in accordance with current regulations and good waste management practice. Premises should maintain a contract for removal with an appropriate company and adhere to local authority regulations.

There should be appropriate arrangements in place for removal of dead animals.

**11. Transportation to the Premises****11.1 Condition**

When receiving animals, the licensee must make reasonable effort to ensure that they are transported in a suitable manner.

**11.2 Condition**

Any animals received or consigned shall be transported according to the regulations laid down in current legislation.

**11.3 Condition**

Animals must be transported or handed to purchasers in suitable containers,

**Guidance**

Buyers should be advised how to transport animals home so as to minimise stress.

**12. Sale of Animals****12.1 Condition**

No mammal shall be sold un-weaned or, if weaned, at an age at which it should not have been weaned.

**Guidance**

Young mammals require nutritional and behavioural support from their mothers.

**12.2 Condition**

In the case of non-mammals, they must be capable of feeding themselves.

### 13. Dangerous Wild Animals as defined by the Dangerous Wild Animals Act 1976

#### 13.1 Condition

When dangerous wild animals are kept, the cages must be of a secure construction appropriate to the species and kept locked.

##### Guidance

Safety of staff and the general public should be of utmost importance and safety barriers may aid in this, as well as prevention of escape.

#### 13.2 Condition

The local authority must be notified in the event that the pet shop wishes to offer for sale, any animal on the Schedule to the Dangerous Wild Animals Act.

##### Guidance

The primary requirements of the Act are to protect the public but there are also welfare implications.

Although it is acknowledged that there is an exemption contained within the Act in relation to pet shops, it is recommended that consideration should be given to complying with any special requirement(s) specified in the Act for the safe accommodation and care of the animal.

Licensees selling animals on the Schedule to the Dangerous Wild Animals Act should inspect the purchaser's licence to keep such an animal, and inform the issuing authority of the details of the purchase. Licensees should take note of the latest guidance from Defra/Scottish Government.

### 14. Pet care advice, staff training and knowledge

#### Condition

New applicants must have a qualification or be registered with a recognized body such as City & Guilds. They must have suitably progressed in 12 months and have completed the qualification within 2 years.

##### Guidance

Qualifications should be City & Guilds or Level 3 equivalent and appropriate to the species kept.

#### 14.1 Condition

The licensee must ensure that the purchaser is informed of the correct care of the animal covering feeding, housing, handling, husbandry, accessories and veterinary care.

##### Guidance

Pet care leaflets or other similar written instructions suitable for the species (or group of species) in question should be made available to customers free of charge at the time of purchase, in addition to any offer to purchase pet care books or leaflets. Information can be in the form of Codes of Practice issued by governments. In addition, information may also be made available electronically.

#### 14.2 Condition

Appropriate reference materials on the care of each species must always be available for use by staff.

##### Guidance

Further advice can be obtained from the organisations listed in the 'Useful Contacts' section at the back of this document.

#### 14.3 Condition

Staff members must be able to provide suitable advice to purchasers and answer questions as required by them.

No animal should be stocked or sold unless the staff or at least one member of staff on call is familiar with the care and welfare of the animals stocked and has a recognised qualification and/or suitable experience/training.

#### 14.4 Condition

The licensee must be able to demonstrate appropriate staff training is carried out and that that staff are competent in pet shop management and animal handling.

##### Guidance

Further advice, guidance and training can be obtained from the organisations listed in the Useful Contacts section.



## 15. Fire and other emergency precautions

### 15.1 Condition

Suitable emergency precautions and written procedures must exist and be made known to all staff, including arrangements for evacuation of animals.

#### Guidance

Staff should be aware of these procedures and a copy should be displayed for staff to refer to as and when needed. Evacuation should be regularly practised and practices recorded. All staff should undergo regular training and records should be kept of such training.

### 15.2 Condition

Entrances and exits must be clear of obstructions at all times.

#### Guidance

To facilitate risk free evacuation if needed, when designing accommodation, consideration should be given to using systems which would allow timely removal of the animals in the case of emergency. This provision would not usually apply to aquaria and ponds.

### 15.3 Condition

Suitable fire fighting, prevention and detection equipment must be provided, maintained, regularly serviced and sited as advised by the local fire protection/prevention officer and approved by the local authority.

#### Guidance

This will ensure that, if needed, the equipment will function correctly. Staff should be properly trained on the use of equipment provided.

### 15.4 Condition

The licensee, or a designated key holder, must at all times be within reasonable travelling distance of the premises and available to attend in case of emergency.

#### Guidance

A reasonable distance would, in normal conditions, be interpreted as no more than 20 minutes travelling time.

### 15.5 Condition

A list of key holders must be logged with the local police and local authority.

#### Guidance

For contact in cases of emergency.

### 15.6 Condition

In the interests of animal welfare, the following notice must be displayed prominently at the front of the premises: "In case of an emergency dial 999".

#### Guidance

For information of the public in cases of emergency, when a staff member is not on site.

### 15.7 Condition

When pet shops are sited within other premises, the licensee or key holders must have access at all times to the premises containing the animals.

#### Guidance

This is vital for access to the animals at all times to ensure correct care is provided

### 15.8 Condition:

All electrical installations and appliances must be maintained in a safe condition.

#### Guidance

For health and safety of staff and animals.

### 15.9 Condition

There must be an effective contingency plan for essential heating, ventilation and aeration/ filtration systems, as appropriate.

#### Guidance

Some species are very sensitive to temperature fluctuation.

## Schedule B – Dogs

### 1. Condition

Puppies must be weaned before leaving the mother.

#### Guidance

To ensure puppies can eat the food provided. Puppies must be 8 weeks old or over. Council Regulation (EC) No. 1/2005 on the protection of animals during transport and related operations prohibits the transport of puppies without their mother before this age.

### 2. Condition

The minimum kennel size must be:

- 2.1 For a batch of small breed puppies – max 6 pups – 1.5m<sup>2</sup> for sleeping, plus 2m<sup>2</sup> for exercise
- 2.2 For a batch of medium breed puppies – max 4 pups – 2m<sup>2</sup> for sleeping, plus 2m<sup>2</sup> for exercise
- 2.3 For a batch of large breed puppies – max 2 pups – 2m<sup>2</sup> for sleeping, plus 2m<sup>2</sup> for exercise

These are minimum requirements, for larger batches the size of the pens should be adjusted pro-rata accordingly. Ideally the puppies should have free access to the exercise area at all times. Any covered pens should have a minimum height of 1.8m or removable covers to allow adequate access by staff for cleaning. These are minimum standards and meeting the correct size of pens alone are not a defence if the welfare of the animals are in question.

#### Guidance

The kennel area should be large enough to allow separate sleeping and activity areas. The kennel should allow each puppy to be able to walk, turn around and wag its tail without touching the sides of the kennel. The puppies should have sufficient room to play, stand on their hind limbs and to lie down without touching another individual. The kennel size required will increase in relation to the size and number of puppies housed at any one time. The length and the width should be sufficient to allow all the puppies to lie outstretched without their noses or tails touching the walls or other individuals. In certain circumstances it is permissible to have separate exercise areas to sleeping areas but in such cases puppies must be given access to the exercise area at

least four times a day. Any separate exercise area should be fully cleaned and disinfected between its use by different batches of puppies.

### 3. Condition

Suitable and sufficient exercise facilities must be available and accessible where appropriate..

### 4. Condition

Extreme temperatures must be avoided.

#### Guidance

Puppies are relatively sensitive to high/ low temperatures. Temperatures should not normally go below 12°C or exceed 26°C

### 5. Condition

General bedding must include an adequate amount of absorbent material.

#### Guidance

The use of enough absorbent material allows urine and faeces to be contained and reduce contamination of the puppies.

### 6. Condition

Any soiled material must be removed at least four times a day or as required to ensure the puppy does not have to lie in a soiled area.

#### Guidance

Puppies do not discriminate in where they toilet and this maintains a clean environment. A cleaning schedule or SOP should be provided

### 7. Condition

A specific lying place must be provided lined with soft material,

#### Guidance

The use of soft material will prevent skin lesions being caused by soiling or pressure sores.

### 8. Condition

Puppies must be fed at least four times daily, at appropriate intervals.

#### Guidance

The diet should be appropriate for puppies.

## 9. Condition

Puppies must have frequent, quality contact time with staff.

### Guidance

“Suitable intervals” for puppies to be visited are frequent, as they require to be socialised. It is recommended that this should be a minimum of 4 times per day with 20 minutes of interaction per batch. There should be an SOP.

## 10. Condition

Batches of puppies must not be mixed until they have been on the premises for seven days or have shown no sign of infectious disease for seven days.

### Guidance

Puppies are particularly susceptible to disease as they have immature immune systems. The new owner should be advised to register the puppy with a vet.

## 11. Condition

Ideally, single puppies must not be left alone in a kennel, but where they are, special attention should be paid to specific human interaction. When they are mixed they should be of similar size, age and temperament and there should be good supervision of mixing.

### Guidance

Isolating healthy puppies does not allow them to exhibit natural behaviour patterns.

## 12. Condition

There must be environmental enrichment in all kennels.

### Guidance

To allow puppies to exhibit normal behaviour patterns. Toys should only be given under supervision and should be easily cleaned or replaced between batches.

\*\* Please see ‘Schedule A – General Conditions’ for food, water and isolation conditions

## Schedule C – Cats

### 1. Condition

Kittens must be weaned before leaving the mother.

#### Guidance

To ensure kittens can eat the food provided. Kittens must be 8 weeks old or over. Council Regulation (EC) No. 1/2005 on the protection of animals during transport and related legislation prohibits the transport of kittens without their mother before this age.

### 2. Condition

The minimum pen floor area for a batch of up to 4 kittens, up to 12 weeks of age, must be 1 m<sup>2</sup>, with a minimum height of 0.6m (for example, 0.6m x 1 x 1) No dimension must be less than 0.6m. Any shelving or platforms must be in addition to the minimum floor area. Each additional kitten must have 0.25m<sup>2</sup> additional floor space.

#### Guidance

Kittens require adequate space to play together and to have space for a litter tray and bed. Varying heights to enable climbing should each also be provided. There should be adequate space for feeding, drinking, sleeping and litter tray to be kept separate.

### 3. Condition

Extreme temperatures must be avoided.

#### Guidance

Kittens are relatively sensitive to low temperatures owing to their small body weight. Temperatures should not normally go below 15°C or exceed 26°C.

### 4. Condition

Disposable or washable bedding must be provided and kept clean.

#### Guidance

Kittens need a warm sleeping, soft area, away from the litter tray and food.

### 5. Condition

A litter tray and appropriate litter must be available at all times and cleaned and disinfected at least once daily with an

appropriate disinfectant which is safe for use with cats and cleaned as appropriate. The disinfectant should be anti-viral and used in accordance with manufacturers' instructions, as some disinfectants are toxic to cats.

### 6. Condition

Kittens must be fed at least four times daily, at appropriate intervals.

#### Guidance

The diet should be appropriate for kittens.

### 7. Condition

Batches must not be mixed and if several batches are kept in one area then the pen must have solid sides.

#### Guidance

Diseases spread very easily between litters, both by direct contact or by sneezing. Kittens are particularly susceptible to disease as they have immature immune systems. The new owner should be advised to register the kitten with a vet.

### 8. Condition

Kittens must have frequent, quality contact time with staff.

#### Guidance

It is recommended that this should be a minimum of 4 times per day with 20 minutes of specific interaction per batch. Kittens should be protected from over-handling by staff or the public as they require time to rest.

### 9. Condition

There must be environmental enrichment in all cages such as toys, climbing frames and platforms.

#### Guidance

To allow kittens to exhibit normal behaviours, particularly climbing. Toys should be easily cleaned or replaced between batches.

## Schedule D – Rabbits

### 1. Condition

Rabbits must be correctly sexed and housed in same sex groups.

#### Guidance

Rabbits are easier to sex at 8 weeks than any earlier, which will help prevent mis-sexing and unwanted litters.

### 2. Condition

The minimum enclosure size must be:

0.4m<sup>2</sup> for up to 4 standard juvenile rabbits and a height of 0.4m. 0.5m<sup>2</sup> for up to 2 giant breed juvenile rabbits and a height of 0.5m.

These are minimum requirements, for larger batches, larger breeds or adult rabbits the size of the pens should be adjusted pro-rata accordingly.

#### Guidance

Dwarf Lops/Dutch rabbits are the most commonly available in pet shops and weigh up to 4kgs. The height should allow the rabbit to rear up to perform natural behaviour. Rabbits should be kept in store in groups. Rabbits need to be able to move freely and to be able to perform vital behaviours such as caecotrophy and rearing.

### 3. Condition

There must be environmental enrichment in all enclosures. A hiding place must be provided.

#### Guidance

To allow rabbits to exhibit normal behaviours, indestructible toys; cardboard boxes; chewing substrates should be provided. Toys should be easily cleaned or replaced between batches. Rabbits are prey animals and should have the opportunity to hide if scared or stressed.

### 4. Condition

Extreme temperatures must be avoided.

#### Guidance

Ambient temperature should not normally go lower than 12°C or exceed 20°C. Providing cool water, cool packs in their bedding, air movement and air conditioning may each help to avoid the stress caused to rabbits by high environmental temperatures.

### 5. Condition

Rabbits must be provided with a suitable substrate and bedding material in sufficient amounts.

#### Guidance

Rabbits need a warm, softly-bedded sleeping area away from the litter and food/water.

### 6. Condition

Visibly soiled substrate and bedding must be removed daily. The pen should be thoroughly cleaned and disinfected before introducing a new animal.

#### Guidance

The disinfectant should be effective against both viral, bacterial and parasitic infection and safe for use on rabbits. Check with a vet or manufacturer if unsure. Diseases such as E-cuniculi can be spread via urine, so thorough cleaning is required between new occupants. Rabbits often choose to toilet in the sleeping area of a hutch and a litter tray could be placed here.

### 7. Condition

If batches are mixed you must ensure all animals are free from obvious parasitic infection.

#### Guidance

Diseases spread very easily between litters. Rabbits should be housed with batch mates where possible.

## 8. Condition

Rabbits must have a constant supply of fresh hay and water, and be offered an appropriate amount of dry food for the breed and age. Feed dishes should be suitable to ensure feed does not get contaminated by urine or faeces.

### Guidance

Rabbits teeth are open rooted and therefore constant access to good quality hay is essential, for dental health, gastrointestinal health (without a constant supply of fibrous food, rabbit GI tracts slow down) and behavioural reasons (to relieve boredom). It is vital that hay is available throughout the day and sufficient provided for them at closing time to last them until the next business day. Dry food should be provided for youngsters to assist growth, see manufacturers instructions, but should not be fed ad-lib.

## 9 Condition

Animals must be provided with an appropriate diet and any new feeds must be introduced slowly.

### Guidance

Due to the delicate digestive system, particularly under stress, if diets are to be changed then a slow transition between diets is advisable.

## Schedule E – Other small mammals

### 1. Condition

All small mammals must be correctly sexed and housed in single sex groups unless a solitary species (or sold as a breeding pair),

#### Guidance

To help avoid unwanted litters, all animals should be sexed immediately on arrival to the premises and housed in single sex groups. Animals from different sources should not be mixed.

### 2. Condition

Animals must at all times be kept in suitably sized accommodation.

#### Guidance

Animals should be able to freely move around the accommodation and be able to perform natural behaviours. See attached table for species relevant sizing.

### 3. Condition

Animals must be provided with a suitable substrate in sufficient amounts.

#### Guidance

Providing sufficient and appropriate substrate keeps the accommodation clean and dry and allows digging where appropriate. There are a number of substrates available and the type used will depend on the animal kept.

### 4. Condition

Animals must be provided with a suitable bedding material in sufficient amounts.

#### Guidance

Bedding provides a place to sleep and rest, the type used will depend on the animal kept. It should be provided in sufficient quantities to enable the animal to feel secure and warm.

### 5. Condition

Animals must be provided with places to hide. Accessories and enrichment should be provided, suitable to the species.

#### Guidance

Animals must be given the opportunity to hide as a natural instinct and be given suitable accessories to allow for stimulation and to

reduce stress. Chinchillas and Degus should be given the opportunity to use a sand bath by offering one on a regular basis, e.g. 10 minutes daily. Rodents need to express natural behaviour such as running and chewing/ gnawing. Toys such as hides, tunnels, paper bags filled with hay and fruit twigs are ideal for expressing natural foraging behaviour. Animals should be able to move away from direct lighting. Cool hides should be provided to prevent over heating.

### 6. Condition

Suitable food and drink receptacles must be provided and positioned to avoid faecal contamination.

#### Guidance

Water for small animals is usually provided in clean gravity fill drinking bottles, (which should be of a suitable size for the species) or automatic or semi – automatic drinking systems. Fresh water should be available at all times, or as appropriate to the species; some desert-dwelling species such as jerboas [family Dipodidae] should not be given water ad-lib. Bottles should be kept clean and free from algae.

### 7. Condition

All rodents must be fed a suitable diet, ad lib and have free access to hay where required.

#### Guidance

The diet should be appropriate for the breed, life stage and species. Food should be refreshed regularly. Guinea pigs should have sufficient vitamin C in their diet. Guinea pigs are unable to synthesise Vitamin C.

### 8. Condition

All rodents must be fully weaned on admission.

## Minimum accommodation requirements – small rodents

### Area in square metres

No. of Animals	1-4	5	6	7	8	9	10	Minimum Cage Height (m)	Minimum Cage Depth (m)
Mice, Hamsters, Gerbils	0.068	0.079	0.09	0.100	0.113	0.124	0.135	0.30	0.25
Rats	0.135	0.157	0.18	0.202	0.225	0.247	0.27	0.30	0.28
Guinea Pigs, Degus	0.225	0.263	0.3	0.338	0.375	0.413	0.45	0.30	0.30
Chinchillas	0.25	0.375	0.5	0.625	0.75	0.875	1.0	0.45	0.45
Chipmunk	0.25	0.375	0.5	0.625	0.75	0.875	1.0	0.90	0.45



## Schedule F – Ferrets

### 1. Condition

Ferrets must be at least eight weeks old

#### Guidance

Ferret kits can find separation from their mother very stressful and the stress response in a ferret often results in diarrhoea which can prove fatal.

### 2. Condition

Ferrets must be housed with batch companions

#### Guidance

Ferrets are naturally social animals that depend on the companionship of their own kind. Lone ferrets often suffer depression including poor appetite and lack of enthusiasm to move or play.

### 3. Condition

Ferrets must be housed in groups or pairs of either sex. Adult hobs (males) require individual accommodation.

#### Guidance

Ferret kits can be easily be sexed at 8 weeks of age. Adult, un-neutered hobs (males) may exhibit dominant behaviour and fight, so requiring individual accommodation. House the Jill (female) kits at a reasonable distance to prevent aggression between the hobs as they mature at around 20 weeks. Adult jills (females) should be prevented from having repeated seasons. Jills (females) left in season are prone to estrogen induced anaemia, a factor in shortening their normal lifespan. Veterinary advice should be sought.

### 4. Condition

Batches of ferrets must not be mixed.

#### Guidance

Not mixing will reduce the risk of disease spreading. Mixing can be stressful for ferrets.

### 5. Condition

The minimum pen floor area for a litter of up to 4 ferrets, up to 12 weeks of age, must be 1 m<sup>2</sup>, with a minimum height of 0.6m. No dimension must be less than 0.6m. Any shelving or platforms must be in addition to the minimum floor area. Each additional ferret must have 0.25m<sup>2</sup> additional floor space.

#### Guidance

Enclosures should be placed on a hard surface and anchored to the ground. Ferrets require space for their toilet area removed from their sleeping or eating areas. Ferrets require space to exhibit their normal active behaviour – running backwards, forwards and sideways and to climb, explore and play. Ferrets are naturally clean and will usually select one corner as their toilet

### 6. Condition

Sleeping quarters must be draught free and dark.

#### Guidance

Ideally sleeping quarters should be raised. Ferrets seek dark areas for sleeping and sleep for long hours, up to twenty a day in the winter. Their natural instinct is to hide whilst sleeping.

### 7. Condition

Ferrets must have suitable bedding.

#### Guidance

Suggested bedding includes fabric items that can be laundered, straw and dust extracted wood shavings.

### 8. Condition

Extreme temperatures must be avoided.

#### Guidance

Temperatures should not normally go below 12°C or exceed 26°C. Ferrets tolerate cold better than heat. Provide plenty of warm bedding for when it is cold. Be aware heat prostration is likely at 32°C.

**9. Condition**

Ferret kibble must be provided at appropriate intervals.

**Guidance**

Feed a recognised and branded ferret kibble / biscuit. Small, frequent meals or ad lib feeding are recommended as ferrets have a rapid rate of digestion

**10. Condition**

Water must be supplied in both a heavy based bowl and a water bottle attached to the side of the enclosure.

**Guidance**

Ferrets are renowned for tipping bowls

## Schedule G – Birds

### 1. Condition

There must be adequate perching space for all birds at the same time. Outdoor aviaries must include sufficient sheltered and non-sheltered space. Cage size must be adequate to allow birds to open their wings fully in all directions. Cages must include appropriate environmental enrichment.

#### Guidance

Stocking densities will depend on the type of bird as well as cage dimensions and number of perches. Access to rain can be beneficial for plumage. Some species will need adequate space to fly. Chickens require an appropriate area and substrate to perch.

### 2. Condition

Perches must be positioned so that birds do not defecate on each other and must be of appropriate size and shape for each species.

### 3. Condition

Ambient temperature must be appropriate for the species. Extremes of temperatures must be avoided.

#### Guidance

Birds are more sensitive to high temperatures.

### 4. Condition

There must be adequate drinkers/feeders commensurate with the number of birds and these must be cleaned regularly. Bowls etc. must be positioned so that birds do not defecate in food/water.

#### Guidance

Birds should not have to compete for drinkers/feeders and risk exclusion. Passerines should have food available at all times. Enrichment and feeding devices need to be provided for larger psittacids. For parrots, it is preferable to use swinging systems such that the keeper does not need to enter the cage in order to change food/ water. Bowls should not be able to be removed from holders by the parrot.

### 5. Condition

Cages must be constructed from materials suitable to the type and size of birds. Materials must be safe to birds and in good repair.

#### Guidance

Enclosures should be placed on a hard surface. Some species require more robust materials. Materials such as loose zinc coating can be toxic to birds.

### 6. Condition

Windproof nest boxes must be provided in all outside housing and inside where appropriate.

#### Guidance

Many birds find sleeping or sheltering in nest boxes an essential form of security or for sheltering from inclement weather but it is recognised that some species, such as canaries, will rarely if ever voluntarily enter nest boxes.

### 7. Condition

Flooring must be drop-through or easily washed/hosed.

#### Guidance

If ground living birds are kept with perching birds then attention should be paid to flooring such that bumblefoot issues are addressed - i.e. no concrete/rough stone. Where natural turf flooring is used, parasite status of the birds should be checked on a regular basis every few weeks.

## Stocking Densities for Birds in Cages

Type	Length of Bird (cm)	Floor Area (m <sup>2</sup> ) housing up to 4 birds	Linear cms per additional bird on either cage length or depth <sup>*3</sup>
Budgerigar		0.15	5
Canary		0.15	5
Cockatiel		0.48	7.5
Finches	Less than 12.5	0.113	5
	12.5 – 17.5	0.15	5
	more than 17.5	0.225	7.5
Parakeets and Lovebirds <sup>*1</sup>	less than 25	0.42	7.5
	25-30*1	0.48	7.5
	more than 30*1	0.675	7.5
Parrots	less than 30	0.225	10
	30 – 35*2	0.4050	15
	more than 35*2	0.4725	20
Chickens		1.6	
Bantams		1.6	
Quail		16	

- \*1. It is recommended that, wherever possible, these species are displayed for sale in aviaries or flights rather than cages per se.
- \*2. It is recommended that, wherever possible, these species are displayed for sale in aviaries or flights if more than two birds are housed together.
- \*3. The extra-linear centimetre per additional bird, is intended to refer to an increase in either width or length or a combination of the two ie, a 20cm increase could refer to 20cm width, 20cm length or say 10cm width combined with 10cm length.

## Stocking Densities for Birds in Aviaries and Flights

Type	Length of Bird (cm)	Number of Birds per 'Standard' Aviary (1.8 x 0.9 x 1.8 m)
Budgerigar		18
Canary		18
Cockatiel		8
Finches	Less than 12.5	24
	12.5 – 17.5	18
	more than 17.5	12
Parakeets and Lovebirds *1	less than 25	10
	25-35	6
	more than 35	4
Parrots	less than 30	10
	30 – 35	6
	more than 35	4
Chickens		4 (min height 0.9m)
Bantams		6 (min height 0.9m)
Quail		8 (min height 0.9m)

## Schedule H – Reptiles and Amphibians

### 1. Condition

Stocking and density must be appropriate to the species.

#### Guidance

Most reptiles and amphibians are not social and may, therefore, be kept individually. Communal enclosures should not be stocked as to appear overcrowded, common sense should be observed.

Mixing of species, although possible, should be undertaken with caution. Some species may require or seek seclusion or privacy either sporadically or permanently and provision for this should be made.

**Snakes:** may be housed individually or in small groups, of the same species. Snakes known to be cannibalistic, e.g. king snakes (*Lampropeltis* sp.), should be housed individually.

**Lizards:** only species of similar size and from similar habitat and geographical areas should be kept communally. Lizards known to be cannibalistic, e.g. *Gambelia* sp, should be housed individually. Generally adult male lizards in breeding condition should not be housed together and groups of lizards housed communally should be regularly observed for signs of aggression.

**Tortoises and Terrapins:** only terrapins of similar size and habit and from the similar geographical area should be kept communally. Tortoises of different species should be housed individually. Also, adult males in breeding condition should be housed individually.

**Frogs and Toads:** only species of similar size, and from similar habitats and geographical areas, should be kept communally. Mixing of taxa (e.g. frog & toad) is not generally recommended. Cannibalistic species, such as horned frogs (*Ceratophrys* sp.) and African bull frogs (*Pyxicephalus* sp.) should be housed individually.

**Newts and Salamanders:** only species of similar size and from similar geographical areas should be kept together.

Generally mixed taxa [e.g. lizards and tortoises] are not recommended, although paludaria

which combine fish with small reptiles and/or amphibians of appropriate species are acceptable.

### 2. Condition

The enclosure size must be appropriate to the species and adjusted according to its size.

#### Guidance

**Snakes:** the length of the enclosure should be no less than two-thirds the overall length of the snake.

**Lizards:** the length of the enclosure should be three times the full length of the lizard, or larger.

**Tortoises and Terrapins:** the length of the enclosure should be a minimum of 90cms, or four times the length of the animal, or larger. For aquatic species [turtles, terrapins] the enclosure should allow the animal to swim adequately, i.e. have water depth at least 4 times that of the animal, although some terrapins (e.g. *Cuora* sp., *Terrapene* sp. and *Glyptemys* sp.) do not require such deep water. Terrapins must also have an adequate land basking area.

**Frogs and Toads:** the length of the enclosure should be minimum 30cm x 30 cm x 30cm, or at least three times the length of the animal, or larger. For sedentary species, such as horned frogs (*Ceratophrys* sp.) and African bull frogs (*Pyxicephalus* sp.) the enclosure can be smaller. Fully aquatic species should be able to swim adequately, i.e. water depth should be at least 4 times the depth of the animal.

**Newts and Salamanders:** the length of the enclosure should be minimum 30cm x 30 cm x 30cm, or at least three times the full length of the amphibian, or larger. Aquatic species should be able to swim adequately, i.e. water depth should be at least 4 times the depth of the animal.

**Height and Width:** of the enclosure should be appropriate to the species, with arboreal species requiring more height than terrestrial species.

**3. Condition**

Temperature, humidity, lighting and ventilation must be appropriate to the species.

**Guidance**

Ambient and basking temperatures should be appropriate to the species concerned, with the following guidance for commonly kept species.

These are guidelines only and individual species should be researched as requirements for some species will fall outside of these recommendations. Vendors and staff must have access to relevant reference material (books, internet etc.). Basking spots may be provided by convection or radiant heat sources (e.g. light bulb, or heat mat), as appropriate to the species. Ventilation should be appropriate to the species and should allow sufficient change of air without jeopardising the temperature or humidity in the enclosure.

**4. Condition**

Lighting must be appropriate to the species.

**Guidance**

An appropriate light period should be observed. Species requiring UVB lighting, e.g. diurnal lizards and tortoises, should have appropriate UVB emitting lamps. These should be replaced according to manufacturer's recommendations. Mercury Vapour or Metal Halide UVB emitting lamps may also be used to provide a daytime heat source. UV light sources must not be screened by non UV transmitting glass or plastic. Animals should have areas of shade so that they can escape from the light if desired.

**5. Condition**

Substrate appropriate to the species must be present.

**Guidance**

Substrate should be appropriate to the species concerned and may include, but not be limited to: newspaper, paper towel, bark chip, wood chip, terrarium humus, moss, gravel, calcium carbonate, terrarium sand etc. Measures should be taken to ensure that substrate is not ingested.

**6. Condition**

Enrichment must be provided appropriate to the species.

**Guidance**

Décor should be appropriate to the species and should not be harmful, e.g. sharp rocks, toxic or injurious plants. Décor should be secure and not able to fall and cause injury. Enclosure should be furnished in such a fashion as to allow inhabitants to exhibit natural behaviour, e.g. climb or hide where appropriate.

**7. Condition**

Food and water must be provided in the appropriate manner for the species.

**Guidance**

Feeding habits vary between species and between individuals. Staff should have knowledge of the requirements for all the species held. Food should be presented in a form or pattern that is acceptable to the species concerned. Food supplements [vitamin and minerals] should be provided as appropriate to the species concerned. Live food intended for use should be housed in suitable escape proof containers, and fed appropriately. Fresh foods [salads] should be kept refrigerated where appropriate. Frozen foods intended for use must be stored in an appropriate deep freeze and defrosted thoroughly before use. Feeding records for hatchling snakes should be kept and made available to purchasers. Fresh water should be available at all times, with the exception of certain desert species, such as *Uromastyx* sp. which should be offered water periodically. Certain species, such as chameleons, do not drink from standing water and should be offered water appropriately, e.g. by a dripper system or sprayer.

**8. Condition**

Hygiene: enclosures must be cleaned appropriately.

**Guidance**

Spoiled food stuffs should be removed at appropriate time periods, at least daily. Substrates should be replaced as appropriate, and spot cleaned daily. Décor should be sanitised as appropriate. Enclosures should be disinfected with appropriate disinfectant as necessary and always between different batches of animals. Disinfectant should be

appropriate for the contaminants likely to be encountered. Disinfectant hand gels should be available for staff to use between animals, to prevent the external environment being contaminated. Water bowls should be cleaned as appropriate and disinfected at least weekly. Slough [shed skins] should be removed daily.

## 9. Condition

Handling must be kept to a minimum at all times.

### Guidance

Handling must be kept to a minimum at all times. Staff should receive training on how to handle animals and animals which may be aggressive should only be handled by competent staff. Staff and customers should wash hands after handling specimens, and any equipment used should also be disinfected.. Customers handling animals prior to purchase should be supervised and offered facilities to wash their hands afterwards.



## Schedule I – Fish

### 1. Condition

Water quality is a key determinant of fish welfare. To assess it, levels of ammonia and nitrite must be checked first. Only if such measurements exceed the recommended standards below, or there is an unexplained problem, is there any need to proceed further. Minimum water standards must be:

#### Cold Water Species

Free Ammonia	max 0.02mg/l
Nitrite	max 0.2mg/l
Dissolved Oxygen	min 6mg/l
Nitrate	max 50mg/l above ambient tap water

#### Tropical Freshwater Species

Free Ammonia	max 0.02mg/l
Nitrite	max 0.2mg/l
Dissolved Oxygen	min 6mg/l
Nitrate	max 50mg/l above ambient tap water

#### Tropical Marine Species

Free Ammonia	max 0.01mg/l
Nitrite	max 0.125mg/l
Nitrate	max 100mg/l
pH	min 8.1
Dissolved Oxygen	min 4.0 mg/l

#### Guidance

It is virtually impossible to determine the quantity of aquatic organisms to be kept in a system purely on a weight or number of aquatic organisms per unit, volume, or water surface area. The variation in holding system used, the quality of husbandry and the types of aquatic organisms stocked vary so greatly that it would render any such system too complicated to be practical or too simple to be useful. The maintenance of water quality standards can be used to determine working stocking densities. The water quality standards should not be met at the expense of a correct feeding regime. Exceptions to these standards might occur e.g. when aquatic organisms are diseased, after transport or other stress. However in these cases appropriate remedial actions e.g. treatment,

acclimatisation or isolation should be undertaken. Sea water holds less oxygen than fresh water. The recommended level is 5.5 mg/l so extra care is needed to ensure that levels do not routinely fall below this.

### 2. Condition

Water quality must be checked regularly and records kept of all tests. Centralised systems must be tested weekly. 10% of individually filtered tanks or vat must be tested weekly. On aquaria or vats in which visual inspection indicates unusual behaviour or deaths, water quality inspections should be undertaken.

#### Guidance

One test is representative of all the water in the system of centralised systems. Standalone systems must each be tested. Poor water quality is often the underlying cause of problems presenting as disease or mortalities.

### 3. Condition

Holding systems must be cleaned and checked regularly.

#### Guidance

Aquaria must be checked daily and cleaned as often as is necessary to maintain good hygiene standards, consistent with the rate of stock turnover and consequent stocking densities.

### 4. Condition

No aquatic organisms should be exposed to excessive light or heat, or lack of adequate warmth.

#### Guidance

No fish or other aquatic organism should be subject to rapid fluctuation in light (lights should be on dimmers if automated), temperature and chemical composition of their water, other than for the controlled treatment of disease or as part of a controlled breeding programme. There are in excess of 4000 fish species in trade and thus the acceptable conditions may vary substantially and often counter intuitively. In case of doubt expert advice should always be sought.

# Information

## Register of Wild Animals and Endangered Species

Some species are listed on the Annexes of EU Wildlife Trade Regulations which implement CITES [Convention on International Trade in Endangered Species]. Species listed on Annex A of EU Wildlife Trade Regulations [Council Regulation (EC) No. 338/97] must have a valid Article 10 Certificate and may require microchipping or closed ring. Species listed on Annex B do not require Certificates but the vendor should be able to provide proof the animal was acquired legally.

Further information is available from Animal Health, Wildlife Licensing and Registration Service:  
1-15 Temple Quay House, 2 The Square,  
Bristol, BS1 6EB

Wild-caught specimens listed on Annex IV of the EU Habitats Directive [Council Directive 92/43 EEC] collected within the EU require the appropriate Certification. Captive-bred specimens are exempted from such requirements.

## Breeding and Sale of Dogs Act

Puppies/dogs should be identifiable whilst at the shop. Under this legislation, the record should show:

- The identification of the animal
- The date of birth, breed, sex and any distinguishing features
- Details of any veterinary care provided while under care of the shop In addition, it is also good practice to record:
  - Details of any feedback provided to the breeder on health issues such as disease or inherited defects
  - Details of any health screening tests performed on the parents

Microchip is the preferred method of identification.

## Useful Contacts

All pet shop licences are issued by your local authority who should be your first point of contact

### General

#### British Veterinary Zoological Society

Email: [secretary@bvzs.org](mailto:secretary@bvzs.org)

#### Chartered Institute of Environmental Health

Chadwick Court, 15 Hatfields, London SE1 8DJ  
Telephone: 020 7928 6006  
[www.cieh.org](http://www.cieh.org)

#### Department for Environment, Food and Rural Affairs

Animal Welfare Unit, Nobel House, 17 Smith Square  
London SW1P 3JR Telephone: 08459 33 55 77  
Email: [helpline@defra.gsi.gov.uk](mailto:helpline@defra.gsi.gov.uk)  
<https://www.gov.uk/government/topics/wildlife-and-animal-welfare>

#### Local Government Association,

c/o LGconnect, Local Government Group,  
Local Government House, Smith Square,  
London SW1P 3HZ  
Telephone: 020 7664 3000  
Email: [info@local.gov.uk](mailto:info@local.gov.uk)  
[www.lga.gov.uk](http://www.lga.gov.uk)

### Veterinary Contacts

#### British Small Animal Veterinary Association

Woodrow House, 1 Telford Way,  
Waterwells Business Park, Quedgeley,  
Gloucester GL2 2AB  
Telephone: 01452 726700  
[www.bsava.com](http://www.bsava.com)

#### British Veterinary Association

7 Mansfield Street,  
London W1G 9NQ  
Telephone: 020 7636 6541  
Email: [bvahq@bva.co.uk](mailto:bvahq@bva.co.uk)  
[www.bva.co.uk](http://www.bva.co.uk)

#### Royal College of Veterinary Surgeons

Belgravia House, 62-64 Horseferry Road,  
London SW1P 2AF  
[www.rcvs.org.uk](http://www.rcvs.org.uk)

### All Species

#### The Blue Cross

Shilton Road, Burford, Oxon OX18 4PF  
Tel: 01993 822651  
Email: [info@bluecross.org.uk](mailto:info@bluecross.org.uk)  
[www.bluecross.org.uk](http://www.bluecross.org.uk)

#### Pet Care Trade Association,

Bedford Business Centre,  
170 Mile Road, Bedford MK42 9TW  
Telephone: 01234 273 933  
[www.petcare.org.uk](http://www.petcare.org.uk)

#### People's Dispensary for Sick Animals (PDSA)

Head Office, Whitechapel Way,  
Priorslee, Telford, Shropshire TF2 9PQ  
Telephone: 01952 290999  
[www.pdsa.org.uk](http://www.pdsa.org.uk)

#### Royal Society for the Prevention of Cruelty to Animals

RSPCA Enquiries Service, Wilberforce Way,  
Southwater, Horsham, West Sussex RH13 9RS  
Telephone: 0300 1234 555  
[www.rspca.org.uk](http://www.rspca.org.uk)

#### Wood Green Animal Shelters

Kings Bush Farm, London Road,  
Godmanchester, Cambs PE29 2NH  
Telephone: 0844 248 8181  
Email: [info@woodgreen.org.uk](mailto:info@woodgreen.org.uk)  
[www.woodgreen.org.uk](http://www.woodgreen.org.uk)

### Cats

#### Cats Protection

National Cat Centre, Chelwood Gate,  
Haywards Heath, Sussex RH17 7TT  
Telephone: 03000 12 12 12  
Email: [helpline@cats.org.uk](mailto:helpline@cats.org.uk)  
[www.cats.org.uk](http://www.cats.org.uk)

#### International Cat Care

Taeselbury, High Street, Tisbury,  
Wiltshire SP3 6LD  
Telephone: 01747 871872  
Email: [info@icatcare.org](mailto:info@icatcare.org)  
[www.icatcare.org](http://www.icatcare.org)

**Governing Council of the Cat Fancy**

5 King's Castle Business Park,  
The Drove, Bridgwater, Somerset TA6 4AG  
Telephone: 01278 427575  
Email: info@gccfcats.org  
www.gccfcats.org

**Dogs****Dogs Trust**

17 Wakley Street, London EC1V 7RQ  
Telephone: 0207 833 7685  
Email: info@dogstrust.org.uk  
www.dogstrust.org.uk

**The Kennel Club**

1-5 Clarges Street, Piccadilly, London W1J 8AB  
Telephone: 08444 633 980  
Email: info@thekennelclub.org.uk  
www.thekennelclub.org.uk

**Fish****Ornamental Aquatic Trade Association**

1st Floor Office Suite, Wessex House,  
40 Station Road, Westbury,  
Wiltshire BA13 3JN  
Tel: 01373 301353  
www.ornamentalfish.org

**Permanent identification databases****Microchipping Advisory Group**

www.bsava.com/Advice/MicrochipAdvice/  
tabid/154/Default.aspx

**National Dog Tattoo Register**

Telephone: 01255 552455  
www.dog-register.co.uk

**Animalcare**

Telephone: 01904 487 687  
Email: office@animalcare.co.uk  
www.animalcare.co.uk

**AVID Plc**

PO Box 190, Lewes, East Sussex BN7 9GD  
Telephone: 0800 652 7 977  
Email: pettrac@avidplc.com  
www.avidplc.com

**Petlog**

The Kennel Club, 4A Alton House,  
Gatehouse Way, Aylesbury, Bucks HP19 8XU  
Telephone: 0844 463 3999  
Email: petlogadmin@thekennelclub.org.uk  
www.petlog.org.uk

**Pet Protect**

Furness House, 53 Brighton Road,  
Redhill, Surrey RH1 6RD  
Telephone: 0800 587 0660  
www.petprotect.co.uk

**Rabbits and small mammals,****British Rabbit Council**

Purefoy House, 7 Kirkgate,  
Newark, Notts NG24 1AD  
Telephone: 01636 676042  
www.thebrc.org

**Rabbit Welfare Association and Fund**

PO Box 603, Horsham,  
West Sussex RH13 5WL  
Telephone: 0844 324 6090  
Email: hq@rabbitwelfare.co.uk  
www.rabbitwelfare.co.uk

**Reptiles****REPTA (Reptile & Exotic Pet Trade Association)**

Telephone: 02380 440999  
Email: info@repta.org www.repta.org

**Qualifications and Training**

Contact your trade association, local technical  
or agricultural college for information on current  
training and qualifications

**Animal Medicines Training Regulatory Authority**

Unit 1c, Woolpit Business Park,  
Windmill Avenue, Woolpit,  
Bury St. Edmunds IP30 9UP  
Telephone: 01359 245801  
Email: info@amtra.org.uk  
www.amtra.org.uk

**City & Guilds**

1 Giltspur Street, London EC1A 9DD  
Telephone: 0844 543 0000  
www.cityandguilds.com

**LANTRA**

Lantra House, Stoneleigh Park,  
Coventry, Warwickshire CV8 2LG  
Telephone: 0845 707 8007  
Email: connect@lantra.co.uk  
www.lantra.co.uk



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Registered charity no. 290350

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<b>Item No.</b> 9.	<b>Classification:</b> Open	<b>Date:</b> 12 March 2014	<b>Meeting Name:</b> Licensing Committee
<b>Report title:</b>		Animal Boarding Establishments Act 1963 – New Standard Conditions for Cat Boarding Establishments	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATION

1. That the 'Model Licence Conditions and Guidance for Cat Boarding Establishments 2013' published by the Chartered Institute of Environmental Health and set out in Appendix A to this report, be adopted with effect from 1 April 2014.

## BACKGROUND INFORMATION

2. The Animal Boarding Establishments Act 1963 requires anyone who wishes to keep a boarding establishment (i.e. kennels or a cattery) to be licensed by the local authority and to comply with the terms, conditions and restrictions of that licence. If they do not they are in breach of the law.
3. Before granting any 'animal boarding licence' the local authority must consider the ability of the establishment to ensure:
  - The accommodation is suitable as respects construction, size, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness.
  - Adequate supply of suitable food, drink and bedding material for the animals and that they are adequately exercised, and visited at suitable intervals.
  - All reasonable precautions are taken to prevent and control the spread of infectious or contagious diseases, including the provision of isolation facilities.
  - Appropriate steps are taken for the protection of animals in the case of fire or other emergency.
  - A detailed register is maintained of any animals received into the establishment that is available for inspection at any time.
4. The local authority may:
  - Attach appropriate conditions to the licence
  - Inspect the premises at all reasonable times

- Refuse a licence if the standards at the premises are unsatisfactory
  - Take formal legal action for running an animal boarding establishment without the relevant licence or operating in contravention of licence conditions.
5. This authority currently has standard conditions which are applied to animal boarding establishment licences. These come in two versions, for catteries and kennels. These are complemented by premises specific conditions as appropriate. Both sets of standard conditions derive from model conditions first produced by the Chartered Institute of Environmental Health Officers (CIEH) in 1995.
  6. There have since been developments in the understanding of animal welfare and also the introduction of the Animal Welfare Act in 2006. The CIEH has, therefore, considered it timely to revise and update the model conditions so that they better reflect the legal and animal welfare considerations inspectors should consider when looking at animal boarding establishments and making recommendations for licensing and any conditions applicable.
  7. The revision of the first set of model conditions and accompanying guidance (in respect of catteries) has now been carried out by the CIEH, in consultation with industry and animal welfare experts, including the Local Government Association; the British Veterinary Association; the Royal Society for the Prevention of Cruelty to Animals; and Cats Protection. The revised conditions have been published by the CIEH and are recommended for adoption.

## **KEY ISSUES FOR CONSIDERATION**

### **The Model Conditions**

8. A copy of the new model conditions is attached at Appendix A to this report.
9. The model conditions form the recommended basic minimum standards considered necessary to ensure the health, safety and welfare of cats boarded in catteries.
10. As such the document is intended not only to support those who are tasked with inspecting, advising and licensing catteries under the Animal Boarding Establishments Act 1963, but also to be useful to owners and managers of catteries and those planning to build boarding catteries who wish to understand the legal requirements under relevant legislation.
11. The model conditions comprise nine sections as set out below:
  - Section A – Environment: providing the cat(s) with a suitable place to live / stay
  - Section B – Diet: Providing the cat(s) with an appropriate diet
  - Section C – Behaviour: Allowing the cat(s) to express normal behaviour patterns
  - Section D – Company: Providing the cat(s) with the appropriate company
  - Section E – Health and Welfare: Protecting the cat(s) from pain, suffering, injury and disease
  - Section F – New build
  - Appendix A – Model Inspection Sheet;

- Appendix B – Emergency and evacuation plan; and
  - Useful contacts section.
12. Each section elaborates why it is important to meet the requirements made from the perspective of the cat and / or legal requirements, where applicable. Good care is based on simple principles which are indicated throughout.

### **Animal Welfare Act 2006**

13. Providing some context to the licensing regime under the Animal Boarding Establishments Act 1963, is the more recent Animal Welfare Act 2006. Under the 2006 Act, those responsible for animals, including those who have temporary or permanent care of animals, have a responsibility towards the welfare of the animal in their care. It is an offence to cause unnecessary suffering to a protected animal, whether by act or omission. The Acts define an animal's needs as including:
- Its need for a suitable environment
  - Its need for a suitable diet
  - Its need to be able to exhibit normal behaviour patterns
  - Any need to be housed with, or apart from, other animals
  - Its need to be protected from pain, suffering, injury and disease.
14. During premises inspections prior to the issue of a licence it is important that these five needs are addressed. The Department for the Environment, Food and Rural Affairs (Defra) has produced codes of practice concerning cats, which outline in more detail the animals' needs.
15. The Animal Welfare Act 2006 also increased the minimum age at which a person can buy an animal from 12 to 16 and prohibited giving animals as prizes to unaccompanied children below this age.

### **Introduction of the model conditions**

16. It is proposed that, if adopted, the model conditions be applied to all new animal boarding establishment licences issued from 1 April 2014 and to all renewals from 1 January 2015. Animal boarding establishment licences are due for renewal annually on 31 December each year. Currently there are two licensed catteries within the borough.
17. Current operators will be provided with copies of the new standard conditions in advance of their next renewal date. They will be advised that the content represents best management practice and asked to review and upgrade their practice, where necessary, with appropriate time allowed. Supporting advice and information will be provided to operators to help with compliance where necessary.

### **Policy implications**

18. The adoption of the new model conditions is considered consistent with the council's fairer future promises to:
- Treat residents as we would wish members of our own family. By ensuring that all companion animals in temporary care are kept in suitable conditions



with proper regard had to the welfare of the animal concerned.

- Being open, honest and accountable. By making clear the expectations placed upon prospective licensed operators.
- Spending money as if it were from our own pocket. By directing resource firstly into constructively supporting lawful responsible business operators over enforcement.
- Working for everyone to realise their potential. By providing that support and guidance while being prepared to take effective actions against illegal or irresponsible operators when the situation demands.
- Making Southwark a place to be proud of. By ensuring that current best management practice and standards of animal welfare are employed by all our local operators.

### **Community impact statement**

19. Companion animals play an important role in today's society. Caring for a pet can provide companionship; reduce anxiety; provide sensory stress relief; add structure and routine to life; and also help promote opportunity for increased exercise and for meeting people.
20. In return we carry a responsibility for animals in our care. This extends to animal boarders.
21. Anyone intending to place their companion animal in temporary care, should have an expectation that the animals are well cared for and stay in good health. The model conditions will assist in ensuring that best management practice is established at all licensed establishments.
22. The model conditions have been developed to encourage consistency in approach across local licensing authorities which minimises the risk of transmission of disease from animals to humans, alongside the need to protect animals from cruelty and ill-treatment and to encourage good standards of animal husbandry.
23. An equality analysis has been considered in the preparation of this report and it is considered that the adoption of these new standard conditions offer no potential for discrimination. All appropriate opportunities to advance equality of opportunity and foster good relations between people with different protected characteristics have been taken into account.

### **Resource implications**

24. There are no specific resource implications contained within this report. Any costs associated with the potential introduction of the new standard conditions will be absorbed by current revenue budget of the division. The council's schedule of fees and charges for animal welfare licences is unaffected by this proposal.

## Consultation

25. No consultation has taken place in the operation of this report nor is planned for the future. In the event that the model conditions are adopted they will be published and all affected operators informed and given time and support in complying.

## SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

### Director of Legal Services

26. Two pieces of legislation relate to the provision of catteries: the Animal Boarding Establishments Act 1963 and the Animal Welfare Act 2006.
27. The Animal Boarding Establishments Act 1963 Act requires anyone who wishes to keep a boarding establishment (including a cattery) to be licensed by the local authority and abide by the conditions of the licence. If they do not they are in breach of the law. In particular the local authority will consider the ability of the establishment to ensure:
- Accommodation is suitable as respects construction, size, occupant number, exercising facilities, temperature, lighting, ventilation and cleanliness.
  - The adequate supply of suitable food, drink and bedding material for the animals and that they are adequately exercised, and visited at suitable intervals.
  - All reasonable precautions are taken to prevent and control the spread of infectious or contagious diseases, including the provision of isolation facilities.
  - Appropriate steps are taken for the protection of animals in the case of fire or other emergency.
  - A detailed register is maintained of any animals received into the establishment that is available for inspection at all times.
28. Those responsible for a cattery must ensure that a copy of the licence and its conditions (maximum number of cats and number of holding units) is displayed prominently in the boarding establishment. No animals other than cats are to be boarded within the licensed facilities without the written approval of the local authority.
29. Sections 1 and 2 of the Animal Welfare Act 2006 set out which animals are protected. This includes any animal (vertebrate) other than man (section 1) which is commonly domesticated in the British Isles, or under the control of man whether on a permanent or temporary basis, or is not living in a wild state (section 2). Cats and kittens are therefore protected by this legislation.
30. Section 3 of the 2006 Act sets out who is responsible for an animal and this including those on a permanent and/or temporary basis in addition to being in charge of it or owning it. An establishment owner, in addition to their employees can be liable under the 2006 Act. No one under the age of 16 years can be

deemed to be responsible for an animal.

31. Section 4 of the 2006 Act details offences concerning unnecessary suffering. An offence is committed if someone acts or failure to act causes an animal to suffer, whether they knew or ought to have reasonably known that the act (or failure to act) was likely to cause such suffering. The offences, applies to employees of an establishment but also an owner. In particular the suffering may be deemed unnecessary if it could reasonably have been avoided or reduced, if it was not in compliance with relevant legislation, licence, or codes of good practice, if it was not for a legitimate purpose, if it was not proportionate, if it was not the conduct of a reasonably competent and humane person.
32. Under Section 9 of the 2006 Act those responsible for animals have a duty to ensure reasonable steps are taken to ensure the welfare needs of the animals are met to the extent required by good practice. This includes
- Under Its need for a suitable environment
  - Its need for a suitable diet
  - Its need to be able to exhibit normal behaviour patterns, any need it has to be housed with, or apart from other animals
  - Its need to be protected from pain, suffering, injury and disease.

#### **Strategic Director of Finance and Corporate Services**

32. The report recommends that the 'Model Licence Conditions and Guidance for Cat Boarding Establishments 2013' published by the Chartered Institute of Environmental Health and set out in Appendix A to this report, be adopted with effect from 1 April 2014.
33. The strategic director of finance and corporate services notes the resource implications contained within the report and that there are no financial implications as a result of accepting the proposals. Officer time to effect the recommendations will also be contained within existing budgeted revenue resources.

#### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Animal Boarding Establishments Act 1963	Health Safety Licensing and Environmental Protection Unit, C/O 160 Tooley Street, London, SE1	Mrs Kirty Read. Tel: 020 7525 5748
Animal Welfare Act 2006	As above	As above
Current Southwark standard conditions for animal boarding establishments	As above	As above
Model conditions for animal boarding establishments	As above	As above

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix A	Model conditions for animal boarding establishments (catteries) licences 2013

**AUDIT TRAIL**

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Leisure	
<b>Report Author</b>	Richard Parkins, Licensing and Environmental Protection Unit Manager	
<b>Version</b>	Final	
<b>Dated</b>	21 February 2014	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Legal Services	Yes	No
Strategic Director of Finance and Corporate Services	Yes	No
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>	21 February 2014	



# CIEH Model Licence Conditions and Guidance for Cat Boarding Establishments 2013



This document has been prepared in the best interests of animal welfare and to advise those tasked with inspecting, advising and licensing catteries under the Animal Boarding Establishments Act 1963. No liability rests with contributing bodies for the circumstances arising out of the application of conditions contained within the document.

Thanks to Rachel and Brian Bland, The Cats Whiskers, Wilstead MK45 3DP for use of the front page photograph

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# Introduction

The Chartered Institute of Environmental Health (CIEH) model licence conditions and guidance for cat boarding establishments was first produced in 1995.

Since then there have been developments in understanding of animal welfare and also the introduction of the Animal Welfare Act in 2006. It was, therefore, felt timely to revise and update this document so that it better reflects the legal and animal welfare considerations inspectors should consider when looking at catteries and making recommendations for licensing and any conditions applicable.

This document is aimed at all those who are tasked with inspecting, advising and licensing catteries under the Animal Boarding Establishments Act 1963 ('the 1963 Act'). It may also be useful to owners and managers of catteries and those planning to build boarding catteries who wish to better understand what their legal requirements are under both the 1963 Act and the Animal Welfare Act 2006 ('the 2006 Act') as well as other related legislation.

## The main legal requirements

There are two main pieces of legislation that attention should be drawn to, namely; the Animal Boarding Establishments Act 1963, and the Animal Welfare Act 2006.

### 1. Animal Boarding Establishments Act 1963

The 1963 Act requires anyone who wishes to keep a boarding establishment (i.e. in this context a cattery) to be licensed by the local authority and abide by the conditions of the licence. If they do not they are in breach of the law. In particular the local authority will consider the ability of the establishment to ensure:

- accommodation is suitable as respects construction, size, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness,
- adequate supply of suitable food, drink and bedding material for the animals and that they are adequately exercised, and visited at suitable intervals,

- all reasonable precautions are taken to prevent and control the spread of infectious or contagious diseases, including the provision of isolation facilities,
- appropriate steps are taken for the protection of animals in the case of fire or other emergency,
- a detailed register is maintained of any animals received into the establishment that is available for inspection at all times.

Those responsible for a cattery must ensure that a copy of the licence and its conditions (maximum number of cats and number of holding units) is displayed prominently in the boarding establishment.

No animals other than cats are to be boarded within the licensed facilities without the written approval of the local authority.

### 2. Animal Welfare Act 2006

Sections 1 and 2 of the 2006 Act set out which animals are protected. This includes any animal (vertebrate) other than man (section 1) which is commonly domesticated in the British Isles, or under the control of man whether on a permanent or temporary basis, or is not living in a wild state (section 2). Thus cats and kittens are protected by this piece of legislation.

Section 3 of the 2006 Act sets out who can be found to be responsible for an animal and this includes on a permanent or temporary basis as well as being in charge of it or owning it. Therefore, the establishment owner as well as their employees can be found liable under this piece of legislation. No one under the age of 16 years can be deemed to be responsible for an animal.

Section 4 of the 2006 Act sets out offences concerning unnecessary suffering. An offence is committed here if someone's act or failure to act causes an animal to suffer, whether the person knew (or ought to have reasonably known) that the act (or failure to act) was likely to cause such suffering - it is still an offence as the suffering was unnecessary. An offence can also be committed whereby someone permits this to happen. Again, this can apply



to not just employees of an establishment but also an owner. In particular the suffering may be deemed unnecessary if it could reasonably have been avoided or reduced, if it was not in compliance with relevant legislation, licence, or codes of good practice, if it was not for a legitimate purpose, if it was not proportionate, if it was not the conduct of a reasonably competent and humane person.

Under Section 9 of the 2006 Act those responsible for animals (in England and Wales) have a duty to ensure reasonable steps are taken to ensure the welfare needs of the animals are met to the extent required by good practice. This includes:

- its need for a suitable environment,
- its need for a suitable diet,
- its need to be able to exhibit normal behaviour patterns,
- any need it has to be housed with, or apart from, other animals, and
- its need to be protected from pain, suffering, injury and disease.

This guidance also notes that additionally there are Codes of Practice concerning cats that the Welsh Government and DEFRA have produced and they provide further information on these points. To access copies of these Codes please see –

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69392/pb13332-cop-cats-091204.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69392/pb13332-cop-cats-091204.pdf)

[www.wales.gov.uk/docs/drah/publications/110817catcodea5en.pdf](http://www.wales.gov.uk/docs/drah/publications/110817catcodea5en.pdf)

### Other current relevant regulations and legislation:

Other Legislation which is relevant to the running of a boarding cattery includes, but is not restricted to the following:

- The Regulatory Reform (Fire Safety) Order 2005
- Health and Safety at Work etc Act 1974
- Environmental Protection Act 1990

- Electricity at Work Regulations 1989
- Control of Substances Hazardous to Health Regulations 1988
- Controlled Waste Regulations 1992
- Town & Country Planning Act 1990
- Welfare of Animals (Transport) (England) Order 2006
- Welfare of Animals (Transport) (Wales) Order 2006
- Regulation on the protection of animals during transport (EC) 1/2005

Further information on the above is available from Business Link – [www.businesslink.gov.uk](http://www.businesslink.gov.uk)

### Training

All staff who handle and care for cats must be adequately trained in ensuring the cats' welfare (as per the Animal Welfare Act) as well as their safe handling.

Staff must also be trained in emergency procedures to follow, and all other aspects of the licence conditions which are pertinent to their work. Obtaining relevant qualifications is strongly recommended.

This guidance document recommends that written policies and procedures setting out how the cattery will ensure all aspects of the welfare of cats in their care as well as their staff should be provided. It further recommends that a systematic training programme should be implemented including provision of evidence of its use for permanent, temporary, and part-time employees and regular reviews of training.

### Supervision/responsibility

The cattery proprietor or a responsible person over the age of 18 years should always be present to exercise supervision and deal with any emergencies whenever cats are boarded at the premises.

It is strongly recommended that the cattery proprietor or a responsible person lives on site or a key-holder must live within a reasonable distance of the cattery. An emergency contact number must be clearly displayed at the entrance to the cattery.

**The groups consulted included:**

- British Small Animal Veterinary Association
- British Veterinary Association
- Cats Protection
- Chartered Institute of Environmental Health
- Corporation of London
- Daisy Bank Kennels & Cattery
- Dogs Trust
- Epping Forest DC
- International Cat Care (Formerly Feline Advisory Bureau)
- Kennel Design (David & Kay Key)
- Pet Industry Federation (Formerly Pet Care Trust)
- Royal Society for the Prevention of Cruelty to Animals

### How to use this document:

Each of the sections relates to a Requirement, elaborating why it is important to meet this from the perspective of the cat and/or legal requirements where applicable. Good care is based on some simple principles and these are shown where relevant as bullet points (•) in the document.

In order to link the licence guidelines with the check lists for use by Licence inspectors, each factor which enables the associated legal requirement to be met has been given an individual code linking it to the appropriate section. These must be followed in order to achieve the licence. It should be noted that the order in which the requirements are listed under each section is arbitrary and does not indicate any order of importance. All requirements listed under the sections are equally important.

The Identification code is made up of a 'letter, number' combination, the letter indicating the section (relating to each of the 5 welfare needs as stipulated under the Animal Welfare Act 2006), and the number relating to the requirement's numerical order within that section:

SECTION	IDENTIFICATION CODE
Environment	A
Diet	B
Behaviour	C
Company	D
Health and welfare	E

Attached at Annex A is a Model Licence Conditions Inspection Sheet for Cat Boarding Establishments.

## Section A – Environment: Providing the cat(s) with a suitable place to live/stay

Good care is based on some simple principles and these are shown where relevant as bullet points (•) in the document.

Poor housing has a substantially negative impact on both the health and wellbeing of cats. Housing systems must be suitable for the needs of the species in question. The cattery must be designed, built and managed to provide safe, disease free, comfortable, clean, draught free, animal friendly conditions, which are minimally stressful and which offer environmental choice for the animal, sensory stimulation, physical and mental exercise.

The following requirements list what must be present in a cat's environment, and details further measures that can be taken. Please note that the requirements are not presented in any order of importance but all hold equal standing with respect to the environmental needs of cats.

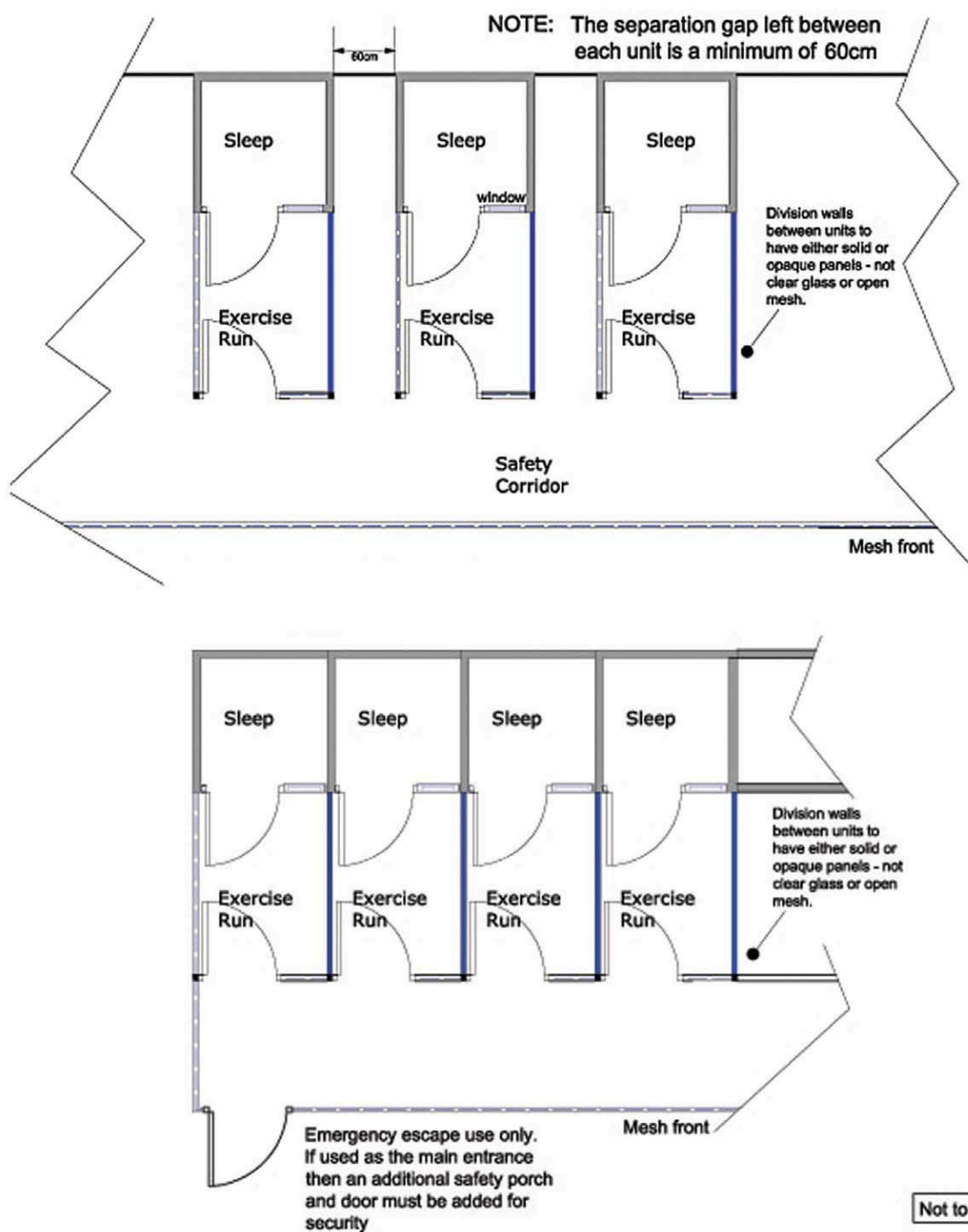
### Cattery construction and principles of design

- The correct design and construction of a cattery is vital to prevent escape, minimise disease spread and stress to the cats, and to make maintenance and hygiene management straightforward and achievable by cattery proprietors.
- For disease control there must be no possibility of cats within the cattery (other than those from the same household), or other animals outside the cattery, coming into direct contact with each other or contacting droplets sneezed out by cats (for further information see Section E – Health and Welfare).
- **Designs MUST include:**
  - Cat units with sleeping accommodation (with solid sides) and an individual attached run.
  - Full height, full width, sneeze barriers between units. Alternatively, some catteries have gaps between units (minimum 0.6 m (see page 27 – New Build).

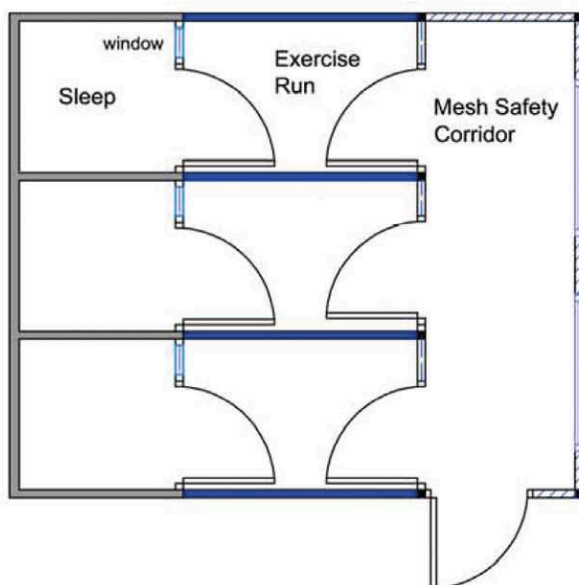
- An enclosed area (corridor or lobby) outside the cat unit to minimise risk of escape.
- Provision to isolate cats if necessary.
- Ancillary facilities including a separate kitchen with hot and cold running water and refrigeration for food.
- A separate hand-washing facility for staff.
- A litter tray cleaning area.
- A reception area.

- Cattery design usually falls into three categories with the sleeping accommodation comprising of a full-height walk-in area or a penthouse (see A3):

**Outdoor** – catteries with indoor sleeping accommodation and individual covered outdoor exercise runs – accessed individually from a covered outdoor safety corridor.

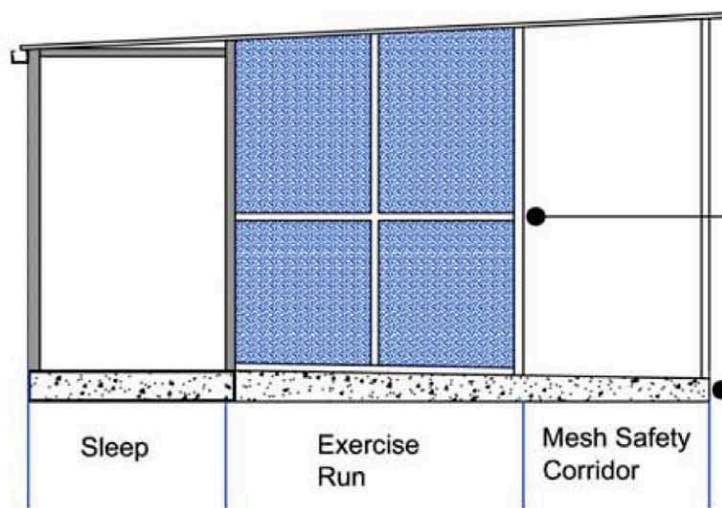


**Semi-outdoor/indoor** – catteries with indoor sleeping accommodation and individual covered outdoor exercise runs – usually accessed individually from a common indoor safety corridor.



Staff access the sleeping and exercise run via the safety corridor in front of the units

Typically the safety corridor has a solid appearance with large opening windows with mesh safety guards to allow light and fresh air into the units

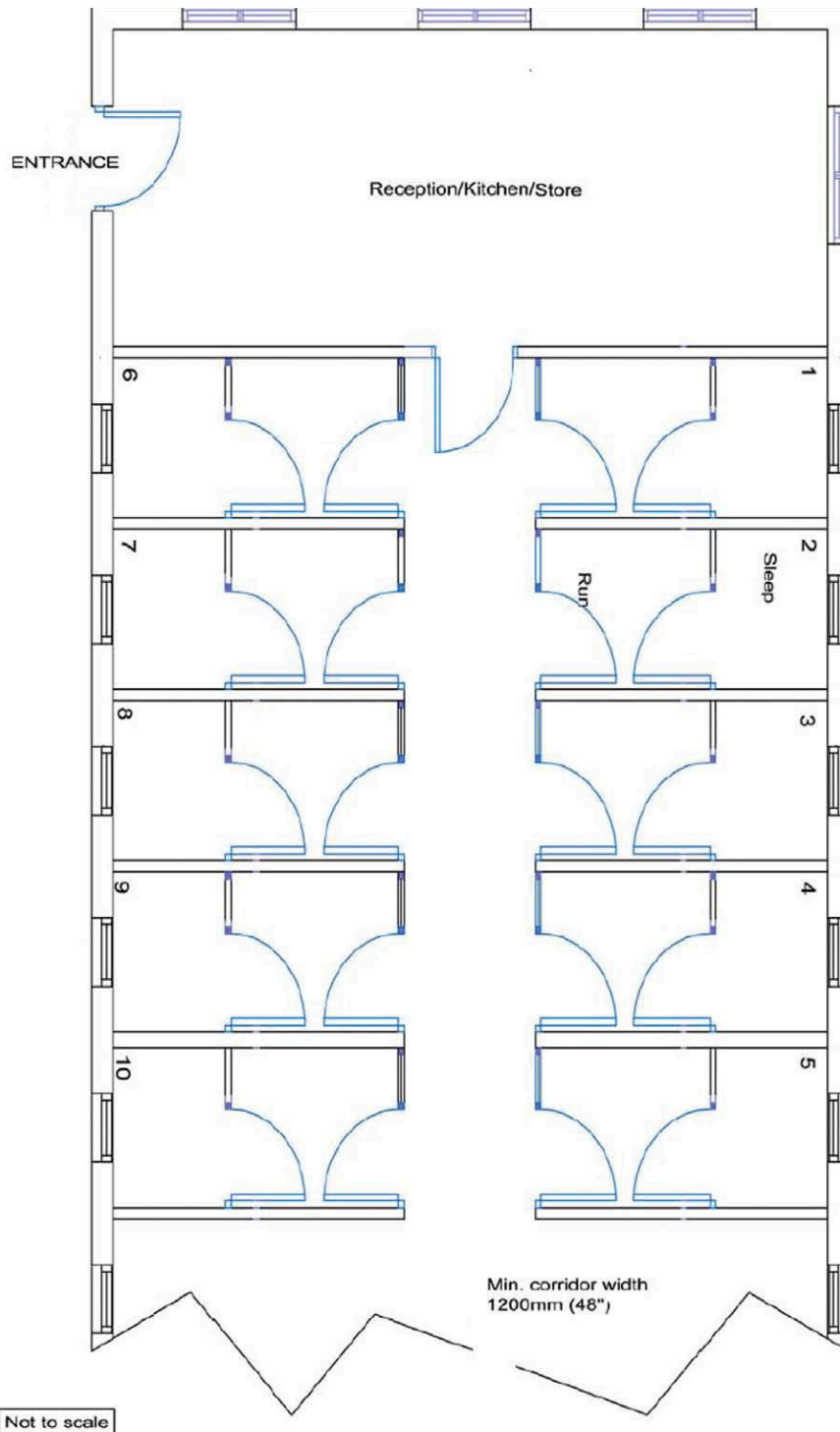


Division walls between units to have either solid or opaque panels – not clear glass or open mesh

Concrete surface laid to fall to allow rain water to drain

2013 minimum size (suitable for up to 2 cats):  
 Sleep – 1.5m<sup>2</sup> (1.2m x 1.25m)  
 Run – 2.2m<sup>2</sup> (1.2m x 1.85m)

**Totally indoor** – catteries with indoor sleeping accommodation and indoor exercise runs – usually accessed individually from a common indoor corridor.



## A.1 Physical construction and integrity

### General

- The cattery must be safe, secure and free from hazards, to minimise any chance of injury to a cat or escape of a cat.

- A.1.1 The cattery must be structurally sound.
- A.1.2 The cattery must be constructed of materials that are robust, safe and durable and be well maintained in good decorative order and repair.
- A.1.3 Materials used in construction or maintenance must not expose cats to any harmful chemicals.
- A.1.4 The cattery must be built in compliance with good building practice (e.g. local authority guidelines), on a concrete base with a damp proof membrane. Where Building Regulations apply these must be adhered to.
- A.1.5 There must be no sharp edges, projections, rough edges or other hazards which present risk of injury to a cat.
- A.1.6 Windows must be escape-proof at all times.
- A.1.7 Doors must have secure latches or other closing devices.
- A.1.8 All wire mesh/fencing must be strong and rigid and kept in good repair to provide an escape-proof structure.
- A.1.9 Timber, if used, must be of good quality, well maintained and any scratched areas sealed or over-clad.
- A.1.10 Any storage areas must be dry and free from vermin.
- A.1.11 Electrical equipment must be installed in line with current legislation and maintained in a safe condition.

### Drainage

- Drainage must be effective to ensure there is no standing water in the cattery, as this can be a reservoir for infectious agents.
- A.1.12 Waste water must not run off into adjacent pens.

A.1.13 Adequate drainage must prevent pooling of liquids.

A.1.14 Any drain covers in areas where cats have access must be designed and located to prevent toes/claws from being caught.

### Safety corridor/entrance lobby

- An enclosed area (safety corridor/entrance lobby) is essential to ensure that if cats manage to slip out from their individual cat unit, they are still kept safely inside the cattery.
- A.1.15 There must be an escape-proof area (safety corridor/entrance lobby) at the exit of each cat unit.
- A.1.16 For catteries where there are facing units accessed by an indoor corridor, the corridor must be at least 1.2 m wide, or the doors of the units must be solid or have sneeze barriers.
- A.1.17 At the end of the safety corridor there must be a securable door through which the inside of the cattery can be viewed from the outside and this must be kept closed when not in use.
- A.1.18 The door from the cat unit to the safety corridor must be escape-proof, securable, strong enough to resist impact and scratching and kept closed at all times.
- A.1.19 The floor must be finished to produce a smooth, impervious surface which is easy to clean and disinfect. Holes or gaps between tiles or paving slabs are not acceptable.
- A.1.20 Outdoor safety corridors must be roofed.
- A.1.21 External doors/gates must be lockable and staff must have easy access to keys in case of emergency.
- A.1.22 Sufficient lighting must be provided in the safety corridor to illuminate all year round. Where practicable this should be natural light during the day.
- A.1.23 The safety corridor must not be used as an exercise area.



## Roofing

- Roofing provides protection from the weather and prevents escape of cats. In a timber construction it is strongly recommended that the run should also be roofed with wire mesh, as an added precaution against escape. The mesh should extend over the top of the run under the roof and be attached firmly to the framework.

In catteries where substantial roofing is placed over the whole cattery (including the safety corridor) the need for wire mesh roofing is diminished. However, care must be taken to ensure that no gaps appear to allow escape of a cat.

- A.1.24 There must be a safe, secure, waterproof roof over all of the cat units (sleeping accommodation and run) and the safety corridor. For the run, materials used must be capable of filtering UV light and providing adequate shade.

## A.2 Cat units

- A boarded cat is accommodated in a 'unit' comprising enclosed sleeping accommodation and an adjoining individual covered exercise run.

- A.2.1 Cats from different households must not share cat units.

## Lighting

- Lighting enables adequate observation of the animals and for cleaning and working in the cattery.

- A.2.2 There must be adequate lighting in the cat unit.

## Ventilation and humidity

- Fresh air is essential for the maintenance of good health and well-being as well as limiting the spread of infectious disease. Proper ventilation removes heat, dampness, odour, airborne microbes and pollutant gases such as ammonia.

- A.2.3 Ventilation must be appropriate all year round (both cool in hot weather and avoiding cold draughts in winter). Localised draughts in the sleeping accommodation

must be avoided.

## Interior surfaces

- For disease prevention units must be easy to clean and disinfect.

- A.2.4 All interior surfaces to which cats have access must be durable, smooth and impervious, capable of being cleaned and disinfected, and be kept in good decorative order and repair.

- A.2.5 Where concrete or other building blocks or bricks are used, they must be sealed to be smooth and impervious.

- A.2.6 Surfaces which are peeling, scratched, chipped or in disrepair must be repaired or resealed to an acceptable standard, or replaced.

- A.2.7 Ceilings must be capable of being easily cleaned and disinfected.

- A.2.8 Junctions between sections must be covered or sealed.

- A.2.9 Floors must be finished to produce a smooth, non-slip, solid surface and all surfaces must be capable of being easily cleaned and disinfected. (There must be no open gaps if using concrete slabs or tiling).

## Accessing the cat unit

- Each unit needs to be easily accessible and provide a means of identification for each cat.

- A.2.10 Each unit must be designed to allow staff to access and clean all parts of the cat unit safely. (For further information on cleaning see Section E – Health and Welfare).

- A.2.11 The unit must have a securable, full height door for access.

- A.2.12 Each unit must be clearly marked (e.g. numbered) and a system in place which ensures that relevant information about the cat in that unit is readily available.

### Litter trays

- Cats are meticulous animals and a dirty litter tray may deter use. Natural behaviour is to scratch in loose material (litter), to dig a hole or cover waste. The tray should be large enough (average size is 30 x 42 cm (12" x 16") to let the cat turn around and the litter deep enough (a minimum of 3 cm is recommended) to allow digging activity. Loose sawdust, shredded or sheet newspaper, or soil, are not considered acceptable as litter material.
- A.2.13 Litter trays of a suitable size or type must be provided at all times.
- A.2.14 Each unit must have space to allow for at least 60 cm separation between the litter tray, resting place and feeding area. This allows cats to sit, rest and eat away from areas where they urinate and defecate.
- A.2.15 Trays must be impermeable, easy to clean and disinfect, or be disposable.
- A.2.16 A safe and absorbent litter material must be provided.
- A.2.17 In a multiple cat unit the number of trays must be appropriate to the number of cats (see also D3).
- A.2.18 Trays must be regularly and appropriately cleaned (See section E – Health and Welfare, for information on cleaning protocols, and waste disposal).

### A.3 Sleeping accommodation

- Cats need separate sleeping accommodation which in most cases (except some indoor catteries) must be separate from the run and provide somewhere for the cat to hide away. Most designs fall within the guidelines detailed here:

**Full-height unit** – cat sleeping accommodation in the form of a full-height ‘shed’ which opens into the exercise run and is accessed via a full-height door.

**Penthouse unit** – cat sleeping accommodation in the form of an enclosed raised ‘box’ which opens into the exercise run and is accessed via a ramp from the cat flap.

It can also be accessed by opening the front door(s) to the box.

The sleeping accommodation must be large enough to allow cats to move and lie comfortably and provide enough space to spread resources.



Timber full height walk-in unit



Timber penthouse style unit



uPVC full height walk-in unit



uPVC penthouse style cattery unit

#### Size of full height walk-in unit sleeping accommodation:

- A.3.1 The following minimum areas and dimensions must be achieved in order to give cats a suitable and appropriate comfortable space and for ease of cleaning and management.

Existing buildings, floor area and dimensions			
	Minimum area	Smallest dimension must be a minimum of:	Minimum height
One cat	0.85 m <sup>2</sup>	0.9 m (eg 0.90 m x 0.95 m)	1.8 m
Up to two cats	1.5 m <sup>2</sup>	1.2 m (eg 1.20 m x 1.25 m)	1.8 m
Up to four cats	1.9 m <sup>2</sup>	1.2 m (eg 1.20 m x 1.60 m)	1.8 m

#### Shelving or raised area for a full height walk-in unit

- Shelves or raised areas are important to allow cats to rest high up. Shelving must be able to be kept clean, be large enough for cats to lie on (usually between 0.75 and 1.5 m above the ground) and accessible.

- A.3.2 All resting areas/shelving must be large enough for each cat to lie on.

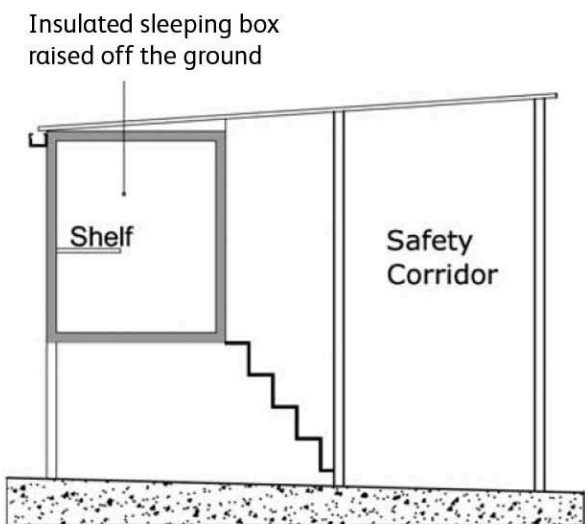
- A.3.3 Facilities must be easily accessible and provide safe easy access to the shelf for elderly, ill, very young or disabled cats if required.

- A.3.4 Shelving or raised areas must be made of impervious, easily cleanable materials.

**Size of penthouse sleeping accommodation (an enclosed boxed sleeping area raised off the ground)**

A.3.5 The following minimum areas and dimensions must be achieved in order to give cats a suitable and appropriate comfortable space and for ease of cleaning and management.

A.3.6 Facilities must be easily accessible and provide safe easy access (ramp/steps) to the penthouse. Extra consideration may be needed for elderly, ill, very young or disabled cats. Existing buildings, floor area and dimensions

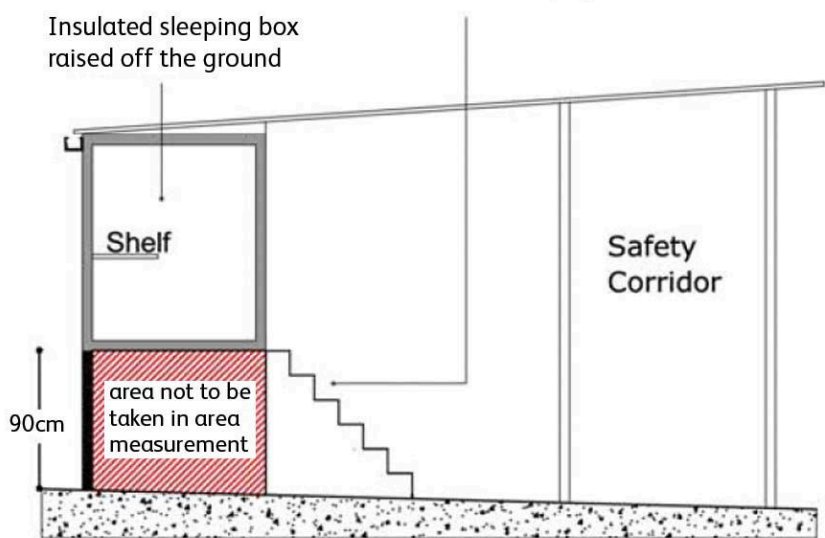


Pre-2013 standard with space under the box taken into the overall footprint allowance

Existing buildings, floor area and dimensions			
	Minimum area	Smallest dimension must be a minimum of:	Minimum height
One cat	0.85 m <sup>2</sup>	0.9 m (eg 0.90 m x 0.95 m)	1m
Up to two cats	1.1 m <sup>2</sup>	0.9 m (eg 0.9 m x 1.20 m)	1m
Up to four cats	1.7 m <sup>2</sup>	0.9 m (eg 0.9 m x 1.90 m)	1m

Ladder or ramp for cats to gain access into the sleeping unit

FOR NEW BUILD SEE PAGE 29



The 2013 standard requires that a minimum distance of 1.85m is given from the front of the sleeping unit. The space under the sleeping area is not to be taken into the overall footprint allowance for exercise run space

### Temperature in sleeping accommodation

- Cats like warmth and some indoor cats are used to high ambient temperatures. In a cattery the cat needs an adequate ambient temperature and additional heating facilities if this cannot be guaranteed at times of excessively cold weather. Breed, body condition, medical condition, coat and age can affect an individual's ability to maintain its body temperature.

- A.3.7 There must be a means of measuring, monitoring and recording temperature (maximum and minimum temperatures) representative of the temperature in the cat sleeping accommodation.
- A.3.8 Insulation and temperature regulation in the cattery must aim to keep the ambient temperature in the cat sleeping accommodation above an absolute minimum of 10°C.
- A.3.9 There must be part of the cat's sleeping accommodation where the cat is able to enjoy a minimum temperature of 15°C -this additional heat may be in the form of a heated bed/pad etc.
- A.3.10 The cat must be able to remove itself from the source of heat.
- A.3.11 Heaters must not be sited in a manner or location where they present a risk of burning or electrocution to cats or humans, or a risk of fire.
- A.3.12 Open flame appliances must not be used.
- A.3.13 All heating equipment must be installed and maintained in a safe condition.
- A.3.14 Additional forms of heating can be in the form of heated beds, heated pads or similar but these must not be the main source of heat for the cats. Use should be tailored to the needs of individual cats.

A.3.15 Any sockets in the sleeping accommodation must be waterproof and as far out of reach of cats as possible.

A.3.16 There must be a policy in place for dealing with high temperatures and a means of keeping cats cool.

### Bedding

- Bedding is important to help animals regulate their body temperature, to give traction and to keep animals comfortable. Old or infirm cats can have difficulty rising if surfaces are slippery, and old, very young or infirm animals may have difficulty regulating their body temperature.
- A.3.17 There must be a clean resting place to provide comfort and warmth which is situated out of draughts.
- A.3.18 Soft bedding materials must be provided and adapted if necessary for old, young or infirm cats to help regulate their body temperature.
- A.3.19 Bedding must be made of a material that is easy to wash/disinfect, or is disposable.

### Access to run

- A cat flap allows free access to the run while maintaining indoor temperature. It can be locked if necessary.
- A.3.20 A cat must have access between the sleeping accommodation and run (eg a cat flap) so it can easily and safely access all parts of its unit.

#### A.4 Exercise run (in addition to and not including sleeping accommodation)

- The exercise run must be large enough to allow cats to play/exercise.
- A.4.1 Any part of the run to which the cat has access must be easily cleanable and not damaged by scratching. Any replacement wood must be clad with a smooth impervious material.
- A.4.2 The floor must be finished to produce a smooth, impervious surface and all surfaces must be capable of being easily cleaned and disinfected. There must be no open gaps if using concrete slabs or tiling.
- A.4.3 Where cats have access to mesh (catteries with gaps rather than sneeze barriers), the diameter of the wire must not be less than 1.6 mm (16 gauge welded mesh). Mesh size must not exceed 25 mm in one direction and should be positioned on the inside of the framework of runs to prevent damage of uprights by cats scratching any woodwork.
- A.4.4 All exercise runs must be roofed to provide protection from the elements.
- A.4.5 Communal exercise areas must not be used.

#### Size of exercise run for full height walk-in unit and penthouse style unit

- A.4.6 The following minimum areas and dimensions must be achieved in order to give cats a suitable and appropriate comfortable space and for ease of cleaning and management.

Existing buildings, floor area and dimensions			
	Minimum area	Smallest dimension must be a minimum of:	Minimum height
One cat	1.65 m <sup>2</sup>	0.9 m (eg 0.90 m x 1.85 m)	1m
Up to two cats	2.2 m <sup>2</sup>	0.9 m (eg 1.20m x 1.85 m)	1m
Up to four cats	2.8 m <sup>2</sup>	1.20 m (eg 0.9 m x 2.35 m)	1m

FOR NEW BUILD SEE PAGE 29

#### Sneeze barriers

- It is important to ensure that cats from different households cannot come into direct contact with one another or sneeze on each other.
- A.4.7 Full height, full width solid sneeze barriers must be installed between cat units.
- A.4.8 Sneeze barriers must be in place on the end walls of the exercise run at each end of the cattery block to prevent contact with animals from outside.

#### Shelving or raised areas in exercise run

- Shelves or raised areas are important to allow cats to rest high up where they feel more secure (usually between 0.75 and 1.5 m above the ground).
- A.4.9 Shelving must be made of impervious, easily cleanable materials.
- A.4.10 There must be a shelf or facility for providing a raised area in the exercise area.
- A.4.11 All resting areas/shelving must be large enough for each cat to lie on.
- A.4.12 Extra help (eg steps) to provide safe easy access to the shelf for elderly, ill, very young or disabled cats must be available if required.

## A.5 Fire and other emergencies

- Appropriate steps will be taken for the protection of the animals in case of fire and other emergencies.
- This should include instructions on where staff and cats are to be evacuated to in the event of emergencies such as fire or flooding. An emergency telephone list should include fire, police and vets.
- Fire and electrical safety certificates should be available for inspection.

- A.5.1 There must be a written emergency plan (agreed by the local authority) which must be on display and known to staff and a contingency plan should the premises be destroyed or uninhabitable.
- A.5.2 Premises and activities must be risk assessed (including fire). These risk assessments must be recorded and relayed and understood by all staff.
- A.5.3 Fire fighting equipment must be provided, maintained in good working order (maintenance must be evident and should show date checked) and easily accessible.
- A.5.4 Fire exits must be clearly marked and access left unrestricted.
- A.5.5 The premises must comply with current legislation with regards to electricity and gas (if connected).

A model Emergency and Evacuation Plan is attached as Annex B.

## Section B – Diet: Providing the cat(s) with an appropriate diet

Fresh clean water and a suitable diet are basic nutritional requirements for physical health.

### B.1 Drinking

- Water is essential for all cats. It is especially important for those fed on dry food. Cow's milk should not be fed to cats because many cats have lactose intolerance. Wide water bowls allow cats to drink without bending their whiskers.

- B.1.1 Fresh water must be available at all times. Clean water must be provided daily in a clean container or changed sooner if it is visibly soiled.
- B.1.2 Food and water must be kept separate (Joint feeding and water bowls must not be used).
- B.1.4 Water must be positioned well away from the litter tray, as cats will not drink if it is placed too close to a toilet site (see also D.3).
- B.1.4 Adequate water bowls must be provided for multi-cat units (see also D.3).
- B.1.5 Water bowls must be non-porous and easy to clean/disinfect.

### B.2 Eating

- Cats have very specific dietary needs which can vary, dependent on a number of factors (i.e. age, health status, activity, weight). However, all cats are obligate carnivores and require a well-balanced, meat-based diet to stay fit and healthy. Ideally cats should be fed several small meals per day. Kittens, or cats with additional needs, will need more frequent feeding. The feeding of raw food diets is not recommended due to the risk of bacterial and parasite contamination and the public health risk. Cats should not remain inappetent (not eating) for longer than 2 days without seeking veterinary advice.

- B.2.1 There must be exclusive facilities, hygienically constructed and maintained, for the storage and preparation of food for the cats.
- B.2.2 Refrigeration facilities must be provided.

- B.2.3 A sink with hot and cold water must be provided for the washing of food equipment and eating and drinking vessels.
- B.2.4 Clean, safe containers must be provided for the storage of foods and must be insect and rodent proof
- B.2.5 Cats must be fed a balanced diet suitable for their age, health status, reproductive status and lifestyle. The type of food, specific diet or prescription diet is usually by agreement with the owner.
- B.2.6 Food must be unspoilt, palatable, and free from contamination.
- B.2.7 For healthy adult cats at least two meals a day must be offered at a minimum of 8 hours apart, as appropriate to the individual's requirements.
- B.2.8 Unconsumed wet or fresh food must be removed before it deteriorates, and before the next feed time. Dry food can be fed as indicated by the manufacturer.
- B.2.9 Food must not be left for excessive periods to prevent it being spoiled and attracting flies. This will vary with temperature conditions and type of food.
- B.2.10 All food must be positioned well away from the litter tray, (minimum 60cm), as cats will not eat if it is placed too close to their toilet site.
- B.2.11 One feeding bowl must be provided per cat.
- B.2.12 Food bowls must be non-porous and easy to clean and disinfect, or disposable.
- B.2.13 Food intake must be monitored daily and any problems recorded.
- B.2.14 Veterinary advice must be followed if feeding debilitated, underweight or ill cats, or those with specific dietary requirements.
- B.2.15 Cats displaying marked weight loss/gain must be evaluated by a vet and treated as necessary.



## Section C – BEHAVIOUR: Allowing the cat(s) to express normal behaviour patterns

Good welfare depends on meeting both the mental and behavioural needs of cats, as well as their physical needs. How a cat behaves can indicate how successfully an individual is coping in its environment.

### C.1 General points on cat behaviour

- Physical and mental health can affect cat behaviour. Cats are intelligent active creatures but changes can upset them, as can being off their own territory. Some cats can become stressed or bored in a boarding situation. This can lead to poor appetite, shedding viruses or greater susceptibility to disease. Staff should be appropriately trained to recognise common behaviours and behaviour changes. A cat should never be punished as this is likely to make it more nervous or scared. A regular routine will help cats to predict what is going to happen.
- Ideally cats should be able to view the outdoors and have an interesting outlook.

C.1.1 The behaviour of individual cats must be monitored on a daily basis and abnormalities or changes noted and acted upon if necessary.

C.1.2 Cats must be able to access different levels within the unit (see A.3 for more information).

C.1.3 Cats must be given the opportunity for play and exercise.

### Hiding places

- Hiding is a behaviour that cats can use to help them cope with changes in their environment. Cats hide to avoid interactions with other cats or people, or stressful situations. Providing cats with places to hide can reduce stress and can be as simple as providing a cardboard box, an igloo-type bed or other structures within the unit.

C.1.4 A hiding place must be provided for cats in the sleeping accommodation (see also D.3).

### Play

- Encouraging cats to play can be a good way of keeping them active.
  - Cats are playful animals (but individuals vary in their desire to play) and enjoy playing with toys (especially those which mimic prey), and with people. Cats have a need to express the innate predatory behaviour which is natural for them and therefore show most interest in toys that mimic prey.
  - Environmental enrichment such as changing toys regularly, can reduce boredom.
- C.1.5 Any toys provided must be safe and be disinfected between use in the cattery, or disposed of. If provided by the owner toys must be kept within that cat's unit and used solely for that cat and returned to the owner and the end of the cat's stay.

### Scratching

- Cats are highly motivated to show scratching behaviour and naturally use objects to scratch to mark their territory, strengthen their muscles and sharpen their claws. Cats often prefer scratch posts tall enough for the cat to use fully stretched.
- C.1.6 Cats must be provided with suitable facilities for scratching.
- C.1.7 Any surface available for scratching must either be disinfected between use for different cats, or disposable. If provided by the owner it must be kept within that cat's unit and used solely for that cat and returned to the owner and the end of the cat's stay. (See Section E -Health & Welfare).

## C.2 Noise

- Cat hearing is more sensitive than human hearing and thus noise levels uncomfortable for humans are likely to be very uncomfortable for cats. Excessive noise contributes to adverse behavioural and physiological responses. Cats are adversely affected by the sound of barking dogs.
- The cattery environment should be as calm and quiet as possible with noise producing equipment located as far away from animals as possible.

C.2.1 Cats must not be exposed to excessive noise of barking boarded dogs or other excessive/continuous noise.

## C.3 Long stay cats

- Occasionally cats stay in a boarding cattery for periods over 3 weeks and these cats require special consideration such as environmental enrichment, regular health checks and extra attention from staff.

C.3.1 A Standard Operating Procedure (SOP) must be in place explaining how to ensure the health and welfare of long-term stay cats.

## Section D – COMPANY: Providing the cat(s) with the appropriate company

It is important from a welfare perspective to ensure that any need that a cat has to be housed, with or apart from, other animals, is met. The cat is by nature a solitary animal, and contact with or seeing unfamiliar/strange cats can be very stressful.

### D.1 Feline company and interactions

- Most adult cats will only be friendly to siblings or certain other cats they live with. Strange cats are usually avoided. Cats can find the presence of other cats very stressful and can suffer if they cannot avoid cats with whom they are not familiar or do not like. Housing cats at high densities increases the potential for them to be stressed. Only cats from the same household may share a unit.
- Where possible cats must be able to avoid seeing other cats by being provided with hiding places and translucent (allowing light to pass through, but only diffusely, so that objects on the other side cannot be clearly distinguished) barriers between units. (See page 29 – New Build).

D.1.1 Cats from different units must not share exercise runs or an exercise area either at the same time or sequentially.

### D.2 Human company and interactions

- Most cats enjoy and benefit from human company, but prefer to interact with people on their own terms. Cats socialised to humans can find human company stimulating and may show signs of stress when this interaction is decreased. However, other cats will prefer minimum contact.
- Cattery staff should find out from the owner and monitor each cat to ascertain how much human contact it wants and adapt to provide this.
- A cat should never be forced to interact with a person/people, and a facility should be provided for a cat to avoid people should they wish. (Ref to hiding place).

- Scruffing of cats (picking up a cat by the scruff of its neck) should not be done except as an absolute last resort.

D.2.1 Cats must be always be handled humanely and appropriately to suit the requirements of the individual cat.

### D.3 Multi-cat units

- Proprietors have a responsibility to monitor units where more than 1 cat is housed. Even though these cats originate from the same household, cats sharing a home may not necessarily get on well, especially when confined. Therefore proprietors must monitor cats to ensure that they are not experiencing stress/distress/aggression from another cat. Only cats from the same household can share a unit.

D.3.1 For any multi-cat unit (cats from the same home) cats must be monitored and consent obtained from the owner for separating cats, should problems arise (e.g. cats fighting or 'stressed').

D.3.2 There must be multiples of all resources (food and water bowls, litter trays and sleeping areas (warmed if required), depending on the number of cats, to ensure that some cats cannot monopolise resources and prevent the others from accessing them.

D.3.3 A separate bed must be provided for each cat.

D.3.4 A separate hiding place must be provided for each cat eg a cardboard box, igloo bed.

D.3.5 Separate feeding bowls (not double feeders) must be provided for each cat.

D.3.6 Several sources of water must be provided if multiple cats are housed.

## Section E – HEALTH AND WELFARE: Protecting the cat(s) from pain, suffering, injury and disease

Many points covered under the previous four sections (A – D) can be considered to relate to Section E and assist in protecting cats from pain suffering, injury and disease.

### E.1 Monitoring cats

- In order to keep cats healthy the proprietor needs to have an organised system for registering and monitoring all cats at the cattery.
- It is recommended that a late-night round be carried out to check on all cats, heating etc.
- The well-being of the boarded cat is paramount. It is recommended that all cats are weighed on entry and exit from the cattery. This allows the proprietor to monitor any changes and provides information should clients challenge the cat's condition on their return. This is especially important for older cats and kittens. Geriatric, ill or debilitated cats should also be monitored more closely for appropriate management.
- It is recommended that cats that are boarded for longer than 2 weeks are weighed every 2 weeks, and older cats and kittens weighed weekly, and records kept.

E.1.1 All cats must be observed regularly throughout the day. Cats must be checked daily for signs of illness and/or injury and to ensure that their needs are being met. Any signs of ill health or unusual behaviour must be recorded and advice sought without delay.

E.1.2 The cattery proprietor or responsible person must visit the cats at regular intervals (of no more than 4 hours apart during the working day), or as necessary for the individual health, safety and welfare of each cat.

E.1.3 Presence or absence of faeces and urine in trays must be noted daily. Any signs of abnormalities in excreta must also be noted or acted upon as appropriate.

E.1.4 Drinking and eating habits must be monitored and any problem investigated. (Refer back to Section B).

### E.2 Keeping records

- A register must be kept of all cats boarded and available to key members of staff and to local authority inspectors if requested. Records should be backed up and records kept for a minimum of 24 months. It is also useful to know if cats are insured, should problems occur.

The information kept must include the following:

E.2.1 Date of arrival and departure.

E.2.2 Name, sex, description of cat and microchip number.

E.2.3 Number of cats sharing from same household.

E.2.4 Name, address, phone number and email of owner (including emergency contact details).

E.2.5 Name, address, email and phone number of emergency local contact (who is able to take the cat if necessary).

E.2.6 Cat's veterinary surgeon.

E.2.7 Cat's diet and relevant requirements.

E.2.8 Cats' relevant medical history.

E.2.9 Consent forms eg veterinary treatment, consent to share or separate cats if needed, record of baskets/toys etc left at the cattery (Check vet consent forms i.e. own vet or designated vet if not in area).

E.2.10 Record of vaccination.

E.2.11 Any medical treatment must be recorded and visible to prevent mis-dosing.

### E.3 Disease control

- Cats are vulnerable to a range of serious infectious diseases, therefore disease control and rapid response to any signs of illness is critical.
  - The potential for infectious disease problems escalates where many cats are kept together and a cat's immune system can also be affected by stress.
  - As outlined elsewhere, construction materials and equipment need to be easy to clean and disinfect (see Section A).
  - No cats should be allowed in the safety corridor or to share an exercise area (unless they come from the same household).
  - Infectious agents are spread in various ways –
    - Feline leukaemia virus (FeLV) and feline immunodeficiency virus (FIV) need direct contact between cats, which should be impossible in the boarding situation.
    - Cat flu viruses such as feline herpesvirus [FHV], feline calicivirus [FCV], and other respiratory pathogens such as *Bordetella bronchiseptica*, are spread in sneeze droplets, on hands, clothes, shoes, equipment and environment.
    - Feline parvovirus (aka feline infectious enteritis (FIE)) can be spread on hands, clothing and shoes, litter trays and environment, and can remain in the environment for a long time.
  - The source of feline parvovirus (FIE) is faeces from an infected cat and several other agents are spread via contact with other cats' faeces/litter trays and include Coronavirus, Salmonella and Campylobacter etc.
- Ringworm spores can remain infectious in the environment for prolonged periods of time.
- Preventing cat-to-cat contact, ensuring excellent hygiene protocols and management protocols to minimise stress can reduce the risk of disease spread.
  - The movement of people through the cattery should be minimised and supervised.

- If rescue cats are boarded, these should be handled last.
- E.3.1 Where work with rescue cats or breeding cats is also undertaken, this must be kept completely separate, and extra precautions taken to prevent the spread of disease.
- E.3.2 When there is any cause for concern regarding the health status of a cat, that cat must be handled last and the unit must be cleaned after all the others.
- E.3.3 Cats must remain in their assigned unit and not be moved to other units (rotation) or to a holding unit for cleaning purposes, except for moving to an isolation facility.
- E.3.4 Standard operating procedures (SOPs) must be in place and followed to prevent spread of disease, and staff trained in these procedures.
- E.3.5 Facilities must be provided for the proper reception, containment and disposal of all waste and meet with local authority approval.
- E.3.6 Isolation facilities must be available (see E.6).

### E.4 Hygiene practices

- Proper cleaning and disinfection helps to reduce the spread of infectious disease to both animals and people. Cats are particularly susceptible to poisoning from phenolic compounds (those that turn cloudy when added to water), therefore these must not be used.

#### Cleaning and disinfectant products

- E.4.1 Products must be suitable to use and effective against the pathogens, (especially feline parvovirus (FIE) and ringworm)) for which the cats are at risk and under the conditions present in the environment in which they are used.
- E.4.2 Cleaning agents and disinfectants must be non-toxic to cats.

E.4.3 The compatibility of different bactericides, fungicides and virucides (if used together and/or with a detergent) must also be taken into account.

Manufacturers' recommended guidelines for use, correct dilutions and contact time for use in cleaning and disinfection products must be followed. Standing water must not be allowed to accumulate in areas around the cat units due to the possibility of pathogens residing in these moist environments.

#### Cleaning and disinfecting routines for units when cats are resident

- Litter tray hygiene is very important as cats may refuse to use trays if they are soiled; faeces is also a high risk source of infection for some feline diseases.
- Cats prefer clean, comfortable dry bedding. Bedding should not be a source of infection.
- Cats can ingest infective agents from dirty dishes and may excrete viruses themselves in saliva. Clean and disinfected dishes reduce the risk of disease.
- On a daily basis (and more often if necessary) the unit needs to be spot cleaned and any obvious food or waste removed, and all excreta and soiled material removed from all areas used by cats.
- Litter trays need to be cleaned and disinfected in a separate area away from food preparation.
- Food and water dishes need to be cleaned and disinfected, and not at the same time in the same sink or area as litter trays or other items soiled with body waste.

If only one sink is available, strict protocols need to be in place between use to ensure adequate disinfection after cleaning litter trays and before cleaning dishes, as faeces is the major source of many infective pathogens. Sinks need to be disinfected thoroughly between uses.

E.4.4 There must be cleaning and disinfection routines in place for day-to-day management of the cats and for ensuring a cat unit and all equipment is cleaned and disinfected effectively before a new cat comes in.

E.4.5 Each unit must be supplied with its own dustpan, brush and scoop, to be used exclusively in, and kept in that unit, until departure of the cat, and then cleaned and disinfected before re-use, or disposed of prior to the next resident.

E.4.6 Litter trays must be emptied and cleaned and disinfected at least once a day, or more frequently as necessary.

E.4.7 Beds and bedding material must be checked daily and be maintained in a clean, dry and parasite-free condition.

E.4.8 Drinking vessels must be changed/cleaned and disinfected at least once a day.

E.4.9 Grooming equipment must either be cleaned and disinfected between use on different cats, or be disposable. If provided by the owner, it must only be used on that cat and must be sent home with the cat.

E.4.10 Toys and scratch posts must be cleaned and disinfected between use for different cats, disposed of, or returned to the cat's owner (if they came in with the cat).

#### Handling cats

- Hand sanitiser dispensers should be available in all cat care areas and should only be used on clean hands. It should be noted that hand sanitisers are ineffective against some of the more dangerous pathogens (eg calicivirus) and cannot be relied upon as the sole means of hand sanitation. Washing of hands thoroughly or wearing of gloves is preferable.
- Fresh protective garments should be worn when handling vulnerable individuals. Kittens and young cats should be handled before adult cats.

E.4.11 Hygiene protocols must be observed between handling cats. Hands must be washed/ disinfected or hand sprays or alcohol gel used between handling of each cat.

E.4.12 Protective garments must be changed and laundered with an appropriate disinfectant/ disposed of immediately after handling a cat with a suspected infectious disease.

### E.5 Vaccination, fleas, worms and other parasites

- There must be a policy for cats coming to the cattery having vaccinations against appropriate diseases (Occasionally there will be veterinary advice on a specific cat regarding vaccination and its health status and this should be taken into account).
  - If owners have treated their cats for worms and fleas before entry to the cattery, the proprietor should note when this occurred and what products were used.
- E.5.1 An up-to-date veterinary health record must be seen to ensure that cats boarded have current vaccinations against feline parvovirus (feline infectious enteritis) (FIE)) and against feline respiratory viruses (feline herpesvirus and feline calicivirus).
- E.5.2 Vaccination (including boosters) must have been completed, at the very least, 2 weeks before the cat's arrival in order to ensure maximum protection.
- E.5.3 Homoeopathic vaccination is not acceptable as it will not protect against infectious diseases.

### E.6 Isolation facilities

- All establishments must have a means of providing isolation that will allow for the care of sick cats which develop signs of infectious diseases, to minimise the risk to other cats. How this is physically provided (ranging from being able to shut off an end unit of the cattery and using a separate door, to having a separate building) may vary. In many catteries the cat is taken straight to the vet (catteries are advised to check with the vet whether this service is available). If not, isolation protocols (below) must be observed.
- E.6.1 The area must provide separate, self contained facilities for the isolation of suspected infected cats and must have a separate entrance to the rest of the units.
- E.6.2 Separate cleaning supplies and clothing must be designated for the isolation area and other cattery sections.

- E.6.3 Protective clothing and footwear must be worn when handling cats in the isolation facility, and sanitation protocols adhered to, to avoid the transmission of disease. Whilst in use, the clothing should be kept in the isolation unit and not be removed other than for cleaning and disinfection.
- E.6.4 Hands must be washed/disinfected between handling cats.
- E.6.5 Separate feeding and water bowls, litter trays, litter, a dedicated safe cat basket, bedding and cleaning utensils must be stored in the isolation unit ready for immediate use.
- E.6.6 Any cats in the isolation facility must be checked regularly and unless a separate person is caring for them, they should be visited after the other cats.
- E.6.7 A Standard Operating Procedure (SOP) for barrier nursing and information must be provided for staff.
- E.6.8 Should a cat need to be removed from its unit, it must be carried in a secure and disinfected cat carrier, and the carrier disinfected after use.
- E.6.9 In emergency cases, such as admission of unvaccinated cats because of owner hospitalisation, there must be provision to be able to place these animals in isolation.

### E.7 Veterinary treatment and health care

- Access to veterinary care is vital for the cat, should it be required.
  - If medication is necessary, it should only be used for the cat for which it is prescribed and following a veterinary surgeon's instructions.
- E.7.1 A veterinary practice must be appointed for the establishment. The name, address and telephone number of the establishment's veterinary service must be displayed in a prominent position for staff.

E.7.2 Where cats require wiping of eyes, grooming or other cleaning regimes, these must be carried out frequently enough to keep the cat clean and comfortable providing it is safe to do so.

E.7.3 When a cat is suspected of being ill or injured (staff should be trained to recognise when a cat requires veterinary care), a veterinary surgeon must be contacted for advice immediately. Any instructions for treatment given by a veterinary surgeon must be strictly followed with further advice sought if there is ongoing concern.

E.7.4 Medicines must be stored safely, securely, at the correct temperature and labelled correctly according to manufacturer's instructions. Any unused medications must be returned to the owner or prescribing vet.

#### E.8 Holding units for temporary housing

- Routine use of holding units is not recommended as they are small (minimum size should be 1 m in each dimension) and are an additional source of cross infection to cats.
- Holding pens should only be used in exceptional circumstances ideally for no longer than 12 hours and not in areas where other cats are housed.
- The licensed capacity of the cattery does not include holding pens.

E.8.1 If, in an emergency, holding units/pens are used, they must not be sited in the reception.

E.8.2 Cats must be provided with a bed, litter tray, food and water.

#### E.9 Transportation of animals

- Transportation can increase risk for cats, both of disease (from unclean vehicles or carriers) or of escape. A vehicle can be viewed as an extension of the premises and therefore the same principles of hygiene, care and disease control apply. If the journey is long, appropriate resources must be provided.

E.9.1 Any transport legislation must be complied with.

E.9.2 Cats must be secured in durable carrying baskets any time they are transported/carried outside the cat unit (A spare cat carrier should be kept at the cattery for situations where owners do not arrive with their cat in a secure carrier).

E.9.3 All vehicles and equipment must be kept clean and disinfected after each collection or delivery.

E.9.4 Cats must not be left in vehicles except for transportation.



## SECTION F – New Build

As knowledge and materials change, recommendations for better construction and care can change. For anyone undertaking a new build cattery the following advice and recommendations must be followed. When replacing (or adding to) parts of an existing cattery, new build must be followed.

### NB.1 Cat units

- Previous smallest size units (for 1 cat) are considered difficult to clean and manage efficiently.
- Having 2 cat size units gives much greater flexibility for the cattery.

#### NB.1.1 Sleeping accommodation sizes

For new build the smallest unit must be large enough for up to 2 cats and to allow for adequate staff space for cleaning.

- Penthouse accommodation has a number of drawbacks in the cleaning and management of the cat and the units:
  - Cleaning adequately under the box can be difficult.
  - The box must not be too deep or the internal height of the sleeping box too high, in order to be able to clean it.

- Cleaning inside the sleeping box can be difficult and health and safety issues arise if the person doing the cleaning has to climb on a stool or climb into the box to reach the top or back.
- Cats in the box are at face height which could be potentially dangerous with an aggressive cat.
- Very young, old/infirm or disabled cats may find the ramp difficult /dangerous. It is advisable to have at least one full height unit for use for blind, old, infirm or severely disabled cats, or suitable provision made for these cats.

Full height, walk-in units – floor area and dimensions			
New build – the minimum size must be as below (2 cats)			
	Minimum area	Smallest dimension must be a minimum of:	Minimum height
Up to two cats	1.5 m <sup>2</sup>	1.2 m (eg 1.2m x 1.25 m wide)	1m
Up to four cats	1.9 m <sup>2</sup>	0.9 m (eg 1.2m x 1.6 m wide)	1m

### In new build

NB.1.2 Penthouse accommodation measurements for the exercise run must be taken from the front of the sleeping accommodation/box, not under the box.

NB.1.3 When measuring floor area, shelving areas must not be included.

NB.1.4 The box must be 0.9 m off the ground both to enable the area underneath to be cleaned effectively, and to enable a person to reach inside to clean the walls and ceiling of box.

Penthouse accommodation – floor area and dimensions			
New build – the minimum size must be as below (2 cats)			
	Minimum area	Smallest dimension must be a minimum of:	Minimum height
Up to two cats	1.1 m <sup>2</sup>	0.9 m (eg 0.9m deep x 1.2 m wide)	1m
Up to four cats	1.7 m <sup>2</sup>	0.9 m (eg 0.9m deep x 1.9 m wide)	1m

### Exercise area sizes

Full height, walk-in units and penthouse accommodation			
New build – the minimum size must be as below (2 cats)			
	Minimum area	Smallest dimension must be a minimum of:	Minimum height
Up to two cats	2.2 m <sup>2</sup>	1.20 m (eg 1.2m x 1.85 m)	1m
Up to four cats	2.8 m <sup>2</sup>	1.20 m (eg 1.20m deep x 2.35m)	1m

### Sneeze barriers

In new build sneeze barriers must be at a minimum, translucent (Allowing light to pass through, but only diffusely, so that objects on the other side cannot be clearly distinguished) to reduce stress caused by cats seeing one another. Opaque barriers are acceptable but may cut down on the light entering the cattery.

### Gaps between units

Where gaps between units are used as disease control, one side of the gap must have a full height, full width translucent sneeze barrier.

### Hygiene facilities

In new build there must be separate sinks for cleaning of litter trays and feeding utensils.

### Materials

In new build any wood to which the cat has access must be clad with an impervious smooth material to prevent damage and make cleaning and disinfection easier.

### Noise

If a new cattery is being built near existing kennels serious consideration must be given to positioning of the building to minimise the level of noise from the dogs which can be very stressful to cats.

# Annex A

## LICENCE CONDITIONS INSPECTION SHEET FOR CAT BOARDING ESTABLISHMENTS

LICCENCE CONDITIONS INSPECTION SHEET FOR CAT BOARDING ESTABLISHMENTS										Tick boxes √/x
Name of Cattery	Date of Inspection		Boarding		Rescue		Breeding			
Address of Cattery	Person seen	Signature		Part Inspection		Full Inspection		Overall score		
	Inspectors name(s)	Cattery Vet details displayed		Accident Book (H&S)		Emergency Contact displayed				
Licence on Display	Insurance	Pest Control policy/contract								
Has copy of Licence Con & Legislation	Register and Back up									

Outdoor Cattery	Indoor Cattery	Semi-outdoor/indoor	Full height Unit (walk-in)	Penthouse Style Unit	Home boarding
Timber	PVCu	Fibreglass	Other	Number Units	

## Index

Identification code	Section	Range	Score	Range	Score
A	Environment Cattery Unit: Drainage: Exercise Run: Fire/Emergency: Interior Surfaces: Lighting: Litter Trays: Roofing: Safety C: Sizes: Sneeze Barriers and Shelving: Temperature: Ventilation		0	0 - 56	2
B	Diet Drinking: Eating: Refrigeration: Storage of foods: Washing equipment		1	57 - 113	3
C	Behaviour Scratching: Long stay cats: Environmental enrichment: Toys:				
D	Company Multi-Cat Units: Monitoring: Shared cats				
E	Health and Welfare Cleaning: Disease Control: Hygiene Practices: Holding Units: Isolation: Monitoring Cats: Records/S.O.Ps: Register: Transport				
Rating	Does not meet the minimum standard				
Rating	Meets standard, but with noticeable limitations		0	114 - 170	2
<b>Rating</b>	<b>Meets the standard</b>		1	171+	3
Rating	Exceeds the standard				

N/A = 2

# Annex A

Area	Identification Code	Description	√	x	Score	Actions or Comments	Done √
Records	A.5.1/2	Written emergency plan and risk assessment					
Records	C.3.1	Long stay cats S.O.Ps					
Records	D.3.1	Multi-cat unit consent					
Records	E.1	Monitoring cats					
Records	E.2	Register and Back-up					
Records	E.3.4	S.O.Ps					
Records	E.5.1 - E.5.3	Vaccinations					
Records	E.6.7	Barrier nursing S.O.Ps					
Records	E.7.1	Veterinary details/displayed					
Records	A.5.1 - A.5.5.5	Fire and other emergencies					
Records	A.3.7	Temperature records					
Records	D.2.1	Monitoring of cats for human contact					
Records	D.3.1	Multi-Cat Unit consent					
Kitchen/Eating	B.2.1	Exclusive facilities					
Kitchen	E.3.2	Cleanliness					
Kitchen/Eating	B.2.2	Refrigeration					
Kitchen/Eating	B.2.3	Washing equipment					
Kitchen/Eating	B.2.4	Storage of foods					
Kitchen/Eating	B.2.5 – B.2.7	Feeding regime					
<b>Page Total</b>							

# Annex A

Area	Identification Code	Description	√	x	Score	Actions or Comments	Done √
Cattery Unit	A.1.1 – A.1.4	Sound and safe construction					
Cattery Unit	A.3.1, A.3.5 – A.3.6	Sleeping accommodation sizes					
Cattery Unit	A.1.5	Sharp edges/Other hazards					
Cattery Unit	A.1.6 – A.1.8, A.2.12	Secure windows, doors & fencing					
Cattery Unit/Drainage	A.1.12 – A.1.14	Drainage/Drain covers					
Cattery/safety corridor	A.1.15	Escape-proof area					
Cattery/safety corridor	A.1.16 – A.1.18, 21	Corridor width/secure doors					
Cattery/safety corridor	A.19	Flooring					
Cattery/safety corridor	A.1.22	Lighting					
Cattery/Sneeze B	A.4.7 – A.4.8	Sneeze Barriers					
Cattery/Roofing	A.1.24	Safe and Waterproof roofing					
Cattery/Lighting	A.2.2	Adequate lighting					
Cattery/Ventilation	A.2.3	Ventilation/Draughts					
Cattery/Interior	A.2.4 – A.2.10	Good repair, clean & sealed joints					
Cattery/Accessing	A.2.1, A.2.12	Sharing Units/Numbered Units					
Cattery/Temperature	A.3.7	Max-Min Thermometer					
Cattery/Temperature	A.3.11 – A.3.14	Safe Appliances					
Cattery/Temperature	A.3.15	Waterproof sockets					
Cattery/Bedding	A.3.17 – A.3.19	Bedding materials					
Cattery/MultiCat Units	D.3.1 – D.3.6	Facilities and monitoring of multi-cat units					
<b>Page Total</b>							

# Annex A

Area	Identification Code	Description	√	x	Score	Actions or Comments	Done √
Cattery/Litter Trays	A.2.13 – A.2.18	Suitable litter tray cleanliness & position					
Cattery/Shelving	A.3.1 – A.3.4	Sleeping accommodation and shelving					
Cattery/Exercise Run	A.4.6	Exercise Run sizes					
Cattery/Exercise Run	A.3.20	Access to Run					
Cattery/Exercise Run	A.4.1 – A.4.4	Clean and secure Run					
Cattery/Exercise Run	A.4.9 – A.4.12	Shelving in Run					
Cattery/Scratching	C.1.6 – C.1.7	Scratching Posts					
Cattery/Behaviour	C.1.6	Toys/Environmental enrichment					
Cattery/Behaviour	C.1.4	Hiding places					
Cattery/Company	D.1.1	Cats from different households					
Cattery/Hygiene	E.4.1	Cleaning products					
Cattery/Cleaning	E.4.5	Dust pan, brush and scoop					
Handling Cats	E.4.11 – E.4.12	Hygiene protocols and protective garments					
Health Care	E.7.3 - E.7.4	Veterinary instruction/legislation					
Holding Units	E.8	Facilities					
Isolation	E.6.1 – E.6.5	Cleanliness and procedures for use					
Transport	E.9	Use of vehicles for transportation					
<b>Page Total</b>							
<b>OVERALL SCORE</b>							

## Annex B

# Emergency and Evacuation Plan

### Introduction

All appropriate steps will be taken for the protection of the cats in case of fire or other emergency; Animal Boarding Establishments Act 1963 section 1 (3) (d).

There should be an Emergency Evacuation Plan (EEP) and fire warning procedure in place. This should be posted where staff may become familiar with it. This procedure should include instructions dealing where cats are to be evacuated to and contingency for their accommodation/care if the premises are rendered unsafe or unsuitable.

Prior to formulating an Emergency and Evacuation Plan carry out a Fire Risk Assessment (FRA) to identify any potential fire risk hazards within your establishment.

Emergency situations and the requirement to evacuate from the establishment can arise from a number of situations like; Fire, Flooding, Damage to building, Power failure and disease.

Being prepared and planning a simple but well understood procedure to be carried out in the event of an emergency is essential to offer maximum protection for you, your staff and the animals in your care. This need not be a lengthy document but should include a plan of the site giving exit points, location of telephone, emergency equipment (fire extinguishers and storage of baskets/cages) RVP and designated holding area for cats. The emergency contact details of a supervisor or the proprietor and the establishments Veterinary Surgeon should also be displayed.

Fire fighting equipment and detectors must be properly maintained. All electrical installations and appliances must be maintained in a safe condition. There should be a residual current circuit breaker system on each cattery block for the premises. Heating appliances should not be sited in a location or manner where they may present a risk of fire/risk to cats. Precaution should be taken to prevent any accumulation of material which may present a risk of fire.

### Fire Risk Assessment

1. Identify potential fire risk hazards in the workplace
2. Decide who might be in danger (staff, Visitor, animal) in each area
3. Evaluate the risks arising from hazards and what can be done
4. Record your findings
5. Keep assessment under review

There should be adequate means of raising an alarm in the event of a fire or other emergency. In the event of a fire breaking out within your establishment, remember that your safety and those of your staff is of prime importance and no risks should be taken which may compromise any person's safety. No task in tackling the fire or evacuating animals should be undertaken unless it is safe to do so.

### Upon Discovery of Fire

- Leave fire area immediately
- Close all doors behind you
- Alert occupants of building by sounding alarm (if present) or yell "Fire"
- Telephone Fire and Rescue Services dialling 999 from a safe location
- Evacuate animals when it is safe to do so to the designated holding area
- Use exit to leave building

### Upon Hearing of a Fire Condition

- If safe, staff can assist with evacuating animals /occupants
- Leave building via nearest safe exist
- Close doors behind you
- Remain Calm
- Proceed to the designated RV area

## Fire and Evacuation Action Plan

<b>Planning Your Escape</b>	You only have a short time to get out so prepare a plan of escape in advance rather than waiting until there is a fire or evacuation of the establishment. Think of another way out in case the normal route is blocked. Know where door and window keys are kept. Know where spare baskets/ cages are stored. Know where the RVP/Holding areas are.	
<b>If You Discover a Fire</b>		Leave fire area immediately. Close all doors behind you. Sound the alarm and call 999 from any phone. Stay calm, speak clearly and listen to the operator. Where safe to do so, assist others to evacuate and remove animals to the safe holding area. If there is a fire elsewhere in the establishment, stay where you are and await instructions or if you have to move remember to check doors with the back of your hand before opening. If it feels warm, do not open it and go another way. If there is a lot of smoke, crawl along floor where the air will be cleaner. If in doubt – Get out, Stay out and get the Fire & Rescue Services Out.
<b>Contacts in an Emergency</b>	<b>(enter details here)</b> <ul style="list-style-type: none"> <li>• Proprietors name and Telephone Number(s)</li> <li>• Supervisors Name and Telephone Number(s)</li> <li>• Establishments Veterinary Surgeons Name(s) and Telephone Number(s)</li> </ul>	<b>(enter details here)</b> <ul style="list-style-type: none"> <li>• Telephone at (enter location)</li> <li>• Emergency equipment at (enter location)</li> <li>• RVP at (enter location)</li> <li>• Animal Holding area at (enter location)</li> <li>• Fire Extinguishers located at (enter location)</li> <li>• Keys kept at (enter location)</li> </ul>
RVP = Rendezvous Point		

The onus is upon the cattery to ensure adequate fire prevention precautions are in place.

It is recommended that plans and details for large catteries are lodged with the police and fire authorities. Fire prevention advice may be sought from the Fire Prevention Officer based at your local fire station. This officer can give advice on fire drills, fire escapes, equipment and should be consulted when new buildings are constructed or existing buildings modified.

Smoke detectors are recommended and you must make sure that Fire Detection and fighting equipment are easily accessible and regularly tested. Exit routes should be kept clear. Staff should be familiar with the fire evacuation procedure by use of fire drills and how to use the fire extinguishers.

The Fire Precautions (Workplace) Regulations 1997 place a duty on employers to carry out a risk assessment for the premises not covered by a fire certificate.



## Useful Contacts

### **Chartered Institute of Environmental Health**

Chadwick Court, 15 Hatfields, London SE1 8DJ  
Telephone: 020 7928 6006  
[www.cieh.org](http://www.cieh.org)

### **British Veterinary Association**

7 Mansfield Street,  
London W1G 9NQ  
Telephone: 020 7636 6541  
Email: [bvahq@bva.co.uk](mailto:bvahq@bva.co.uk)  
[www.bva.co.uk](http://www.bva.co.uk)

### **Pet Industry Federation**

Bedford Business Centre,  
170 Mile Road, Bedford MK42 9TW  
Telephone: 01234 273 933  
[www.petcare.org.uk](http://www.petcare.org.uk)

### **Royal Society for the Prevention of Cruelty to Animals**

RSPCA Enquiries Service, Wilberforce Way,  
Southwater, Horsham, West Sussex RH13 9RS  
Telephone: 0300 1234 555  
[www.rspca.org.uk](http://www.rspca.org.uk)

### **Cats Protection**

National Cat Centre  
Chelwood Gate, Haywards Heath  
Sussex RH17 7TT  
[www.cats.org.uk](http://www.cats.org.uk)

### **International Cat Care**

Taeselbury High Street, Tisbury,  
Wiltshire SP3 6LD  
Telephone: 01747 871872  
Email: [info@icatcare.org](mailto:info@icatcare.org)  
[www.icatcare.org](http://www.icatcare.org)

### **Dogs Trust**

17 Wakley Street, London EC1V 7RQ  
Telephone: 0207 833 7685  
Email: [info@dogstrust.org.uk](mailto:info@dogstrust.org.uk)  
[www.dogstrust.org.uk](http://www.dogstrust.org.uk)



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