Licensing Appeals and Complaints Committee

Tuesday 14 November 2017

3:00pm, Blomefield Room
South Norfolk House, Cygnet Court,
Long Stratton, Norwich, NR15 2XE

If you have any special requirements in order to attend this meeting,
please let us know in advance
Large print version can be made available

Contact Sue Elliott on 01508 533869 or democracy@s-norfolk.gov.uk
Members of the Licensing Appeals and Complaints Committee

Councillors:
Cllr D Goldson (Chairman)
Cllr W Kemp (Vice Chairman)
Cllr J Amis
Cllr V Bell
Cllr M Dewsbury
Cllr C Gould
Cllr P Hardy
Cllr J Hornby
Cllr C Kemp
Cllr K Mason Billig
Cllr T Palmer
Cllr A Pond
Cllr J Savage
Cllr J Wilby
Cllr K Worsley

This meeting may be filmed, recorded or photographed by the public; however anyone who wishes to do so must inform the chairman and ensure it is done in a non-disruptive and public manner. Please review the Council’s guidance on filming and recording meetings available in the meeting room.
Agenda

1. To report apologies for absence;

2. To deal with any items of business the Chairman decides should be considered as matters of urgency pursuant to Section 100B (4) (b) of the Local Government Act, 1972; [Urgent business may only be taken if, "by reason of special circumstances" (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency.]

3. To receive Declarations of Interest from Members; (Please see attached - page 4)

4. To confirm the minutes of the meetings of the Licensing Appeals and Complaints Committee held on 19 October 2017 and 1 November 2017; (attached – pages 5 and 9)

5. Regulation of Performance of Hypnotism; (report attached – page 11)

6. Conditions for the licensing of Dog Day Care (Doggy Day Care) Boarding Establishments; (report attached – page 25)
DECLARATIONS OF INTEREST AT MEETINGS

Members are asked to declare any interests they have in the meeting. Members are required to identify the nature of the interest and the agenda item to which it relates.

- In the case of other interests, the member may speak and vote on the matter.
- If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed.
- If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting.
- Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.
- In any case, members have the right to remove themselves from the meeting or the voting if they consider, in the circumstances, it is appropriate to do so.

Should Members have any concerns relating to interests they have, they are encouraged to contact the Monitoring Officer (or Deputy) or another member of the Democratic Services Team in advance of the meeting.
LICENSING APPEALS AND COMPLAINTS COMMITTEE

Minutes of a meeting of the Licensing Appeals and Complaints Committee of South Norfolk Council held at South Norfolk House, Long Stratton on Thursday 19 October 2017 at 1:30pm

Committee Members Present: Councillors: D Goldson (Chairman), W Kemp, J Amis, M Dewsbury, P Hardy, J Hornby, C Kemp, J Savage, J Wilby and K Worsley

Other Members in Attendance: Councillor: V Thomson

Apologies: Councillors: V Bell, C Gould, T Palmer and A Pond

Officers in Attendance: The Director of Growth and Business Development (D Lorimer) and the Licensing and Enforcement Officer (R Setford)

640 MINUTES

The minutes of the meetings held on 22 February 2017 and 16 June 2017 were confirmed as a correct record and signed by the Chairman.
PRIVATE HIRE AND HACKNEY CARRIAGE POLICY AND CONDITIONS 2017

The Licensing and Enforcement Officer introduced the report, advising members that the existing Private Hire and Hackney Carriage Policy had last been reviewed in 2007 with minor amendments being made in 2010. As there had since been many changes in national guidance and improvements in vehicle safety and environmental standards, it had been necessary to update the Policy to ensure it was in line with other authorities and to include guidance on best practice for taxi drivers.

The Committee discussed the requirement and procedure for vehicles of over seven years of age to undergo regular mechanical testing, as detailed in the draft Policy, and it was clarified that the Council held a list of approved garages and mechanics which was updated regularly.

In response to members’ questions regarding the Council’s procedure when checking for criminal convictions both before issuing a licence and for existing drivers who might receive cautions or convictions whilst they were licensed, the Committee was reassured that Disclosure and Baring Service (DBS) checks were carried out before a licence was issued and repeated every three years. Officers further advised that, in addition to the various system checks in place, they also maintained a good working relationship with the police and were often informed of any relevant issues. Members noted that the Rehabilitation of Offenders Act 1974 had been amended in 2003 to state that, in the case of taxi and private hire vehicle drivers, convictions could never become ‘spent’ so these could always be considered when assessing whether an applicant was fit and proper to hold a licence.

The Committee considered the specific types of offences, as detailed in Appendix C of the Policy, and it was recommended that the wording under the heading ‘violence’ should be reviewed as to not exclude certain convictions from the list. It was suggested that the wording be amended to, “…a firm line shall be taken with applicants who have convictions such as……”. It was also suggested that a reference to modern slavery be included.

Members discussed the term ‘limousine’ and it was agreed that, for further clarity, any reference to ‘limousine’ would be amended to ‘stretched limousine’. It was further suggested and agreed that paragraph 2.44 of the Private Hire and Hackney Carriage Conditions, “Children under the age of 16 years shall not be carried in a stretched limousine unless accompanied by the parent or guardian of at least one of the children” was unnecessary and should be removed. It was also agreed that the re-wording of paragraph 3.52 regarding stretched limousines should be considered.

It was agreed that the wording around ‘Advertising on outside of vehicle’, Section 3.41(d) of the Private Hire and Hackney Carriage Policy should be slightly amended to end, “…smoking materials or anything of a political nature.”
In response to a member’s query, officers agreed to give further consideration to the wording of Section 2.2.11 of the Private Hire and Hackney Carriage Policy regarding driving licences from EEA and EU states.

The Committee considered the level of public liability insurance required by operators and questioned whether the minimum sum of £5,000,000, as detailed in Section 4 of the Policy, was sufficient for vehicles which carried multiple passengers. Officers advised that the level of cover was not dependant on the number of passengers and it was noted that the liability for a taxi carrying just one passenger could collide with another vehicle carrying a large number of passengers, and so required the same level of cover. Following a member’s suggestion, officers agreed to further explore the issue by communicating with insurers and checking industry standards to ascertain whether the suggested levels were sufficient.

Members discussed the effect of changes to the taxi industry, particularly noting the recent introduction of Uber taxis, and recommended that the Council’s Private Hire and Hackney Carriage Policy be reviewed regularly, suggesting that this was carried out every five years to ensure the Policy was kept up to date.

Turning to the Safeguarding Code of Conduct, members agreed that it was impossible to write a Policy to include every possibility and that it was difficult to include very sensitive issues within the document. It was suggested and agreed that Cllr Thomson would share the draft Code with the Children’s Services Committee and request feedback from Social Services regarding their views. The Committee discussed whether CCTV would be a viable consideration for safeguarding where drivers regularly transported children to and from schools. Whilst officers agreed to investigate this option further, it was felt that there would probably be wider data protection implications.

The Committee briefly considered the South Norfolk Council Hackney Carriage Byelaws and it was suggested that these might be re-written to increase the penalties contained within. Officers advised that any changes to the Byelaws would require approval from the Secretary of State and it was suggested by a member that officers might approach the Local Government Association (LGA) in the future.

Members noted the timeframe required for the eight-week consultation and the subsequent proposed implementation of the Policy and agreed that the suggestions from the Committee be explored further, and that the final wording in the draft Policy be delegated to officers in consultation with the Chairman and Vice Chairman of the Licensing, Appeals and Complaints Committee.
After further discussion, it was RESOLVED:

1. that the content within the draft Policy and Conditions be delegated to the Director of Growth and Business Development, in consultation with the Chairman and Vice Chairman of the Licensing, Appeals and Complaints Committee;

2. that there be a consultation period of eight weeks;

and

3. that Sections 165 and 167 of the Equalities Act be implemented.

(The meeting closed at 2.50 pm)

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Chairman
LICENSING, APPEALS AND COMPLAINTS COMMITTEE

Minutes of a meeting of the Licensing, Appeals and Complaints Committee of South Norfolk Council held at South Norfolk House, Long Stratton on Wednesday 1 November 2017 at 2.30 pm.

Committee Members Present: Councillors D Goldson (Chairman), V Bell, M Dewsbury, P Hardy and A Pond

Officers in Attendance: Mr L Parker – Solicitor nplaw, the Housing Options Senior Case Advisor (D Neville) and the Housing Options Officer (M Walker)

642 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: that under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 Schedule 12A of the Act (as amended).

643 REVIEW OF HOUSING DECISION

(The appellant was not in attendance).

The Chairman welcomed the housing officers to the meeting. The Housing Options Senior Case Advisor advised the Panel that he had not heard from either the appellant or Shelter since papers had been dispatched so the reasons for neither attending the review were unknown. The Panel agreed that, because it had been made clear to all parties that the review would still proceed if the appellant did not attend, they would conduct the review in their absence.

The Housing Options Senior Case Adviser and the Housing Options Officer outlined the Council’s case and advised the Panel of the events leading to their decision that the appellant had intentionally made herself homeless.

Members considered the written submission from Shelter and noted the two key points raised as the basis of the review, as follows:

1. The support offered at the time by Solo was not sufficient for the appellant’s needs;
   and
2. The decision failed to make adequate enquiries and failed to consider relevant factors, namely the extent of the appellant’s diagnosis of borderline emotionally unstable personality disorder and the effect that the condition had on her ability to engage with the support offered by Solo.
In response to the first point, the Housing Options Senior Case Adviser advised the Panel that he felt that the level of help offered by Solo was sufficient but that Solo had reported that the appellant had chosen only to engage in the support available “on and off”. The appellant had reported that when she lived in Halesworth and then in Thetford, she had not been ready to engage with the support on offer to deal with her substance use issues. The appellant knew how to access support if she wanted to and she recognised that her use of drugs was what led to her eviction from her former address in Thetford.

In response to the second point, officers clarified that the written submission received from Shelter on 4 October 2017 had been sent before the Housing Options Senior Case Adviser’s report had been prepared and therefore did not take into account all of the evidence contained therein relating to the extent of the enquiries made into the appellant’s mental health issues and the impact of these on her ability to engage with the support offered by Solo. Officers stated that they were aware of the appellant’s diagnosis and had taken this into account when determining that she had priority need. The Housing Options Senior Case Adviser advised the Panel that he did not agree that officers had failed to make adequate enquires and, if anything, he felt that they had gone beyond the levels of investigation required in such cases. In response to a question regarding whether the Council had paid for a report from the appellant’s GP, officers stated that, as the appellant was not receiving any medication, they considered that the evidence obtained from the mental health team, as contained in the report, was more relevant in assessing the appellant’s mental health issues.

After responding to a number of questions, officers left the meeting whilst the application was determined. They were then re-admitted and the Chairman announced the decision.

It was then:

RESOLVED: that, considering the written correspondence from the appellant and the written submission from Shelter, together with evidence from the Council’s officers, the Panel concluded that the Council had reached the correct decision that the appellant had made herself intentionally homeless.

(The meeting closed at 3.10pm)

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Chairman
Regulation of Performance of Hypnotism

Report of the Environmental Health officer
Cabinet Member: Lee Hornby, Regulation and Public Safety

CONTACT
Chris Coker – 01508 533740
ccoker@s-norfolk.gov.uk
1. Introduction

1.1 It is a requirement of the Hypnotism Act 1952 that no person shall give an exhibition, demonstration or performance of hypnotism on any person, or in connection with entertainment to which the public are admitted, whether on payment or otherwise at any place, unless the Licensing Authority has authorised that exhibition, demonstration or performance. Currently South Norfolk Council has no policy guidance or conditions set out against which this type of application could be assessed. South Norfolk Council has received a request for a hypnotherapist to hold a demonstration for entertainment purposes in a South Norfolk village.

2. Background

2.1 In England and Wales, an act of hypnotism is not a licensable activity under the Licensing Act 2003 but there is a requirement that the person proposing to stage a public performance of hypnotism for entertainment purposes, whether live or broadcast shall require a permit (Licence), giving authorisation to do so from the local authority. Any such authorisation may be subject to conditions.

2.2 Hypnotism includes hypnotism, mesmerism and any similar act or process which produces or is intended to produce in any person, and form of induced sleep or trance in which the susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

2.3 Prior to the Licensing Act 2003, the option to authorise only applied in Scotland. Therefore, in England and Wales, performances of hypnotism were controlled through conditions attached on a Public Entertainment Licence (PEL). Amendments to the Hypnotism Act 1952 by the Licensing Act 2003, mean that conditions cannot be attached to a Licensing Act Premises Licence nor can a temporary event notice (TEN) be used for the performance of hypnotism.

2.4 The Hypnotism Act 1952 as amended, makes it a criminal offence to conduct hypnotism for public entertainment unless the Licensing Authority has given authorisation.
2.5 The Act imposes a restriction on hypnotising anyone under 18. There is also provision for exemption from needing a licence for legitimate scientific or medical hypnotism, provided it is not undertaken for public entertainment.

3. Proposals

3.1 The Licensing Authority to introduce the requirement for a separate application to be made by the person who will be carrying out an act of hypnotism for each premises/venue that is intended to be used for the purpose of a public performance of stage hypnotherapy.

3.2 There will be a requirement for the premise to counter sign the application made by the hypnotist to ensure that the venue owners are aware of the conditions which apply to the granting of the licence to the hypnotist.

3.3 The Licensing Authority can apply any conditions on any application for the performance of stage hypnotism. However, it should be noted that there is guidance in the form of Home Office Circular 39/1996, which although released prior to the changes under the Licensing Act 2003, remains current.

3.4 The conditions attached at Appendix 2 to this report are proposed for adoption and follow the model scheme. These are intended to strike a balance between legitimate concerns for public safety and the ability for hypnotists to trade.

3.5 The proposed conditions include a requirement to admit authorised officers to allow for inspection. The Act only gives a right of entry to police officers – the proposed extension by condition to Licensing Officers and officers of the Fire Authority is considered a proportionate step in regulating the event.

3.6 Although delegation to officers can normally be granted by Full Council, Section 2(3A) of the Hypnotism Act 1952 specifically states that the authorisation of hypnotism is a function to be carried out by the Licensing Committee. Therefore, it is the Licensing Committee (rather than Full Council) who would delegate these functions to officers.
3.7 All acts of hypnotism require authorisation from the Licensing Authority and Members are asked to consider delegating decisions for authorisations to the Director of Growth and Business Development in order to process requests for authorisations timely and efficiently. Where such requests are rejected or where the applicant is not happy with the authorisation there will be a right of appeal to the Licensing Committee. It is proposed that where an appeal against a decision is made, a Licensing Sub-Committee is set up to review the decision in a timely manner.

3.8 Assessment of Authorisation

When considering an application (form attached at Appendix 1), the Licensing Team will request the following:

3.8.1 Details of the hypnotists (applicants) last three performances, venue and licensing local authority, allowing the Licensing Team to check as to whether there were any issues with those events. In the case of an applicant who has not got the relevant previous experience, we would wish to see appropriate references.

3.8.2 Details of membership of a relevant organisation such as the Federation of Ethical Stage Hypnotists or the European Guild of Professional Stage Hypnotists.

3.8.3 Details of any licences previously held for the performance of stage hypnotism which were later withdrawn by any licensing authority.

3.8.4 Details of any convictions of any offence under the Hypnotism Act 1952 in the past 5 years.

3.8.5 Detail of the safeguards put in place during a performance; evidence of public liability insurance; physical access arrangements to and from the stage for participants; the hypnotist remaining behind after the performance for 30 minutes.

4. Risks and implications arising

4.1 Financial implications – There is no ability under the Hypnotism Act 1952 for local authorities outside London to charge a fee.
4.2 Legal implications - If the Council does not have a policy in place to regulate hypnotism acts it will automatically mean that any event taking place will be unlicenced and officers of the Council would not have right of access for inspection of such an event. It is therefore in the public interest to introduce a policy to licence such events.

5. Recommendation
The Licensing Committee is recommended to approve:

5.1 The conditions to be attached to any authorisation issued by the Council for the staging of hypnotism as a means of entertainment, as set out in Appendix 2.

5.2 That the Director of Growth and Business Development is given delegated power to authorise or reject applications regarding hypnotism as a means of entertainment, and that the Council’s Constitution be amended to reflect this.

5.3 The convening of a Licensing Sub-Committee to review any appeal which has been lodged against a decision to refuse an authorisation for staging hypnotism and that the Council’s Constitution be amended to reflect this.
Hypnotism Act 1952
Application for consent relating to performances of stage hypnotism

Please note that this form must be fully completed to the council’s satisfaction. Incomplete or otherwise unsatisfactory details will render the application void.

<table>
<thead>
<tr>
<th>Details of venue</th>
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<tbody>
<tr>
<td>Date(s)/Time(s) of proposed performance(s)</td>
<td></td>
</tr>
<tr>
<td>Venue/Address</td>
<td></td>
</tr>
<tr>
<td>Venue Telephone Number</td>
<td></td>
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<tr>
<td>Description of Act:</td>
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</tbody>
</table>

<table>
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<tr>
<th>Details of Applicant</th>
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<tbody>
<tr>
<td>Full (Real) Name:</td>
<td></td>
</tr>
<tr>
<td>Address:</td>
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<tr>
<td>Telephone:</td>
<td></td>
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<tr>
<td>Email Address:</td>
<td></td>
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<tr>
<td>Stage Name (if different):</td>
<td></td>
</tr>
<tr>
<td>Business/Contact Address:</td>
<td></td>
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<tr>
<td>Telephone (if different to above):</td>
<td></td>
</tr>
<tr>
<td>Are you a member of a professional body representing stage hypnotists?</td>
<td>Yes/No</td>
</tr>
</tbody>
</table>
If you are a member of such a body, please state which:

Name:  
Address:  
Contact Name/Telephone/Email:  
Membership No./Status e.g. Full/Associate etc.

Date of Joining:  

<p>| STATE THE FOLLOWING DETAILS IN RELATION TO THREE RECENT PERFORMANCES OF STAGE HYPNOTISM WHERE CONSENT HAS BEEN GIVEN BY LOCAL AUTHORITIES |
|---|---|
| 1. Date: |  |
| Venue Name: |  |
| Venue Address: |  |
| Description of the Act: |  |
| Local Authority: |  |
| 2. Date: |  |
| Venue Name: |  |
| Venue Address: |  |</p>
<table>
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<tr>
<th>Description of the Act:</th>
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<tr>
<td>Local Authority:</td>
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<td>3. Date:</td>
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<td>Venue Name:</td>
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<td>Venue Address:</td>
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<td>Description of the Act:</td>
<td></td>
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<tr>
<td>Local Authority:</td>
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</table>

**Insurance Details:**

<table>
<thead>
<tr>
<th>Do you have public liability insurance cover?</th>
<th>Yes/No</th>
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<tbody>
<tr>
<td>Insurance Company:</td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
</tr>
<tr>
<td>Policy Number:</td>
<td>Amount of Cover: £</td>
</tr>
</tbody>
</table>

**Details of Performance**

<table>
<thead>
<tr>
<th>If the performance includes hypnotising members of the public, will minders stay with hypnotised subjects during the show, including the interval?</th>
<th>Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the hypnotist providing a minder for each hypnotised subject?</td>
<td>Yes/No</td>
</tr>
<tr>
<td>If the answer to the above in no, how many hypnotised subjects will a minder supervise?</td>
<td></td>
</tr>
<tr>
<td>Has the hypnotist ever been refused or had withdrawn a consent for hypnotism by any Licensing Authority</td>
<td>Yes/No</td>
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</tr>
<tr>
<td>If you have answered yes, please attach details</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Has the hypnotist ever been convicted under the Hypnotism Act 1952 or of any offence relating to stage hypnotism?</th>
<th>Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>If you have answered yes, please give details</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Has the hypnotist ever been convicted of an offence involving the breach of a condition regulating or prohibiting the giving of an exhibition, demonstration or performance of hypnotism?</th>
<th>Yes/No</th>
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</thead>
<tbody>
<tr>
<td>If answered yes, please give details</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Has the hypnotist ever been barred from the Federation of Ethical Stage Hypnotists or the European Guild of Professional Stage Hypnotists or any other similar body?</th>
<th>Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>If the answer to the above is yes, please give details</td>
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</tbody>
</table>
Declaration

I/We have read and understood the Council’s Authorisation conditions and agree to comply with them at all times.

I have enclosed references from previous premises or a suitable reference from a recognised body.

I/We confirm that we have been given, read and understood a copy of the Council’s Conditions for Hypnotism.

I/We hereby certify that the above details are true and that I agree to conform to the Council’s requirements relating to Stage Hypnotism.

Signature:
(Hypnotist or Agent)

Print Name:

Date:

Signature:
(Individual responsibly for management of the venue)

Print Name:

Date:

Please return the completed form to: Licensing Team, South Norfolk Council, South Norfolk House, Cygnet Court, Long Stratton, Norfolk, NR15 2XE
APPENDIX 2

Conditions applied to application for the performance of stage hypnotherapy

Hypnotism as defined in the Hypnotism Act 1952:

_Hypnotism, mesmerism and any similar act or process which produces or is intended to produce in any person any form of induced sleep or trance in which the susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased, but does not include hypnotism, mesmerism or any such similar act or process which is self-induced._

Consents

Any exhibition, demonstration or performance of hypnotism (hereafter referred to as ‘the performance’) on any person requires the express written consent of the Licensing Authority and must comply with any attached conditions. The authority may consent to an act of hypnotism under the provisions of the Hypnotism Act 1952.

Applications

An application for consent shall be made in writing, signed by the applicant or his agent, and shall normally be made not less than 28 days in advance of the performance concerned. This period may be reduced in the case of the hypnotist who has performed at the same venue within the last 3 years without any problems occurring.

The application form is also required to be signed by the individual responsible for management of the venue, prior to submission, to ensure that the venue are aware of the necessary conditions.

The applicant must at the same time, forward a copy of the application to the Chief Officer of Police, Norfolk Constabulary, Bethel Street Police Station, Bethel Street, Norwich, Norfolk, NR2 1NN, or licensingteam@norfolk.pnn.police.uk.

The Licensing Authority may also copy it to Norfolk Fire and Rescue and Public Health if it considers this is necessary.

The application shall contain the following:

- The name (both real and stage, if different) and address of the person who will give the performance (“the hypnotist”), together with details of their last 3 performances (where and when).
- A statement as to whether, and if so giving full details thereof, if the hypnotist has been previously refused, or had withdrawn, a consent by any Licensing Authority or been convicted of an offence under the Hypnotism Act 1952 or of an offence involving the breach of a condition regulating or prohibiting the giving of a performance of hypnotism on any person at any place of public amusement or public entertainment.
Conditions
The following conditions shall apply to any consent given:

Publicity

• No poster, advertisement or programme for the performance, which is likely to cause public offence, shall be displayed, sold or supplied by or on behalf of the licence holder at either the premises or elsewhere.
• Every poster, advertisement or programme for the performance, which is displayed, sold or supplied shall include, clearly and legibly the following statement.

‘Volunteers, who must be aged 18 or over, can, refuse at any point to continue taking part in the performance’.

Insurance

The performance shall be covered by a minimum of £5 million of public liability insurance. The hypnotist must provide evidence of this to the local authority, if requested; and it must be available for inspection at the performance.

Physical Arrangements

The means of access between the auditorium and the stage for participants shall be properly lit and free from obstruction.

A continuous white or yellow line shall be provided on the floor of any raised stage at a safe distance from the edge. This line shall run parallel with the edge of the stage for its whole width. The hypnotist shall inform all subjects that they must not cross the line while under hypnosis, unless specified to do so as part of the performance.

Treatment of Audience and Subjects
Before starting the performance, the hypnotist shall make a statement to the audience, in a serious manner, identifying those groups of people who should not volunteer to participate in it; explaining what volunteers might be asked to perform; informing the audience of the possible risks from embarrassment or anxiety; and emphasising that subjects may cease to participate at any time they wish. The following is a suggested statement, which can be amended as necessary to suit individual styles, as long as the overall message remains the same:

‘I shall be looking for volunteers aged 18 or over who are willing to be hypnotised and participate in the show. Anyone who comes forward should be prepared to take part in a range of entertaining hypnotic suggestions but can be assured that they will not be asked to do anything which is indecent, offensive or harmful. Volunteers need to be in a normal physical and mental health and I must ask that no one volunteers if they have a history of mental illness, or are under the influence of alcohol or other drugs, or are pregnant.’

No form of coercion shall be used to persuade members of the audience to participate in their performance. In particular, hypnotists shall not use selection
techniques that seek to identify and coerce onto stage the most suggestible members of the audience without their prior knowledge of what is intended. Any use of such selection techniques (e.g. asking members of the audience to clasp their hands together and asking those who cannot free them again to come on stage) should only be used when the audience is fully aware of what is intended and that participation is entirely voluntary at every stage.

If volunteers are to remain hypnotised during an interval in the performance, at least one attendant shall be in attendance throughout to ensure their safety.

**Prohibited Actions**

The performance shall be so conducted as not to cause offence to any person in the audience or any hypnotised subject.

The performance shall be so conducted as not to be likely to cause harm, anxiety or distress to any person in the audience or any hypnotised subject. In particular, the performance shall not include:

- Any suggestion involving the age regression of a subject (i.e. asking the subject to revert to an earlier age in their life; this does not prohibit the hypnotist from asking subjects to act as if they were a child etc.)
- Any suggestion that the subject has lost something (e.g. a body part) which, if it had really occurred, could cause considerable distress.
- Any demonstration in which the subject is suspended between 2 supports (so called ‘catalepsy’).
- The consumption of any harmful or noxious substance.
- Any demonstration of the power of hypnosis to block pain (e.g. pushing a needle through the skin).

The performance shall not include the giving of hypnotherapy or any other form of treatment.

**Completion**

All hypnotised subjects shall remain in the presence of the hypnotist and in the room where the performance takes place until all hypnotic suggestions have been removed.

All hypnotic or post-hypnotic suggestions shall be completely removed from the minds of all the subjects and the audience before the performance ends. All hypnotised subjects shall have the suggestions removed both individually and collectively and the hypnotists shall confirm with each of them they feel well and relaxed (the restriction on post-hypnotic suggestions does not prevent the hypnotist telling subjects that they will feel well and relaxed after the suggestions are removed).

The hypnotist shall remain available for at least 30 minutes after the show to help deal with any problems that might arise (such help may take the form of reassurance in the event of headaches or giddiness but this condition does not imply that the hypnotist is an appropriate person to treat anyone who is unwell).
Authorised Access

Where:
- a constable; or
- an authorised officer of the Licensing Authority; or
- an authorised officer of the Fire Authority, has reason to believe that a performance is being, or is about to be given, he may enter the venue with a view to seeing whether the conditions on which approval for the performance was granted are being complied with.
Conditions for the licensing of Day Dog Care (Doggy Day Care) Boarding Establishments

Report of the Environmental Health Officer
Cabinet Member: Lee Hornby - Regulation and Public Safety

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1. Introduction

1.1. South Norfolk Council is responsible for the licensing of Animal Boarding Establishments, under The Animal Boarding Establishments Act 1963, and for setting the fees for such businesses within the district.

2. Background

2.1. The Animal Boarding Establishments Act 1963 requires any business providing accommodation for other people’s dogs to be inspected and licensed by the Council. The purpose of the licence and associated licensing conditions is to ensure satisfactory animal health and welfare standards exist and are adhered to by a business.

2.2. The only exceptions to this are where the main activity is not the provision of accommodation (e.g. a dog surgery or a dog grooming service), or they are being held for disease prevention purposes.

2.3. Each local authority must set its own conditions based upon the requirements of The Animal Boarding Establishments Act 1963, and South Norfolk has previously adopted conditions (based on national model licensing conditions) for:

- Dog boarding establishments (traditional commercial “kennels”); and
- Domestic dog boarding premises (where a small number of dogs from the same family are boarded in the licensee’s home)

2.4. The Council is aware of a growing national business activity, Day Dog Care, commonly known as “Doggy Day Care”. This is where a business takes care of dogs from different households for varying lengths of time e.g. during a person’s working hours. The dogs may interact in a communal area and usually there is no overnight accommodation offered.

2.5. “Doggy Day Care” differs from traditional dog boarding kennels, which keep dogs from individual households in their own exercise and sleeping areas for an extended period of time (including overnight) e.g. when owners are on holiday. “Doggy Day Care” also differs from home boarding establishments, which are usually licensed to only accept dogs from the same household for an extended period of time (including overnight).
3. Current Position / Findings

3.1 The Food and Safety Team are aware of one business which was granted planning permission two years ago, which currently undertake “Doggy Day Care”, unlicensed. The Food and Safety Team have also recently received three enquiries from residents who want to set up a day boarding establishment along with a number of customers looking for this type of business. Planning permission has also recently been sought for this type of business activity from a further business.

3.2 The Council do not currently have a licence type or licensing conditions for Day Dog Care facilities. The licence and licensing conditions for traditional dog boarding establishments do not relate to Day Dog Care and thus businesses cannot be legally licensed at present. If businesses are not licensed, there is a risk that welfare standards may not be suitable.

3.3 Having a licence for Day Dog Care will ensure South Norfolk Council will also be in a position to help small businesses to establish, develop and grow in this emerging sector.

3.4 If Day Dog Care is approved, the dog home boarding establishment conditions will need to be updated to reflect the change of dogs from differing households being allowed to be boarded at the same time, provided there is a trial familiarisation period and written consent from the dog owners has been obtained. Three other Norfolk local authorities allow for this in their districts.
4. Proposals

4.1 To ensure a level playing field for all businesses offering care services for dogs, and to ensure the animal’s welfare and safety, the following is proposed:

- To introduce a new licence type for Day Dog Care establishments.

- To introduce a new set of licensing conditions for Day Dog Care establishments. These conditions are to be based upon the national model licensing conditions produced by the Chartered Institute of Environmental Health in conjunction with the British Veterinary Association, the Pet Care Trust and others. The proposed conditions are shown in Appendix A.

- To amend the dog home boarding conditions to allow dogs from more than one home to be boarded together, on a case by case basis, and only if the dogs are familiar with other dogs and written consent is obtained from the dog owners.

- Agree to delegate authority to change or update licence conditions associated with Day Dog Care and other dog boarding establishments to the Director of Growth and Business Development.

- That the Food and Safety Team assess that the policy is fit for purpose annually, with a full review every five years.

- Agree to set the same application fee for the licence as other dog boarding establishments – currently £67.60 to be increased as part of a general review of all licence fees.
5. Risks and Implications arising

5.1 Financial Implications – The Council is able to recover the reasonable costs of licensing relevant premises by charging an annual licence fee. This fee should reflect the cost of administering and enforcing the licence. As there is no licence type at present, there is no application fee being collected.

5.2 Legal Implications – South Norfolk is required to licence all boarding establishments which would include Day Dog Care.

5.3 If a new licence and licence conditions are not introduced, then the Day Dog Care boarding establishment must meet the general boarding establishment licensing conditions, placing extra burdens upon the applicant which could prevent businesses starting or expanding.

6. Recommendation

6.1 To accept all six proposals in Section 4.1.
ANIMAL BOARDING ESTABLISHMENTS ACT 1963

DOG DAY CARE BOARDING
ESTABLISHMENT CONDITIONS

November 2017
GENERAL

1. Unless otherwise stated, these conditions shall apply to all buildings and areas to which dogs have access and/or are used in association with the boarding of dogs for dog day care purposes.

2. Dogs are not permitted to be boarded overnight.

3. No dog registered under the Dangerous Dogs Act 1991 must be accepted for dog day care.

4. Dog hybrids registered under the Dangerous Wild Animal Act 1976 (e.g. Wolf Hybrids) are not to be accepted for dog day care.

5. Entire males and bitches in season, or bitches due to be in season, must not be boarded together or with other dogs.

6. Puppies under 6 months of age must not be boarded with other dogs including resident dogs unless they have been suitably vaccinated and they have completed a successful trial socialisation period.

7. Written consent must be received from any dog owner before any dog is placed into the establishment for the first time, confirming that they agree that their dog(s) may socialise with other dogs.

8. The licensee must ensure that the establishment is covered by adequate and suitable public liability insurance and, where necessary, adequate and suitable employers liability insurance.

9. Dogs must not be kept solely inside kennelling compartments within the premises or outside the premises, except with the written consent of the dog owner.

LICENCE DISPLAY

10. A copy of the licence and its conditions must be suitably displayed to the public in a prominent position in, on or about the boarding establishment.

CONSTRUCTION

11. The establishment must, at all times, be laid out and operated in accordance with an approved plan of the premises, to be attached to the licence. Before carrying out any alterations, plans must be submitted to and approved by an authorised officer of South Norfolk Council.

12. If kennels are in place at the establishment, dogs must be in kennelling compartments appropriate to their size and weight as specified by the manufacturer.

13. Where possible, wood should not be used in exposed construction of walls, floors, partitions, door frames or doors in the premises. There must be no projections or rough edges liable to cause injury.

14. The construction of the premises must be such that the security of the dog is ensured and it is safe.
15. All internal surfaces such as walls, floors, partitions, doors and door frames are to be durable, smooth, impervious and capable of being easily cleaned. There must be no projections or rough edges liable to cause injury.

16. Junctions between wall and floor sections should be coved. If impractical in existing premises, all joints must be sealed.

17. A double gate system must be provided at all entrances and exits to the premises to prevent the escape of dogs.

18. Doors must be strong enough to resist impact and scratching and must be capable of being effectively secured.

19. All windows that pose a security risk must be escape-proof at all times.

20. Where necessary, windows must be suitably protected against contact and breakage by dogs.

21. There must be sufficient space available to be able to keep the dogs separately if required.

22. If a collection and delivery service is provided, a suitable vehicle with a dog guard or cage in the rear must be provided. The vehicle used must be designed and maintained so that it is easily cleaned and not cause injury to the dogs transported.

23. Fencing materials must be secure and safe.

**DRAINAGE**

24. The premises must be connected to mains drainage or an approved, localised sewage disposal system.

25. Floors must have effective means of drainage, where necessary.

**LIGHTING**

26. Adequate lighting must be provided in all areas which are, or may be, used in connection with the premises so that all parts are clearly visible at all times that the business is in operation. Where practicable, this must be natural light.

**VENTILATION**

27. Adequate ventilation must be provided to all interior areas without the creation of excessive, localised draughts.

**MAINTENANCE**

28. Maintenance and repair of the whole premises must be carried out regularly so as to maintain it in a suitable condition.

**NUMBER OF ANIMALS**

29. The maximum number of dogs to be kept at any one time is #
30. No animals other than dogs are to be boarded within the premises without the written approval of an authorised officer of South Norfolk Council.

31. All dogs entering the premises must wear a collar and identity tag during their time in boarding. The collar must display the name and address or telephone number of the dog day care premises.

EXERCISE

32. Dogs must be exercised according to their needs.

33. The number of dogs being exercised at any one time shall not exceed the maximum specified by public liability insurance and shall be reduced accordingly to ensure full control, care and custody of dog by handlers.

34. Exercise areas must not be used as bedding areas.

SCREENING OF DOGS

35. Pre-screening of dogs must be undertaken prior to them being accepted into the day care centre to ensure they will be comfortable in the presence of other dogs and will not be a danger to dogs, staff or visitors.

TRAINING

36. Staff must receive the necessary training and instruction in their duties relating to dog care. All records of training must be kept for inspection by an authorised officer of South Norfolk Council.

HEATING

37. Suitable and safe means shall be provided for heating, to an appropriate temperature, of all common indoor areas.

38. Whilst upon the licensed premises, boarding dogs should not be exposed to temperatures lower then 10°C (50°F) or higher than 26°C (78.8°F), unless notice is given to the contrary by a veterinary surgeon.

39. A 'minimum – maximum' thermometer must be provided in each area of the premises.

CLEANLINESS

40. All parts of the licensed premises must be kept clean and free from accumulations of dirt and dust and must be kept in such a manner to ensure maintenance of disease control and dog comfort.

41. All bedding must be kept clean and dry.

42. All excreta and soiled material must be removed from all areas used by dogs at least daily and more often if necessary. Disposal facilities for animal waste must be agreed with the Licensing Authority.

43. Facilities must be provided for the proper reception, storage and disposal of all waste. Particular care should be taken to segregate clinical waste arising from the
treatment and handling of dogs with infectious diseases and the final disposal route for all such waste must be incineration.

44. Measures must be taken to minimise the risk of rodent, insects and other pests within the premises.

45. Each kennel must be thoroughly cleansed, disinfected and dried upon vacation. All fittings and bedding must also be thoroughly cleansed and disinfected at that time.

FOOD AND WATER SUPPLIES

46. Fresh drinking water must be available for all dogs at all times and the drinking vessel cleaned daily. The water must be changed at least twice a day.

47. Eating and drinking vessels must be capable of being easily cleaned and disinfected to prevent cross-contamination. They must be maintained in a clean condition or, if disposable containers are used, disposed of after each use.

KITCHEN FACILITIES

48. If food is provided, exclusive facilities, hygienically constructed and maintained, must be provided for the storage and preparation of food for the dogs.

49. Where fresh and cooked meats are stored, refrigeration facilities must be provided, and potential food contamination must be avoided.

50. A sink with hot and cold running water must be provided for the washing of food equipment and eating and drinking vessels. A separate wash-hand basin with hot and cold (or appropriately mixed warm) running water must be provided for staff with soap and hygienic hand drying facilities.

51. Suitable containers for storing foods must be provided and must be constructed and maintained to guard against insects and other pests. All food must be kept in these containers unless it is otherwise protected (e.g. individual tinned food). These containers must be capable of being easily cleaned and disinfected and must be kept in a clean condition.

DISEASE CONTROL AND VACCINATION

52. Adequate precautions must be taken to prevent and control the spread of infectious and contagious disease and parasites amongst the dogs, staff and visitors.

53. Proof must be provided that boarded have current vaccinations against Canine Distemper, Infectious Canine Hepatitis (Canine adenovirus), Leptospirosis (*L. canicola* and *L. icterohaemorrhagicae*) and Canine Parvovirus and other relevant diseases. The course of vaccination must have been completed at least four weeks before the first date of boarding or in accordance with manufacturer instructions. A record that this proof has been supplied must be kept on-site throughout the period that the dog is boarded.

54. A written procedure on how to deal with any animal showing signs of illness or disease should be in place. All relevant staff should be aware of this procedure.
55. Advice from a veterinary surgeon must be sought in case of signs of disease, injury or illness. Where any dog is sick or injured, any instructions for its treatment, which have been given by a veterinary surgeon, must be strictly followed.

56. A well-stocked first-aid kit suitable for use on dogs must be available and accessible on site.

57. The licensee must be registered with a veterinary practice. The clients own veterinary practice must be known and consulted if necessary.

58. Precautions must be taken to prevent the spread of fleas, ticks, intestinal parasites and other parasites in boarded dogs. Proof must be maintained of all routine and emergency treatment for parasites.

59. The premises shall be regularly treated for fleas and parasites with a veterinary recommended product.

60. Veterinary advice must be sought in relation to cleaning substances so that they or their fumes cannot be harmful to an animal.

ISOLATION AND CONTAGIOUS DISEASE OUTBREAK

61. Dogs showing signs of any disease or illness shall be isolated from any other dogs until veterinary advice is obtained. There must be sufficient facilities within the premises to ensure effective separation of any sick animal. The isolation facilities must be a minimum of 5m (15ft) away from other dogs.

62. In the isolation facilities, there should be a means of maintaining the temperature at a level suitable for the conditions of the dog and dependant on veterinary advice.

63. Hands must be washed after leaving the isolation facilities and before handling other dogs.

REGISTER

64. A register must be kept of all dogs boarded. The information kept must include the following:

- Date of arrival;
- Name of dog, any identification system such as microchip number, tattoo;
- Description, breed, age and gender of dog;
- Name, address and telephone number of owner or keeper;
- Name, address and telephone number of contact person whilst boarded;
- Name, address and telephone number of dog’s veterinary surgeon;
- Proof of current vaccinations, medical history and requirements;
- Health, welfare nutrition and exercise requirements.

65. Such a register is to be available for inspection at all times by an authorised officer of South Norfolk Council or veterinary surgeon.

66. The register must be kept readily available for a minimum of 2 years and kept in such a manner as to allow an authorised officer easy access to such information.

67. If medication is to be administered, this must be recorded.
68. Where records are computerised, a back-up copy must be kept. The register must also be available to key members of staff of the establishment at all times.

SUPERVISION

69. A fit and proper person (over the age of 18) with relevant experience must always be present to exercise supervision and deal with emergencies whenever dogs are boarded at the premises.

70. Adequate staffing must be provided to ensure continual supervision and safety of all dogs.

71. The Licensing Authority must be informed on the next working day if a dog is lost.

FIRE / EMERGENCY PRECAUTIONS

72. Appropriate steps must be taken for the protection of the dogs in case of fire or other emergencies.

73. The occupier of the property must be aware of the location of the dogs in the property at all times.

74. A fire warning procedure and emergency evacuation plan – including details of where dogs are to be evacuated to in the event of a fire or other emergency - must be drawn up, brought to the attention of all staff and/or displayed in a prominent place on the premises.

75. Fire detection equipment must be provided and maintained in accordance with general advice given by the Fire Safety Officer. An all-purpose fire extinguisher must be provided.

76. All electrical installations and appliances must be maintained in a safe condition. No dog must be left in a room with loose or trailing cables or wires.

77. Heating appliances must not be sited in a location or manner where they may present a risk of fire or risk to dogs.

78. Precautions must be taken to prevent any accumulation which may present a risk of fire.

79. There must be adequate means of raising an alarm in the event of fire or other emergency.

COMPLAINTS AND INCIDENT LOGS

80. The licence holder must maintain a log of any incidents occurring at the premises involving a boarding animal, and this log must be kept for a period of one year.

81. The Licensing Authority must be advised within 72 hours of any complaint received, and the steps being taken to resolve the situation.