

Subject:	Update on Licensable Activities carried out by the Council	Status:	For Publication
Report to:	Licensing Committee	Date:	
Report of:	Public Protection Manager	Portfolio Holder:	Customer and Communities
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: No
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1.	RECOMMENDATION(S)
1.1	That Members note the content of the report

2. PURPOSE OF REPORT

2.1 To inform Licensing Committee of recent changes to legislation and update them of activities and enforcement carried out by the Licensing section of the Public Protection Unit

3. CORPORATE PRIORITIES

3.1 The matters discussed in this report impact directly on the following corporate priorities:

- **A clean and green Rossendale:** our priority is to keep Rossendale clean and green for all of Rossendale’s residents and visitors, and to take available opportunities to recycle and use energy from renewable sources more efficiently.
- **A connected and successful Rossendale that welcomes sustainable growth:** our priority is to ensure that we are well connected to our residents, key partners and stakeholders. We want to make the most of every pound we spend and we are always looking for new and innovative ways to make the resources we do have, work harder for us.
- **A proud, healthy and vibrant Rossendale:** our priority is to ensure that we are creating and maintaining a healthy and vibrant place for people to live and visit.

4. RISK ASSESSMENT IMPLICATIONS

4.1 There are no specific risk issues for members to consider arising from this report.

5. BACKGROUND AND OPTIONS

Recent Legislation

Animal Licensing

On 1st October 2018 the Government introduced the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 under Section 13 of the Animal Welfare Act 2006.

The new Regulations allow for a single licence to be issued which lists the licensable activities which the applicant intends to carry on from their premises.

Licensable activities

This includes;

- Selling animals as pets
- Providing or arranging for the provision of boarding for cats or dogs
- Hiring out horses
- Breeding dogs
- Keeping or training animals for exhibition

Licenses for Dangerous Wild Animals and Zoo licences have not been affected by the new Regulations.

Guidance

DEFRA have published [guidance documents](#) for each licensable activity to assist businesses in meeting the new requirements set out under those Regulations.

A licence is required to carry out the following activities in the course of a business;

Selling Animals as Pets

This includes the import, distribution and sale of animals by a business. It applies to domestic premises and traditional pet shops where animals are available for purchase.

Animal Boarding

Where arrangements for the provision of accommodation for other people's cats or dogs in the course of a business. This includes:

- Providing boarding for cats, for example in a cattery
- Providing boarding in kennels for dogs
- Providing home boarding for dogs
- Providing day care for dogs

Hiring out Horses

Where the hiring out of horses in the course of a business for either or both of the following purposes:

- Riding
- Instruction in riding

Horse includes an ass, mule or hinny.

The Local Authority is required to appoint a Vet to inspect the premises where the activity is being carried on every 12 months.

Breeding Dogs

Is licensable for either or both of the following:

- Breeding 3 or more litters of puppies in any 12 month period
- Breeding dogs and advertising a business of selling dogs

Again the Local Authority is required to appoint a Vet to inspect the premises on receipt of the initial application.

Keeping or Training Animals for Exhibition

A licence is required for keeping or training animals for exhibition in the course of a business for educational or entertainment purposes to any audience attending in person or by recording of visual images of them by any form of technology that enables the display of such images.

Enforcement Actions.

Animal Welfare

A Rossendale man has been found guilty of eight offences after his boarding establishment for dogs was found to be in breach of licensing rules and for running a boarding establishment without the necessary licence.

Richard Coop pleaded guilty to failing to comply with the conditions of his licence for home boarding under the Animal Establishments Act of 1963 as well as operating a further boarding establishment without the authority of a licence and was ordered to pay a £315 fine, £1,000 in costs and a victim surcharge of £31.

In the course of dealing with the application for the home property at Heald Lane Farm, Coop revealed that he and his partner ran a grooming parlour in Rawtenstall called Happy Dogs and Pets and because of this, they took the boarded dogs to the shop with them all day, five days out of seven.

Coop did not pursue a licence application for the grooming shop and continued to board dogs at the unlicensed grooming shop. Coop pleaded guilty to operating a boarding establishment for dogs without the authority of a licence.

An investigation by Rossendale Borough Council found that the boarded dogs were not visited at regular intervals and were left unattended for three hours at a time.

On one occasion, dogs from different households were left unattended in dog cages, for approximately five hours. In this time, two dogs managed to escape the cages and one was attacked and ultimately killed by the other dog.

Coop's failure to comply with the conditions imposed upon the licence granted to him in respect of Heald Lane Farm, Weir was discovered after the owner of the deceased dog contacted the Public Protection Unit about the death.

Licensing Act

A company has to pay more than £1500 for breaching licensing laws.

Verdeolyv Limited, which owned Anacapri, on Helmshore Road, has to pay £1554.20 after selling alcohol without having a designated premises supervisor (DPS) specified on the licence.

Council officers entered Anacapri on January 11 and were served alcohol despite there being no DPS on the licence.

The Council had written to the licence holder twice warning them about selling alcohol while there was no DPS named on the licence.

The company pleaded guilty at the hearing at Burnley Magistrates on June 13. The magistrates handed it a fine of £594, awarded £901.20 costs and applied a £59 victim surcharge for the offence

Takeaway prosecuted for trading whilst licence suspended

Mr Hussain attended court and pleaded guilty. He said that for the 15 years he has held a licence he hasn't had any complaint but in the last four or five years he has been having financial difficulties and also had to spend a lot of time with his father due to the latter's poor health. He said that this caused him to neglect a few things including missing the payments. He had lost half his business through not opening after 11.

He was fined £40 (That is the fine applicable to Band A where the defendant is of limited means and with a discount for early guilty plea).

He was ordered to pay costs of £350 (consisting of £200 investigation fees and legal costs of £150).

He was also ordered to pay a victim surcharge of £30.

Taxi Update

Funding has been granted to Rossendale Borough Council to install electric charge points for taxis.

The Department for Transport has announced it will provide £630K across Lancashire in funding to support ultra-low emission taxis – with four charging points to be **installed across** Rossendale.

The successful bid will see the installation of 24 charge points – four per council area – across Lancashire.

Further discussions are set to take place about where the charge points will go. The six authorities who formed the winning bid are: Lancaster City Council, Burnley Council, South Ribble Borough Council, Rossendale Borough Council, Fylde Borough Council and Wyre Council.

CCTV

A thug who robbed two taxi drivers could be classed as a 'dangerous offender' and face a lengthy prison sentence.

Elliot Lee Boothman, formerly of [Oswaldtwistle](#), robbed driver Yasser Javid of his Skoda Octavia taxi and cash outside Omars Takeaway on Nuttall Street in Accrington.

Less than two weeks later the 23-year-old robbed another taxi driver, Parvez Akhar, of his red Skoda Octavia on Bury Road in [Rossendale](#), a court heard.

Boothman pleaded guilty at Burnley Crown Court to two counts of robbery relating to the incidents on January 20 and February 2 this year.

The defendant also admitted driving the stolen [Accrington](#) taxi while disqualified and using the vehicle without insurance.

Officers continue to ensure compliance across all sectors of Licensing including taxis, licensed premises and animal licensing as the minutes of licensing sub committees and Licensing Act hearings show. This will of course continue, to support the licensing objectives set out either by statute or as defined in the relevant service plans.

6. COMMENTS FROM STATUTORY OFFICERS:

6.1 SECTION 151 OFFICER

7. MONITORING OFFICER

7.1 No legal implications

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

8.1 None

9. CONCLUSION

9.1 Members are requested to note the contents of the update report

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No background papers