



AYLESBURY VALE DISTRICT COUNCIL

Democratic Services

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Text Relay Prefix your telephone number with 18001
Date Not Specified

LICENSING COMMITTEE

A meeting of the **Licensing Committee** will be held at **10.00 am** on **Monday 9 May 2016** in **The Olympic Room, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF**, when your attendance is requested.

Contact Officer for meeting arrangements: Alice Fisher; afisher@aylesburyvaledc.gov.uk;

Membership: Councillors: J Brandis (Chairman), M Hawket (Vice-Chairman), P Cooper, A Harrison, A Huxley, S Lambert, T Mills, G Powell, S Renshell, B Russel and Sir Beville Stanier Bt (ex-Officio)

AGENDA

1. APOLOGIES

2. TEMPORARY CHANGES TO MEMBERSHIP

Any changes will be reported at the meeting.

3. MINUTES (Pages 3 - 6)

To approve as a correct record the Minutes of the meeting held on 29 February 2016 attached as an Appendix.

4. DECLARATIONS OF INTEREST

Members to declare any interests.

5. INTRODUCTION OF A PUBLIC SPACE PROTECTION ORDER FOR AYLESBURY TOWN CENTRE (Pages 7 - 22)

To consider the report attached as an appendix.

Contact Officer: Peter Seal 01296 585083

6. LICENSING REQUIREMENTS FOR DOG DAY CARE ESTABLISHMENTS (Pages 23 - 30)

To consider the report attached as an appendix.

Contact: Peter Seal 01296 585083

Licensing Committee

29 FEBRUARY 2016

PRESENT: Councillor J Brandis (Chairman); Councillors M Hawkett (Vice-Chairman), P Cooper, A Huxley, S Lambert, T Mills, G Powell, S Renshell and Sir Beville Stanier Bt (ex-Officio)

IN ATTENDANCE: Councillors C Adams and A Macpherson

1. TEMPORARY CHANGES TO MEMBERSHIP

There were none.

2. MINUTES

RESOLVED –

That the minutes of the meeting held on 11 January 2016 be approved as a correct record.

3. THE IMPLEMENTATION OF A PUBLIC SPACE PROTECTION ORDER FOR AYLESBURY TOWN CENTRE

In October 2014, the Secretary of State enacted new powers under the Anti-social Behaviour, Crime and Policing Act 2014 ([Anti-social Behaviour, Crime and Policing Act 2014](#)) to tackle anti-social behaviour. The new powers made changes to some existing legislation and the Council was required, within a period of 3 years to reconsider its Designated Public Place Orders (DPPOs) and either withdraw or replace them with the new Public Space Protection Orders (PSPOs).

Although there were numerous DPPOs within the district that would need reconsidering at some point only the DPPO serving Aylesbury town centre was being considered at this time. The Aylesbury town centre DPPO had been introduced in 2002 and allowed either a Police Constable or PCSO to stop people drinking alcohol or surrender any containers of alcohol in a public place.

Although the Aylesbury town centre DPPO had been effective in mitigating public drinking, the issues it was designed to tackle had not been resolved. In addition other anti-social behaviours that occurred in the town centre needed addressing.

The PSPOs were more flexible and allowed authorities to apply them to a much broader range of issues and also allowed authorities the ability to design and implement their own prohibitions or requirements providing certain conditions were met. These were:-

The first condition was that –

- a) Activities carried on in a public place within the Authority's area have had a detrimental effect on the quality of life of those in the locality, or
- b) It is likely that activities will be carried on in a public space within that area and that they will have such effect.

The second condition was that the effect, or likely effect of the activities –

- a) Is, or is likely to be of a persistent or continuing nature,
- b) Is, or is likely to be such as to make the activities unreasonable, and
- c) Justifies the restrictions imposed by the notice.

Activities can include things that a person or a group does, has done or should do (in order to reduce the detrimental effect).

A PSPO could vary in the length of time it covered (up to a period of three years) and the extent or range of issues covered. A more comprehensive description of a PSPO was given in the officer's report to the committee. Failure to comply with a prohibition or requirement within the order would be an offence and a defendant could face a fine of up to £1000 in the Magistrate's Court. Breaches of the order could also be discharged by the use of a fixed penalty order.

The Act was not overly prescriptive about the process required for application of its powers and it had therefore been necessary to design a process that was considered appropriate and suitably robust.

AVDC was required to consult with the Chief of Police, the Police and Crime Commissioner, community representatives and owners/occupiers of any land affected. The Licensing Services Manager confirmed that a number of organisations were consulted including the Aylesbury Old Town Residents Association, Aylesbury Town Council, the Town Centre Partnership and Pubwatch. An enforcement strategy would also have to be agreed between Thames Valley Police and the district and county councils. The intention was to try and resolve issues at the lowest level of intervention to start with and only escalate to PSPO enforcement options when anti-social behaviours continued to an unacceptable level.

Most of the anti-social behaviours would only be dealt with by the police, however parking restrictions may be better resolved by both council's parking enforcement officers.

The draft order for Aylesbury town centre was attached as an appendix to the report together with a map of the area concerned. The draft PSPO sought to address 6 behaviours that had a detrimental effect on the quality of life of those living there and were considered persistent and ongoing. These were:-

- The consumption of alcohol and anti-social behaviour associated with the consumption of alcohol, taking place in the public place.
- Public urination and defecation.
- Aggressive and/or intimidating begging.
- Aggressive or intimidating behaviour.
- Dog fouling; and
- The unauthorised parking of motor vehicles on the public realm of Kingsbury and Market Square.

Some of the problems were more problematical at night time, such as public urination after drinking in licensed premises; some worse during the daytime, such as aggressive begging and the public consumption of alcohol was seen as a problem at any time. The proposed PSPO would also replace the dog control that was already in place in the town centre.

In recent years there had been an increase in parking on the public areas of Kingsbury and Market Square. It was acknowledged that the Town Centre Manager had been proactive in trying to limit the unlawful parking in these areas but she had no legal powers to enforce it. Apart from the structural damage caused, the parking had prevented the lawful trading of some local businesses and town centre events. It was acknowledged that other areas in the town centre also had problems with unlawful parking.

The proposed “restricted area” essentially covered the same area as that covered by the existing DPPO but now included the public realm area to the south of Exchange Street and land adjacent to Friarage Road. The railway station had not been included as this came under the jurisdiction of the British Transport Police.

Consultation on the draft order would end on 31 March, 2016 after which any comments received would be appraised and if the consultation supported the proposal the Order would be formally made. In addition the taxi and private hire associations would be consulted.

It was confirmed that this legislation was an Executive function. However, any proposed changes in the future would be brought to the Licensing Committee who would make a recommendation prior to any decision by the Cabinet/Cabinet Member.

It was not the intention to include within the PSPO for Aylesbury Town Centre, behaviours that could be addressed by other means; over-zealous charity collectors, or illegal drug use for example.

The areas of Vale Park and White Hill would be subject to separate PSPOs in due course as would other parts of the Vale.

It was intended that once the Aylesbury town centre PSPO was in place there would be extensive publicity and new signage put in place around the area shown on the plan.

RESOLVED –

1. That the Members noted the proposed implementation of a Public Space Protection Order for Aylesbury town centre and that their comments be considered as part of the proposed Order.
2. That a report be brought back to the Licensing Committee early in 2017 to review the Aylesbury town centre Public Space Protection Order.

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REPORT ON THE INTRODUCTION OF A PUBLIC SPACE PROTECTION ORDER FOR AYLESBURY TOWN CENTRE

1 Purpose

- 1.1 To inform the Members of Licensing Committee of the results of the consultation in respect to the introduction of a Public Space Protection Order for Aylesbury town centre.
- 1.2 To seek agreement of the proposed Public Space Protection Order and recommend Cabinet Member approval.

2 Recommendations/for decision

- | |
|--|
| <ol style="list-style-type: none">2.1 For Members to note the comments arising from consultation in respect to a proposed Public Space Protection Order; and2.2 For Members to recommend the Order attached as Appendix 1 to this report for Cabinet Member approval. |
|--|

3 Supporting information

- 3.1 Members will recall they received a report on the 29 February 2016 regarding a proposed Public Space Protection Order (PSPO) for Aylesbury town centre. PSPOs were introduced in October 2014 via the Anti-Social Behaviour, Crime and Policing Act ('the Act'). They effectively replace existing Designated Public Place Orders which are limited to the control of the public consumption of alcohol. They also replace any existing Dog Control Order. PSPOs are much more flexible and can be used to control a variety of anti-social behaviours. The purpose of the previous report was to afford Members of Licensing Committee the opportunity of commenting on the proposed PSPO during its consultation.
- 3.2 The proposed PSPO sought to address 6 behaviours that have a detrimental effect on the quality of life of those in the town centre and are considered persistent and continuing. In summary the behaviours are as follows:
 - Public consumption of alcohol or having an open container of alcohol
 - Public urination or defecation
 - Aggressive or intimidating begging
 - Aggressive or intimidating behaviour
 - Control of dogs
 - The unauthorised parking of motor vehicles on Kingsbury and Market Square.

However, for reasons set out in paragraph 3.8 it is recommended that 'aggressive or intimidating begging' be removed. In this respect the amended Order is attached as Appendix 1.

- 3.3 The Act is not overly prescriptive about the process required for the introduction of a PSPO but does require the Council to consult with the police,

community representatives and owners and occupiers of land affected. In this respect the following were consulted with:

- Thames Valley Police Area Commander
- District Council Cabinet Members for Community Safety and Civic Amenities and Environment
- District Council Ward Members
- BCC Highways
- Aylesbury Town Council
- Aylesbury Old Town Residents Association
- Aylesbury Hackney Carriage Association

- 3.4 In addition articles were prepared for the Aylesbury Pubwatch website, the Town Centre Partnership Newsletter and press releases attracted interest from the Bucks Herald, both BBC South and BBC Oxford and Mix 96. The draft Order was posted on the District Council's website with an on-line comments facility for approximately 7 weeks.
- 3.5 The on-line survey prompted 8 responses, unsurprisingly all supporting the proposed behaviours. These are attached as Appendix 2. Aylesbury Town Council also confirmed their support for the PSPO. Finally the Local Police Area Commander responded to the consultation, which provided general support but quite rightly pointed out the need for an enforcement protocol, as some agencies are better placed than others to deal with the proposed behaviours. Some of the proposals were also questioned in terms of necessity and sensitivity. The Area Commander's comments are attached as Appendix 3.
- 3.6 In order to introduce a PSPO, a local authority must be satisfied on reasonable grounds that 2 conditions are met. First, that activities carried on in a public space within the authority's area have a detrimental effect on the quality of life of those in the locality; or it is likely that activities will be carried on within a particular area and that they will have such an effect. Second, that the effect, or the likely effect, of the activities: (a) is, or is likely to be of a persistent or continuing nature; (b) is, or is likely to be, such as to make the activities unreasonable; and (c) justifies the restrictions imposed by the notice.
- 3.7 Arising from the consultation a number of comments deserve further consideration. Both the police and another have pointed out the need to ensure that the PSPO is not used inappropriately on people who, for example find themselves homeless. The Area Commander rightly recommends the adoption of a broader prevention strategy. Before implementation an enforcement strategy will need to be drafted and agreed with the police and the local authorities which will make clear the commitment and methods to be used to enforce the order. Guidance to the Act suggests that issues are resolved at the lowest level of intervention as possible, such as offering advice and depending on the nature of the behaviour a referral to a support agency. Experience of implementing the DPPO has not resulted in any formal enforcement and the issuing of fixed penalty notices or other formal action in respect to the PSPO is expected to be very infrequent.
- 3.8 A number of other authorities have been severely criticised by the National Council for Civil Liberties and similar groups, particularly those councils that have targeted rough sleepers and the homeless. Given the success of the

police in dealing with aggressive beggars as set out in the Area Commander's representation and the potential sensitivity of this particular behaviour and its wider social ramifications, it is recommended that it is removed from the final PSPO.

- 3.9 The police question whether unauthorised parking of motor vehicles should be addressed using a PSPO. Issues such as parking are normally dealt with by the County's parking enforcement officers and it appears counter intuitive to include parking as an anti-social activity. However the public realms of Kingsbury and Market Square in legal terms do not permit enforcement in the normal way. In fact the only legal redress would be to pursue the owners of the vehicles for trespass. It can be argued that the unauthorised parking of motor vehicles on Kingsbury and Market Square has had and does have a detrimental effect on the quality of life of those in the locality in a number of ways. Apart from the structural damage (arguably criminal damage) caused to surfaces, they have prevented the lawful trading of some local businesses and town centre events and have aroused some hostility in the town centre. However this part of the PSPO should sensibly be enforced by the existing County enforcement officers and, perhaps the district's civic enforcement officers but not the police.
- 3.10 The Aylesbury Hackney Carriage Association have further proposed that parking in taxi ranks be included as part of the PSPO, citing the absence of traffic wardens to enforce traffic regulations late at night. There is evidence that members of the public do routinely park on taxi ranks and, in particular the Kingsbury rank during the evening and night time. However, unlike parking on Kingsbury and Market Square parking on a taxi rank is already unlawful and the problem arises from a lack of enforcement. Police priorities, particularly in the evening and late at night are dominated with tackling crime and disorder and minimising anti-social behaviour and, as set out in the previous paragraph and the representation from the police, parking enforcement should remain with the County. Therefore parking in taxi ranks is not an appropriate behaviour to be included within the proposed PSPO. However the concerns of the taxi trade will be brought to the attention of the County.
- 3.11 In respect to the control of dogs, it was assumed prior to consultation that the town centre was subject to a Dog Control Order (DCO) and since PSPOs replace DCOs it was proposed to include it within the new order. However it transpires that the town centre is not subject to a DCO. Dog fouling is currently enforced under the Dogs (Fouling of Land) Act 1996. However the drafting of this piece of legislation does not adequately cover the whole of the town centre. It is common for dog owners to walk their dogs through the town centre as well as St Mary's churchyard and the Mount. It is proposed that the PSPO should address dog fouling as it will rationalise the existing piecemeal coverage of the Dogs (Fouling of Land) Act and ensure a clear and consistent approach to dog fouling. It is not a behaviour that has in the past required any significant enforcement, as it has generally become an accepted duty of dog ownership. However it would be a useful tool for the few that disregard convention.
- 3.12 Implementation of the order will require a public notice to be published in a local newspaper, notification on the Council's website and press releases through media outlets. Although not specifically mentioned in the Act, signage would normally be required in the area explaining the order in plain English and what it means in practical terms. This is to provide support for enforcement and prevent risks of mitigation pleas.

- 3.13 Suffice to say the creation of the PSPO is a relatively straight forward exercise. However its practical implementation will require some considerable thought from all those with responsibilities and its communication via the press will require careful drafting so as to ensure the public do not perceive its enforcement as exclusively police led. During its passage through Licensing Committee Members agreed to receive a report early in 2017 regarding a review of its practical effectiveness.

4 Options considered

- 4.1 The town centre's existing DPPO can either be withdrawn or replaced by a PSPO.

5 Reasons for Recommendation

- 5.1 The Anti-Social Behaviour, Crime and Policing Act 2014 has made changes to legislation and requires the Council to consider its existing DPPOs.

6 Resource implications

- 6.1 There will be relatively small cost implications in advertising the Order and replacing existing signage.

Contact Officer	Pete Seal 01296 585083
Background Documents	Anti-Social Behaviour, Crime and Policing Act 2014: Statutory guidance for frontline professionals

ANTI-SOCIAL BEHAVIOUR, CRIME AND DISORDER AND POLICING ACT 2014

SECTION 59

PUBLIC SPACES PROTECTION ORDER

This Order is made by Aylesbury Vale District Council ('The Council') under the Anti-Social Behaviour, Crime and Policing Act 2014 Section 59 ('the Act').

1. This order relates to the land described in Paragraph 1 of the Schedule below and defined by the red border on the plan attached to this Order ('the restricted area'), being a public place in the Council's area to which the Act applies:
2. The Council is satisfied that the 2 conditions below have been met, in that:
 - a. Activities carried on in the restricted area as described below, have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public place and that they will have such an effect. The said activities being:
 - 1) The consumption of alcohol and anti-social behaviour associated with the consumption of alcohol, taking place in the public place.
 - 2) Public urination and defecation.
 - 3) Aggressive or intimidating behaviour.
 - 4) Dog fouling.
 - 5) The unauthorised parking of motor vehicles on the public realm of Kingsbury and Market Square.
 - b. That the effect, or likely effect of the activities described above is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the Order.

BY THIS ORDER

3. The effect of the Order is to impose the following prohibitions at all times:
 - a. In the restricted area any person who continues to carry out the following activities from which they are prohibited commits an offence:
 - 1) Consuming alcohol or being in possession of an open container of alcohol.
 - 2) Public urination or defecation.
 - 3) General behaviour reasonably perceived to be intimidating and/or aggressive.
 - 4) Failure of owner or person in control to remove dog faeces.
 - 5) Parking without permission or authority on the public realm of Kingsbury and Market Square.

4. The order will remain in force for a period of 3 years from the date of this Order, unless extended by further Orders under the Council's statutory powers.
5. A person guilty of an offence under conditions 3.(a.1) above, under Section 63 of the Act is liable on summary conviction to a fine not exceeding level 2 on the standard scale or fixed penalty notice of a maximum £100.
6. In this area any person who fails to comply with any of the conditions set out in 3.(a.2 -5) above, under Section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale or fixed penalty notice of £100.

THE SCHEDULE

1. The Restricted area shown edged in red on the map attached hereto.

APPEAL

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of the order on two grounds: that the Council did not have the power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When an application is made the High Court can decide to suspend the operation of the order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the order, quash it, or vary it.

Dated.....

PSPO Consultation responses

ONE

PAGE 2

Q2: Having read through the consultation document, What are your views on using the PSPO to deter the Public consumption of alcohol or having an open container of alcohol

Completely agree - there is no question it would improve the situation and deter repeat offenders.

PAGE 3

Q3: Having read through the consultation document, what are your views on the PSPO being used to deter public urination and defecation?

Agree !

PAGE 4

Q4: Having read the consultation document, what are your views on the PSPO being used to deter aggressive or intimidating begging?

Agree - there are sometimes 2 or 3 different people begging in the town center. I have not been personally intimidated by them but I could imagine for some people they are...

PAGE 5

Q5: Having read the consultation document, what are your views on using the PSPO to deter aggressive or intimidating behaviour?

Agree !

PAGE 6

Q6: Having read the consultation document, what are your views on using the PSPO for the control of dogs (fouling, behaviour)?

Don't actually see this as a problem - most dog owners seem responsible..

PAGE 7

Q7: Having read through the consultation document, what are your views on the PSPO being used to control private vehicles parking on Kingsbury and Market Square?

Agree - surprised you can't just clamp / ticket them at present...

PAGE 8

Q8: Having looked at the proposed map for the Aylesbury Town PSPO, do you have any comments?

Long overdue. The police need a mechanism to deter people who are making life miserable for others...

: Finally, considering the PSPO are there any other comments you would like to make?

See prior comments

TWO

Having read through the consultation document, What are your views on using the PSPO to deter the Public consumption of alcohol or having an open container of alcohol

Good idea, public drunkenness is bad.

PAGE 3

Q3: Having read through the consultation document, what are your views on the PSPO being used to deter public urination and defecation?

In the interest of hygiene this is a good idea. However, how will homeless people be treated, who may have no choice?

PAGE 4

Q4: Having read the consultation document, what are your views on the PSPO being used to deter aggressive or intimidating begging?

I support this.

PAGE 5

Q5: Having read the consultation document, what are your views on using the PSPO to deter aggressive or intimidating behaviour?

I support this.

PAGE 6

Q6: Having read the consultation document, what are your views on using the PSPO for the control of dogs (fouling, behaviour)?

I very strongly support this, having seen dogs out of control in the area before.

PAGE 7

Q7: Having read through the consultation document, what are your views on the PSPO being used to control private vehicles parking on Kingsbury and Market Square?

I support this.

PAGE 8

Q8: Having looked at the proposed map for the Aylesbury Town PSPO, do you have any comments?

Respondent skipped this question

PAGE 9

Q9: Finally, considering the PSPO are there any other comments you would like to make?

Respondent skipped this question

THREE

Q2: Having read through the consultation document, What are your views on using the PSPO to deter the Public consumption of alcohol or having an open container of alcohol

There are ample places to legitimately consume alcohol within the area. Remaining areas should be safe for others to enjoy without alcohol present. I am strongly PRO this measure.

PAGE 3

Q3: Having read through the consultation document, what are your views on the PSPO being used to deter public urination and defecation?

The absence of public conveniences is a shame and perhaps should be addressed separately. However public urination and defecation, particularly in such built-up areas, is inappropriate. I am strongly PRO this measure.

PAGE 4

Q4: Having read the consultation document, what are your views on the PSPO being used to deter aggressive or intimidating begging?

I have not experienced this although the activities of "charity collectors" might easily fit within this description. I am AMBIVALENT about this measure.

PAGE 5

Q5: Having read the consultation document, what are your views on using the PSPO to deter aggressive or intimidating behaviour?

The repeated actions of a very few, threaten to make Aylesbury town centre unpleasant to visit and difficult to trade in. The shopkeepers of Kingsbury have suffered long enough. I am strongly PRO this measure.

PAGE 6

Q6: Having read the consultation document, what are your views on using the PSPO for the control of dogs (fouling, behaviour)?

I keep two dogs in the town centre. I pick up after them and try to control their behaviour. Responsible pet ownership benefits everybody. I am strongly PRO this measure.

PAGE 7

Q7: Having read through the consultation document, what are your views on the PSPO being used to control private vehicles parking on Kingsbury and Market Square?

Historic Market Square will be ruined without intervention. Additionally, keeping the lines of sight clear and waiting areas open for the taxis will benefit the community at large. I am strongly PRO this measure.

PAGE 8

Q8: Having looked at the proposed map for the Aylesbury Town PSPO, do you have any comments?

No.

PAGE 9

Q9: Finally, considering the PSPO are there any other comments you would like to make?

Regulations are only useful with active enforcement. I watch chewing gum and cigarette ends be discarded daily yet never see people penalised. If we wish to make this exercise worthwhile we must follow through with active enforcement and support of those doing so.

FOUR

Q2: Having read through the consultation document, What are your views on using the PSPO to deter the Public consumption of alcohol or having an open container of alcohol

Excellent

PAGE 3

Q3: Having read through the consultation document, what are your views on the PSPO being used to deter public urination and defecation?

Excellent

PAGE 4

Q4: Having read the consultation document, what are your views on the PSPO being used to deter aggressive or intimidating begging?

Excellent

PAGE 5

Q5: Having read the consultation document, what are your views on using the PSPO to deter aggressive or intimidating behaviour?

Excellent

PAGE 6

Q6: Having read the consultation document, what are your views on using the PSPO for the control of dogs (fouling, behaviour)?

Excellent

PAGE 7

Q7: Having read through the consultation document, what are your views on the PSPO being used to control private vehicles parking on Kingsbury and Market Square?

This has been a problem for a very long time. The cars are currently parked on footpath areas. So the PSPO Order will be excellent in the way of controlling these vehicles.

PAGE 8

Q8: Having looked at the proposed map for the Aylesbury Town PSPO, do you have any comments?

No

PAGE 9

Q9: Finally, considering the PSPO are there any other comments you would like to make?

Respondent skipped this question

FIVE

Q2: Having read through the consultation document, What are your views on using the PSPO to deter the Public consumption of alcohol or having an open container of alcohol

Agree entirely, but will this work in summer months when pubs etc have chairs outside?

PAGE 3

Q3: Having read through the consultation document, what are your views on the PSPO being used to deter public urination and defecation?

Definitely at all times.

PAGE 4

Q4: Having read the consultation document, what are your views on the PSPO being used to deter aggressive or intimidating begging?

Definitely at all times.

PAGE 5

Q5: Having read the consultation document, what are your views on using the PSPO to deter aggressive or intimidating behaviour?

Definitely at all times.

PAGE 6

Q6: Having read the consultation document, what are your views on using the PSPO for the control of dogs (fouling, behaviour)?

Definitely, at all times. Personally I cannot see why people want to walk their dogs in town anyway.

PAGE 7

Q7: Having read through the consultation document, what are your views on the PSPO being used to control private vehicles parking on Kingsbury and Market Square?

Most definitely, but in all parts of the town not just these two places, especially if the new proposals by BCC come into force.

PAGE 8

Q8: Having looked at the proposed map for the Aylesbury Town PSPO, do you have any comments?

No, it seems to cover all parts of the town centre, new and old.

PAGE 9

Q9: Finally, considering the PSPO are there any other comments you would like to make?

These proposals are all going to need extra staff to implement them. They need to be covered 24/7

SIX

Q2: Having read through the consultation document, What are your views on using the PSPO to deter the Public consumption of alcohol or having an open container of alcohol

I agree - unless it's an organised celebration such as those at Waddesdon Manor alcohol should not be consumed in the street

PAGE 3

Q3: Having read through the consultation document, what are your views on the PSPO being used to deter public urination and defecation?

Fully agree - there can be no excuse for this behaviour

PAGE 4

Q4: Having read the consultation document, what are your views on the PSPO being used to deter aggressive or intimidating begging?

I agree

PAGE 5

Q5: Having read the consultation document, what are your views on using the PSPO to deter aggressive or intimidating behaviour?

I agree - people should feel safe walking in the town

PAGE 6

Q6: Having read the consultation document, what are your views on using the PSPO for the control of dogs (fouling, behaviour)?

Fully agree - apart from the obvious health concerns from both fouling & uncontrolled dogs it is unnerving to walk near an un leashed dog

PAGE 7

Q7: Having read through the consultation document, what are your views on the PSPO being used to control private vehicles parking on Kingsbury and Market Square?

I agree - however, would it not be more cost effective to have rising bollards to inhibit access to both areas?

PAGE 8

Q8: Having looked at the proposed map for the Aylesbury Town PSPO, do you have any comments?

There shouldn't be any boundaries - all behaviours detailed in the proposal are unacceptable WHEREVER they are displayed

PAGE 9

Q9: Finally, considering the PSPO are there any other comments you would like to make?

Respondent skipped this question

SEVEN

PAGE 9

Q9: Finally, considering the PSPO are there any other comments you would like to make?

AOTRA committee considered this proposal and requested me to advise that they were broadly in favour of it.

EIGHT

Q2: Having read through the consultation document, What are your views on using the PSPO to deter the Public consumption of alcohol or having an open container of alcohol

In my opinion it is absolutely right that consumption of alcohol in the zone should be deterred as it makes the town centre look and feel safe, but the persons involved should only be given a fine as a last resort and should be given a chance to dispose of their alcohol first.

PAGE 3

Q3: Having read through the consultation document, what are your views on the PSPO being used to deter public urination and defecation?

This is a disgusting thing to do especially when there are toilets in many of the establishments in town centre and there are also a number of public toilets. In my opinion there is no excuse for this behaviour and a fixed penalty should be given regardless.

PAGE 4

Q4: Having read the consultation document, what are your views on the PSPO being used to deter aggressive or intimidating begging?

Whilst working in town centre I have not noticed any aggressive or intimidating begging although I have seen the same persons, usually by a cash machine, begging. That said if the persons are being aggressive or intimidating then a fixed penalty should be given in order to deter this kind of behaviour thereby making the general public feel safer.

PAGE 5

Q5: Having read the consultation document, what are your views on using the PSPO to deter aggressive or intimidating behaviour?

In my view aggressive or intimidating behaviour is in no way acceptable. This may be an easy and quick way of dealing with such behaviour and the person or persons involved may think twice before behaving in this manner again. In my view this would deter most people in behaving this way and help prevent any small scuffles from breaking out, again making the town centre feel safe.

PAGE 6

Q6: Having read the consultation document, what are your views on using the PSPO for the control of dogs (fouling, behaviour)?

I have seen on occasions dogs without a leash running free in town centre sometimes fouling near entrances to establishments like cafes, bars and restaurants. Some of the public may find dogs running free or dogs barking in

an aggressive manner intimidating. Although most dog owners are very responsible there are still some that are not and in my view these irresponsible dog owners should be given a fixed penalty.

PAGE 7

Q7: Having read through the consultation document, what are your views on the PSPO being used to control private vehicles parking on Kingsbury and Market Square?

As a taxi driver I have seen the problem of private vehicles parking in Kingsbury and Market Square gradually get worse over time. Now the problem has also spilled onto the taxi ranks and is greatly affecting our trade in terms of safety and the service we provide to the public. The problem is largely due to the fact that there is a lack of enforcement (no traffic wardens). This is more noticeable in the evenings and late night on the weekends when there is a high demand for our services. In order to prevent this problem getting any worse I believe the PSPO should be used to control any vehicle, other than Black Taxis, from parking on any taxi rank within the zone. There is also a major problem with Private Hire vehicles parking within the zone and illegally touting (soliciting) for business. The PSPO should also be used to discourage this illegal trade which has been a problem for many years in the town centre and in my opinion is the reason why drivers feel they can park anywhere in town centre.

PAGE 8

Q8: Having looked at the proposed map for the Aylesbury Town PSPO, do you have any comments?

I think the zone covers most of the town centre where these problems occur. Although in the future this may need to be expanded as the town centre grows.

PAGE 9

Q9: Finally, considering the PSPO are there any other comments you would like to make?

As a taxi driver I have seen many changes in the town centre especially in the last five years. Many businesses, residents and general public would feel safe in the knowledge that there are measures in place to deter and help prevent unruly behaviour. In my opinion the PSPO is much needed as it would give the Police powers to deal with certain situations immediately and effectively.

From: Wright Oliver [<mailto:Oliver.Wright@thamesvalley.pnn.police.uk>]
Sent: 01 April 2016 17:23
To: Seal, Peter
Cc: Kentish Neil; Davies James (BUCKS)
Subject: RE: Public Space Protection Order - Aylesbury town centre

Peter

I apologise that we've just missed your deadline of 31 March. We've given careful consideration to the PSPO proposal, and I have discussed briefly with Stephanie Moffat.

As you know, the government's statutory guidance for PSPO's is that the behaviours that the local authority is looking to restrict must have, or be likely to have a "detrimental effect on the quality of life of those in the locality", "be persistent" and "be unreasonable."

In terms of the behaviours that AVDC is currently exploring:

1. Public consumption of alcohol or having an open container of alcohol.

This is already in place through the DPPO, so would naturally make sense to be included.

2. Public urination and defecation.

This seems reasonable and we would deal with it if we came across it in any case.

3. Aggressive or intimidating begging

Existing powers already cover this, and the police can arrest and convict. There have been 4 relatively recent arrests and 3 convictions.

4. Aggressive or intimidating behaviour.

We already deal with that so this may make our job a little easier, but it is covered already under the Public Order Act (Section 5 Public Order Act 1986, for example).

5. Control of dogs.

We would like to see more evidence of how much this is an issue in Aylesbury town centre, and what the issue is that this would be intended to tackle: prohibit access, control or defecation issues? Who would be expected to enforce?

6. The unauthorised parking of motor vehicles on Kingsbury and Market Square.

We are not currently convinced that unauthorised parking of motor vehicles would be appropriate for this piece of legislation, as PSPOs are supposed to target anti-social activities, rather than parking. This one stands alone, the key for me being that this piece of legislation is to deal with ASB, not parking. This problem could probably be dealt with through other means, such as closing the gaps between the Town Council

planters, so that people can't drive through. Any enforcement of this, should it be included, would need to be by local authority parking enforcement, rather than police.

Overall

TVP would like to see more detail on what AVDC's enforcement strategy for a PSPO would be. Whilst TVP would undoubtedly have a part to play in enforcing some aspects of a PSPO, there is a risk that expectations would be raised, leading to a disproportionate use of police resources. We would want to be part of a broader, partnership strategy. For example, other local authority areas have more parking enforcement officers, local authority wardens etc to take on a number of areas of non-criminal enforcement. Is this being considered here? There is also a risk that we would simply be moving people on from one place to another, and would want to see how a PSPO sits within a broader strategy to prevent the problems in the first place (eg homeless/rough sleepers: it's not illegal to be homeless, many people have simply fallen on hard times, and we wouldn't want to find ourselves using a PSPO simply to move people 'out of sight' to somewhere else without a broader strategy to tackle the problem at root cause).

We're obviously happy to engage further in discussions.

Best wishes

Olly

Olly Wright | Superintendent | LPA Commander | Aylesbury Vale Local Police Area |
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JDW



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OPEN

REPORT ON THE LICENSING REQUIREMENTS FOR DOG DAY CARE ESTABLISHMENTS

1 Purpose

- 1.1 To inform Members of the Licensing Committee of the requirements for licensing dog day care establishments and agree standard licensing conditions and fees.

2 Recommendations/for decision

- 2.1 For Members to understand the licensing requirements in respect to dog day care establishments; and
- 2.2 To agree standard licensing conditions and fees for dog day care establishments.

3 Supporting information

- 3.1 Historically the Council's licensing service have licensed kennels and catteries under the Animal Boarding Establishments Act 1963 ('the Act'). However in recent years it has become apparent that home boarding is rising in popularity and as, in most cases it is 'in connection with a business' (as described by the Act) they too require licensing. In this respect the licensing service have adopted standard conditions produced by LACORS a few years ago and currently licence around 50 home boarders.
- 3.2 Over the last year or two there have been a number of enquiries from individuals proposing to set up a dog day care facility on a much larger commercial scale in purpose built premises. Such a business would require a licence under the Act. However neither our current standard conditions for animal boarding or home boarding are entirely appropriate for this kind of operation.
- 3.3 In respect to licensing requirements the Act has regard to the nature of the accommodation, including construction, size, number of occupants, temperature, lighting, ventilation and cleanliness; the availability of food, drink and bedding; the control and spread of infectious disease; protection of animals in case of fire; and various documentation requirements. Further, the Animal Welfare Act 2006 introduced '5 freedoms' in respect to animal welfare: freedom from hunger and thirst; freedom from discomfort; freedom from pain, injury and disease; freedom to behave normally; and freedom from fear and distress.
- 3.4 Following a recent enquiry and in anticipation that such a business will eventually operate in the Vale, a set of conditions were drawn up based on existing conditions for commercial kennels, home boarding and on conditions from other local authorities who have experience of licensing similar operations. The first draft was sent to one of the Council's designated vets, the individual who had made the enquiry and the Environmental Health Team. Arising from the feedback attached as Appendix 1 are a proposed set of standard conditions designed for a dog day care establishment.

- 3.5 The Council are also required to determine a fee for a dog day care establishment based on the recovery of delivering the service. It is anticipated that determining a new application and subsequent renewal would incur the same amount of work as involved with a commercial boarding establishment. Members will recall that all fees for animal related licences were agreed last year. It is recommended therefore that the fee for a new application be £450, which includes the vet costs and the renewal be £110.
- 3.6 Once agreed these will form part of our standard conditions. Should the Council issue a licence for a dog day care establishment these conditions will be applied and must be adhered to. The licensing service will monitor their effectiveness and should they require amending a report will be brought back to this committee for approval.
- 4 Options considered**
- 4.1 None
- 5 Reasons for Recommendation**
- 5.1 To support the needs of local businesses.
- 6 Resource implications**
- 6.1 Costs will be recovered by the proposed fees.

Contact Officer	Peter Seal 01296 585083
Background Documents	CIEH Model Conditions

Licence Conditions for Commercial Day Care for Dogs

1. INTRODUCTION

- 1.1 Unless otherwise stated, these conditions shall apply to all buildings and areas to which dogs have access and/or which are used in association with the boarding of dogs.
- 1.2 The Licence holder must ensure that the business has any necessary permission under planning legislation and if the licence holder does not own the premises, written consent must be obtained from the land owner.
- 1.3 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.
- 1.4 No dog registered under the Dangerous Dogs Act 1991 must be accepted for boarding.

Dog hybrids registered under the Dangerous Wild Animal Act 1976 (e.g. Wolf Hybrids) are not to be accepted for boarding.
- 1.5 Entire males and bitches in season or bitches due to be in season, must not be boarded together or boarded with resident dogs. Puppies under 6 months of age must not be boarded with other dogs including resident dogs.
- 1.6 The number of dogs permitted to be boarded at any time will be displayed on the licence. This will be determined by the suitability of the premises including size, available space and staff/supervision levels.
- 1.7 The permitted hours of trade will be displayed on the licence.
- 1.8 In addition to conditions imposed by licence the licensee must comply with any applicable duties imposed by other legislation e.g. health and safety and nuisance control.
- 1.9 All dogs must wear a collar and identity tag during their time in boarding. The tag must display the name, address and telephone number of the boarding premises.

2. LICENCE DISPLAY

- 2.1 A copy of the licence and its associated conditions must be suitably displayed to the public in a prominent position in, on or about the premises or made available to each boarder.

3. NUMBERS OF ANIMALS

- 3.1 The maximum number of dogs to be kept at any one time is ##
- 3.2 Resident dogs must not be allowed to mix with dogs in day care without prior consent from the owner of any dogs being boarded.

4. GENERAL CONSTRUCTION

- 4.1 The construction must be such that the security of the dog is ensured.
- 4.2 The premises must provide appropriate shelter and an environment which provides protection from temperature and weather extremes. Dogs must have freedom to move to a cooler or warmer place when necessary.
- 4.3 The establishment must, at all times, be laid out and operated in accordance with an approved plan, to be attached to the licence. Before carrying out any alterations, plans must be submitted to and approved by the Licensing Authority.
- 4.4 Where wood has been used in existing construction it must be smooth and treated to render it impervious. Only products which are not toxic to dogs may be used. Wood should not be used

in exposed construction of walls, floors, partitions, door frames or doors in the dog kennelling area.

- 4.5 Fencing materials must be secure and safe.
- 4.6 All internal surfaces used in the construction of walls, ceilings, floors, partitions, doors and door frames are to be durable, smooth and impervious, capable of being easily cleaned. There must be no projections or rough edges liable to cause injury.
- 4.7 Junctions between vertical and horizontal sections should be covered. If impractical in existing premises, all joints must be sealed.
- 4.8 Partition walls between rest/sleeping areas must be of solid construction to a minimum height of 1.2m (4ft).
- 4.9 Internal shared exercise areas must be covered with a non slip, non permeable and cushioned material. Any gaps in the material used must be sealed.
- 4.10 There must be an equal number of comfortable rest/sleeping areas provided at all times for the number of dogs present each day. Sleeping areas must be so insulated as to prevent extremes of temperature.

There must be sufficient space available to separate the dogs if required.

- 4.11 If a collection and delivery service is provided, a suitable vehicle with a dog guard, cage or other suitable restraint must be used.

5. FLOORS

- 5.1 Floors of all buildings must be made of smooth, impervious materials, capable of being easily cleansed and in new buildings must incorporate a damp proof membrane.
- 5.2 All floors of rest/ sleeping must be constructed and maintained in such a condition as to prevent ponding of liquids.
- 5.3 Communal exercise areas must be suitably drained.
- 5.4 Contamination must not pass between rest/ sleeping areas.

6. DOORS

- 6.1 Kennel doors must be strong enough to resist impact and scratching and must be fitted to be capable of being effectively secured.
- 6.2 Where metal bars and frames are used, they must be of suitable gauge (approximately 10-14) with spacing adequate to prevent dogs escaping or becoming entrapped. Where metal edging is used, this must not present a risk of injury to the dog.
- 6.3 Door openings must be constructed such that the passage of water/waste is not impeded, or allowed to gather due to inaccessibility.

7. WINDOWS

- 7.1 All windows which pose a security risk must be escape proof at all times.

8. DRAINAGE

- 8.1 The establishment must be connected to mains drainage or an approved, localised sewage disposal system.

9.0 LIGHTING

- 9.1 During daylight hours light must be provided to exercise and sleeping areas so that all parts are clearly visible. Where practicable this must be natural light.
- 9.2 Adequate supplementary lighting must be provided throughout the establishment.
- 10. VENTILATION**
- 10.1 Ventilation must be provided to all interior areas without the creation of excessive, localised draughts in the bedding area.
- 11. CLEANLINESS**
- 11.1 All areas where the dogs have access to, must be kept clean and free from accumulations of dirt and dust and must be kept in such a manner as to be conducive to maintenance of disease control and dog comfort.
- 11.2 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.
- 11.3 All bedding areas must be kept clean and dry.
- 11.4 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. The final route for all such waste shall comply with current waste regulations.
- 11.5 Measures must be taken to minimise the risks from rodents, insects and other pests within the premises.
- 12. FOOD AND WATER SUPPLIES**
- 12.1 All dogs must be adequately supplied with suitable food. Wholesome water must be available at all times and changed daily.
- 12.2 Each dog must be provided with its own bowl and fed separately.
- 12.3 Eating and drinking vessels must be capable of being easily cleansed and disinfected to prevent cross-contamination. They must be maintained in a clean condition.
- 12.4 Eating vessels must be cleansed after each meal.
- 12.5 Drinking vessels must be cleansed at least once a day.
- 13. KITCHEN FACILITIES**
- 13.1 Exclusive facilities, hygienically constructed and maintained, must be provided for the storage and preparation of food for the dogs.
- 13.2 Where fresh and cooked meats are stored, refrigeration facilities must be provided, and potential food contamination must be avoided.
- 13.3 A sink with hot and cold water must be provided for the washing of food equipment and eating and drinking vessels. A separate wash-hand basin with hot and cold water must be provided for staff use.
- 13.4 Containers must be provided for the storage of foods and shall be so constructed and kept in good order, repair and condition and adequately proofed against insects and other pests.

14. DISEASE CONTROL AND VACCINATION

- 14.1 Adequate precautions must be taken to prevent and control the spread of infectious and contagious disease and parasites amongst the dogs, staff and visitors.
- 14.2 Proof must be provided that boarded and resident dogs have current vaccinations against kennel cough (*Bordetella/parainfluenza*), 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.
- 14.3 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.
- 14.4 A well-stocked first-aid kit suitable for use on dogs must be available and accessible on site.
- 14.5 The Licensee must be registered with a veterinary practice that can provide cover during the hours that the day care facility are open. The client's own veterinary practice must also be known and consulted if necessary.
- 14.6 Precautions must be taken to prevent the spread of fleas, ticks, intestinal parasites and other parasites in both boarded and resident dogs. Proof must be maintained of all routine and emergency treatment for parasites.
- 14.7 Indoor areas shall be regularly treated for fleas and parasites with a veterinary recommended product.
- 14.8 Veterinary advice must be sought in relation to cleaning substances so that they or their fumes cannot be harmful to an animal.

15. ISOLATION AND CONTAGIOUS DISEASE OUTBREAK.

- 15.1 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 licensed premises to ensure effective separation of any sick animal.
- 15.2 The Licensee must inform the Licensing Authority on the next working day if a dog develops an infectious disease.
- 15.3 Following an episode of infectious disease during any stay, the premises must undergo a reasonable quarantine period before new boarders are admitted. This period will be specified by the Licensing Authority as agreed with their authorised veterinary surgeon.
- 15.4 The Licensing Authority must be informed of any animal death on the premises. The Licensee must make arrangements for the body to be stored at a veterinary surgeon's premises until the owners return.

16. REGISTER

- 16.1 A register must be kept of all dogs boarded. The information kept must include the following:
- Date and time of arrival
 - Name of dog,
 - microchip number
 - Description, breed, age and gender of dog
 - Date of last season of any entire bitch
 - Name, address and telephone number of owner or keeper
 - Name, address and telephone number of dog's veterinary surgeon

- Anticipated time of departure
- Proof of current vaccinations, medical history and requirements
- Health, welfare nutrition and exercise requirements

- 16.2 A daily record of each dogs welfare must be kept.
- 16.3 All such records must be available for inspection at all times by an officer of the Licensing Authority or veterinary surgeon. Records should be kept for a minimum of 2 years.
- 16.4 If medication is to be administered, this must be recorded.
- 16.5 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.

17. SUPERVISION/ MANAGEMENT

- 17.1 A fit and proper person with relevant experience must always be present to exercise supervision and deal with emergencies whenever dogs are boarded at the premises. This person must not have any convictions or formal cautions for any animal welfare related offence.
- 17.2 A thorough assessment and introduction session must be carried out for all dogs prior to them interacting with existing day boarders. Records of this must be retained and available at all times.
- 17.3 Dogs must not be left unattended at any time.
- 17.4 Dogs in a shared exercise area must be supervised by a member of staff with relevant experience. Procedures should be put in place to deal with any emergency situations eg. Dog escape or dog fight. All staff should be trained in these procedures.
- 17.5 The establishment should have a hot and cold weather policy to protect dogs from extreme temperatures.
- 17.6 The staff/licensee of the premises must be aware of the location of all boarded dogs at all times.
- 17.7 Only people over 16 years of age are allowed to walk the dogs in public places.
- 17.8 A suitable range of muzzles of varying sizes and suitable dog catching devices must be kept on site.

18. EXERCISE

- 18.1 Dogs must be provided with adequate exercise, in accordance with their owner's wishes. If dogs are taken off the premises, they must be kept on leads unless with the owner's written permission.
- 18.2 Shared exercise areas must be kept clean, secure and safe. Fencing must be adequate to offer security to prevent escape and be safe, with no dangerous sharp objects or protrusions. Gates must be double and able to be locked.
- 18.3 Grass exercise areas are only allowed in paddocks large enough to prevent the ground from becoming unduly fouled or trodden and the entrance and inside perimeter should be paved or surfaced with suitable material.
- 18.4 If there is a pond, it must be covered to avoid drowning.
- 18.5 The Licensing Authority must be informed on the next working day if a dog escapes.
- 18.6 Exercise areas must be of a sufficient size to allow dogs to run free and must be a minimum of 100M² with a shortest length of 10M
- 18.7 Outdoor exercise areas must provide an area of shelter for dogs from sun or adverse weather.

21 FIRE / EMERGENCY PRECAUTIONS

- 21.1 Appropriate steps must be taken for the protection of the dogs in case of fire or other emergencies.
- 21.2 A proper emergency evacuation plan and fire warning procedure must be drawn up and posted on the premises. This must include instructions where dogs are to be evacuated to in the event of a fire or other emergency.
- 21.3 Fire fighting equipment must be provided in accordance with advice given by the Fire Prevention Officer.
- 21.4 All electrical installations and appliances must be maintained in a safe condition. There must be a residual current circuit breaker system on each block of kennels.
- 21.5 Heating appliances must not be sited in a location or manner where they may present a risk of fire or risk to dogs.
- 21.6 Precautions must be taken to prevent any accumulation which may present a risk of fire.
- 21.7 There must be adequate means of raising an alarm in the event of fire or other emergency.

22 MAINTENANCE

Maintenance and repair of the whole establishment must be carried out regularly or as directed by the Licensing Officer.