

Present: Councillor Kathleen Brothwell (*in the Chair*),
Councillor Loraine Woolley, Councillor Biff Bean,
Councillor Ronald Hills, Councillor Fay Smith, Councillor
Ralph Toofany, Councillor Paul Gowen and Councillor
Pat Vaughan

Apologies for Absence: Councillor Adrianna McNulty, Councillor Keith Weaver,
Councillor Andy Kerry and Councillor Gill Clayton-Hewson

35. Confirmation of Minutes - 22 November 2017

RESOLVED that the minutes of the meeting held on 22 November 2017 be confirmed.

36. Declarations of Interest

No declarations of interest were received.

37. Hackney Carriage and Private Hire minutes of previous meetings

RESOLVED that the minutes of the Hackney Carriage and Private Hire Sub-Committee meetings held on 29 November 2017, 4 January 2018 and 1 February 2018 be confirmed.

38. Application for the Grant of a Licence to Keep an Animal Boarding Establishment

The Public Protection, Anti-Social Behaviour and Licensing Service Manager:

- (a) Presented a report which provided the Committee with an opportunity to consider the grant of an Animal Boarding Establishment Licence under the Animal Boarding Establishments Act 1963.
- (b) Reported that an application had been received in respect of premises known as 58 Wolsey Way in Lincoln which sought a licence to board dogs from different households under an Animal Boarding Establishment Licence.
- (c) Highlighted that the current model condition for an animal boarding licence stated that 'only dogs from the same household may be boarded at any one time' and that the application was seeking a variation to this model condition to allow the applicant to be able to board four dogs from different homes at the same time.
- (d) Outlined the policy implications and model licence conditions for home boarding, as set out under paragraph four of the report.
- (e) Reported that the applicant was supported by Vippies Ltd, which was a long established Lincolnshire based company providing pet care such as home board, dog walking, pet sitting and pet foster care and it was proposed that the applicant would be affiliated with this company.

(f) Invited members' questions and comments.

Confirmation was sought as to the suitability of the property and its location in terms of close proximity to any neighbouring residents. Officers understood that the property was large enough to accommodate the number of animals set out in the application but suggested that an inspection of the premises could be undertaken by a Licencing Officer and the Council's Animal Warden. The property was located in a residential area, relatively close to neighbouring properties.

A question was raised as to whether any consultation had taken place with neighbouring residents providing them with notice of the licence application in order that they had an opportunity to put forward any comments either in support or objection to the granting of the licence. It was noted that this had not taken place, but that letters could be sent to neighbouring residents for this purpose. The Committee considered whether the licence could be granted on a trial basis in order that any negative impact on neighbouring residents could be monitored and taken into account.

In view of the fact that the applicant already had a licence to accommodate dogs from a single household, confirmation was sought as to whether there was a maximum number of dogs that could currently be boarded on the premises provided they were from a single household. It was clarified that there was nothing in legislation which set out a maximum number of dogs that could be boarded from a single household as part of the applicant's current conditions of the licence. Discussion ensued on the possibility of the applicant owning their own dogs, meaning that this could add to the number of dogs on the premises at any one time. Members expressed their concerns in relation to the potential noise and disturbance that could emanate from the dogs in the applicant's care. Concerns were also raised regarding the general care of the animals, arrangements for walking and their general supervision particularly given that the proposal was to board dogs from different households. It was noted that the licence could be granted subject to specific conditions to provide reassurance in respect of the welfare of the animals.

A point was made that any resident in the city was entitled to own as many dogs as they wanted, with any complaints of noise or disturbance dealt with accordingly through the Council's usual processes.

A question was asked as to whether any other authorities had granted similar applications. It was noted that West Lindsey District Council had approved a similar application, also affiliated with Vippies Ltd, whereas an application had recently been refused by North Kesteven District Council which had been appealed and was scheduled to be heard by the Magistrate's Court in due course.

Councillor Paul Gowen proposed a motion to defer the decision to allow for an inspection of the premises to be undertaken by the Licensing Officer and Animal Protection Officer. The proposal was seconded.

During discussion of this motion, Councillor Gowen withdrew his motion.

Councillor Ron Hills proposed a motion to grant the licence as applied for, subject to the undertaking of an inspection of the premises by the Licensing Officer and Animal Protection Officer and that they be delegated to grant the licence should

they be satisfied with the outcome of that inspection. This motion was not seconded.

The decision was made as follows:

That the licence application be granted subject to the Council's standard home boarding licence conditions.

Reasons for the decision:

The Committee:

- had concerns relating to the welfare and supervision of the animals from the perspective of them being from different households;
- was unclear how animals would be controlled when out in public, particularly if there were multiple animals from different households;
- agreed that neighbouring residents should be given an opportunity to comment on the application due to the fact that the proposed premises were located in a residential area;
- was not satisfied with the information available in respect of the number of dogs, the proximity of the property to neighbours and the measures in place inside the property to protect the animals;
- was concerned that the granting of the application would set a precedent outside of the Council's standard home boarding licence conditions.

The Committee was therefore not satisfied that all of the grounds of Section 1(3)(a)-(e) of the Animal Boarding Establishments Act 1963 had been met.

39. Application for a Sex Establishment Licence

The Public Protection, Anti-Social Behaviour and Licensing Service Manager:

- (a) Presented a report which provided the Committee with an opportunity to consider an application for a sex establishment licence.
- (b) Reported that an application had been received in respect to premises known as Simply Pleasure situated at 72 High Street, Lincoln, LN5 8QD.
- (c) Highlighted that, due to administrative errors on the part of the Licensing team and the licence holder, the renewal deadline had been missed resulting in the requirement to submit a new licence application.
- (d) Reported that the premises had been a licensed sex establishment since 2001 and transferred into the current applicant's name in 2005/06.
- (e) Reported that no problems, complaints or matters of concern during inspections had been raised since the granting of the original application.
- (f) Invited members' questions and comments.

The decision was made as follows:

That the application be granted with the Council's standard conditions for such a licence and no additional conditions.

Reasons for the decision:

The Committee was content with the details of the application, acknowledging that the application was only necessary due to administrative error and that no problems, complaints or matters of concern had been raised since the original application was granted in 2005.

It was also noted that this application would have been granted by officers under delegated powers had the applicant met the deadline for renewal.