

JOINT RESPONSE FROM THE MAJORITY GROUP OF KENNEL AND CATTERY OWNERS IN NORTH HERTFORDSHIRE

COVERING EMAIL

From: Vivien Huffer **On Behalf Of** Barry Huffer

Sent: 02 September 2012 20:38

To: Licensing

Cc: David Scholes; Cllr David Barnard; Cllr Peter Burt; Cllr Dave Chambers; Cllr Lisa Courts; Cllr Jean Green; Cllr Gary Grindal; Cllr Richard Harman; Cllr Lorna Kercher; Cllr Millard A. (External); Cllr Gerald Morris; Cllr Muir M. (External); Cllr Rice M. (external); Cllr Michael Weeks

Subject: North Herts. District Council Animal Licensing Policy

Apologies but forgot to attach the e-mail that Georgie Clements from Waterdell sent to S. Cobb. Please find attached.

We are the majority group of Kennel and Cattery owners in North Herts. licensed by North Herts. District Council.

Attached you will find our comments for consideration and discussion by the Licensing and Appeals Committee, particularly in view of the discrepancies between our recollection of events and those of the staff of the Policy & Licensing Department.

We hope you will be able to find the time to read these and would appreciate any feedback you may have for us.

Regards

Country Boarding, Cozycats, Greenfields, Greyshingles, Ley Green, Waterdell

JOINT RESPONSE FROM THE MAJORITY GROUP OF KENNEL AND CATTERY OWNERS IN NORTH HERTFORDSHIRE

ATTACHMENTS TO COVERING EMAIL

Original email from G Clements to S Cobb

07/08/2012

Dear Mr. Cobb,

I have attached some notes on the above which I would appreciate you giving your attention as soon as possible so that I can make a response during the Consultation process.

I would be grateful if you would acknowledge receipt of this e-mail and notes.

Kind regards,
Georgina Clements, Waterdell Cattery

Attachment to original email from G Clements to S Cobb (sic)

Dear Mr. Cobb,

I have received a letter dated 19th June from Nigel Bratchel re the Consultation Process on the North Herts District Council Animal Licensing Policy. I do intend to reply to this document but would first like to clarify some points with you. The particular part of the document I am referring to is 'Standard Conditions relating to Cat Boarding Establishments'. I will number my points so that they can be easily responded to.

The Minutes of the last meeting we had do not appear to have been posted on your North Herts District Council site. I believe the meeting was on 29th June 2011. Without these minutes it is very hard to respond to the consultation document. At that meeting we went through the conditions in detail and agreed what actions would be taken on certain points and what were minor changes and what were major changes. My understanding from the minutes of the meeting on 22nd June 2011 was that minor changes could be approved by the Head of Service and Portfolio holder. Whilst I took a few notes they were not extensive but below are some examples of what I know we discussed but are not in the consultation document. Does this mean that the changes were not agreed by the Head of Service. If this is the case from the minutes of the 22nd June 2011 meeting it was stated that changes not agreed would be included in the consultation period. Is that done by you or members of the Forum. Again this is why it is important that we have the minutes of our last meeting.

Examples:

3.1.2 The original document said 'All new units, built or newly licensed after 1st April 2010, must be built on concrete base with a damp proof membrane to Building Regulation standards. This must have a minimum fall of 1 to 80 (see 3.3.2). Your consultation document states 'All units' and omits the word 'new', I suspect this is a typing error but if not, to conform to this new rule I would possibly have to knock down my cattery. I do not know what the fall is on my cattery or how to measure it. Nor do I know if it has a damp proof membrane.

When these new conditions were introduced we were told by Mrs. Silverio that it was not the intention to shut businesses down but this would certainly shut me down.

3.3.2 Again by referring to 3.1.2. my comments apply as above.

3.4.1 My notes show that the wording was changed to 'Ceilings must be capable of being easily cleansed or disinfected.' As we explained at the meeting it is not possible to clean the translucent roof because there is wire below it as required in the conditions in point 3.4.2.

5.6.2 This item was referred to Ken Rowe to investigate and perhaps speak to some veterinary surgeons. The wording is not suitable as some people have their boosters done before the old vaccine has expired. Also I do not have access to manufacturers information on all the different vaccines used. I spoke to Ken about this and my Vet. My Vet agreed four weeks was too long and I gave Ken details of the requirements set out by the Governing Body of the Cat Fancy (which is to cats as The Kennel Club is to dogs) for cats to attend shows i.e. seven days. Ken seemed to think this was suitable time and I have quoted it below for your information. However there appears to have been no change in the new document.

"All cats must be vaccinated against FIE, FVR & FCV ("cat 'flu"). The full course or booster, in accordance with the manufacturer's recommendations, must have been completed more than seven days before the Show. The certificate must have been issued by a veterinary practice/hospital and the last vaccination entry signed by a Veterinary Surgeon or by a listed Veterinary Nurse under the direction of a Veterinary Surgeon. Cats with an invalid vaccination certificate will be rejected under Section A. Cats not accompanied by a vaccination certificate will also be rejected under Section A unless the exhibitor undertakes to provide proof of vaccination, valid for that show, by sending the certificate to the GCCF Office within seven days of the show. Failure to do so will lead to disqualification from the show and the cat's name will be placed on the rejection list until proof is received in the GCCF Office.

N.B. A current certificate of vaccination is one which is not more than seven days past the manufacturer's recommended interval between boosters"

5.8.1 We discussed this item and as far as I am aware agreed to remove c).

2. In the minutes of the meeting held on 22nd June 2012 Mrs Silverio explained that the document as a whole will be circulated to the trade and Forum members to see if there are any issues/amendments required between January-March 2012. In April the timetable will be set out to adopt/amend the policy and this will set out the stages including the committees – LAC and Cabinet. This did not happen. The first letter I have had this year was the one from Nigel Bratchell on 19th June 2012.

3. In the terms of reference for the Forum point 8.3 states that once the Council have considered a recommendation a response will sent to the Forum, this does not appear to have happened.

4. The terms of reference as well as NHDC website state that the Forum will meet at least four times a year. We have had one meeting in 2010 and three in 2011 and none in 2012.

5. We have to make changes to our establishments by 1st January 2013. In the minutes of 22nd June 2011 you explained that the purpose of the forum was to feedback concerns, problems and where the rules were impracticable. We now have a document which has taken on board some of our concerns but because we have not been kept totally informed of what was agreed and what wasn't until now we are left with very little time to make the changes.

My personal view is that we need more time to carry out what was stated in the Minutes of the meeting of 22nd June 2011 regarding what was to happen at the beginning of this year etc.

Please feel free to tell me if I have misunderstood anything. I would appreciate a prompt reply so that we can respond within the consultation period.

Kind regards,

Georgina Clements (Waterdell Cattery)

JOINT RESPONSE FROM THE MAJORITY GROUP OF KENNEL AND CATTERY OWNERS IN NORTH HERTFORDSHIRE

ATTACHMENTS TO COVERING EMAIL

S Cobb response to G Clements

From: [Steven Cobb](#)

Sent: Wednesday, August 08, 2012 5:30 PM

Georgina,

For brevity at this stage, I will answer your points as raised; no doubt further discussion will take place once the consultation process is closed.

1. There were no formal minutes taken of the meeting held on 29th June 2011, the meeting was held for the purpose of continued consideration of the document submitted by Mr Huffer on behalf of the cattery owners. At that meeting we confirmed which of the proposed amendments we were happy to include in the Policy, which amendments required further work and those that we would not include. That document has formed the basis for the revised Policy now under consultation with the standard cattery conditions amended in accordance with the comments we made at the meeting.

In respect of the way forward after the meeting on 29th June 2011, it appears that you have misinterpreted my advice given at that time. I explained that any of the amendments that we had accepted during the Forum meetings could be incorporated into the Policy by the Head of Service and Portfolio Holder provided that they considered them to be minor amendments. Any amendments falling outside the category of a minor amendment would need to be considered as part of a full consultation.

Given that the Policy was due to be subject to a full consultation during 2012, it was decided not to ask the Head of Service and Portfolio Holder to make the minor amendments. Instead, the amendments agreed during the Forum meetings have been included in the revised Policy now subject to full public consultation. It is for any person, particularly licence holders, to consider the revised Policy during the consultation period and make any written submissions where they do not agree with the Policy content.

Considering your specific examples,

[Section 3.1.2](#)

The omission of the word 'new' is not a typing error as you suggest. When the existing Policy was introduced with effect from 1st April 2010, the Policy contained the standard conditions that all new licensed premises would need to comply with. As many of the existing boarding establishments did not meet all of those new requirements, the Policy stated that existing premises had until 1st January 2013 to upgrade to these new requirements although Elected Members gave a further exemption for existing boarding establishments in relation to pen sizes for the lifetime of the business. The relevant paragraphs in the existing Policy are:

3.3.3 In order to ensure consistent requirements across the District and trading fairness, all existing animal boarding establishment licence holders as at 1st April 2010 will have until 1st January 2013 to upgrade their facilities so that they meet the Council's new requirements.

3.3.4 As of 1st January 2013, any animal boarding establishment that does not meet the Council's licensing conditions as detailed in Appendix A of this Policy will not be granted a licence unless paragraph 3.3.5 applies.

[NB: paragraph 3.3.5 contains the pen size exemption]

As you will appreciate from this wording, the three year exemption from the new conditions for boarding establishments (pen sizes excluded) expires on 1st January 2013; as this is the date that the new Policy will take effect, the new Policy no longer needs to be provided for a two-tier set of boarding establishment requirements (excluding pen sizes) as all licensed premises will now be treated equally.

As both myself and Mrs Silverio clearly stated many times during the initial Policy consultation, including at the Licensing and Appeals Committee and Cabinet, it is not our intention to force any existing boarding establishment out of business or require substantial building works. Your cattery has been licensed by the council for many years now and would not continue to benefit from the licence were we not happy with the facilities and service you provide. If you comply with the Policy in most areas, allowing for the pen size exemption, non-compliance with conditions such as the damp proof membrane and fall will not preclude you from continuing to be licensed. All we would require in that respect is that if you were to undertake any re-building of your cattery in the future, we would expect a damp proof membrane and 1:80 fall to be incorporated in the building works.

Section 3.3.2

The last paragraph of my response to the previous section applies.

Section 3.4.1

As you state in your letter, we did agree to the phrase 'cleansed or disinfected' and the Policy will be amended accordingly. It would be helpful if you made reference to this in your written response to the consultation.

Section 5.6.2

This remained unresolved during the Forum discussions and I suggest you and your colleagues make written submissions as part of the consultation in respect of any proposals you may have.

Section 5.8.1

I assume you are referring to section 5.7.1 which was discussed at the Forum, however, no agreement was made to remove item c).

2. At the meeting held on 22nd June 2012, Mrs Silverio did give an indication that the Policy to be used for consultation would be circulated in advance to the trade during January to March 2012. This offer, however, was based on the fact that we were intending to ask the Head of Service and Portfolio Holder to make amendments to the Policy based on the Discussions at the Forum and the trade would need to know what amendments had been

formally approved. As this process did not take place, it was felt that the January to March 2012 consultation would serve no purpose given that a full twelve week consultation was to be held later in 2012.

3. The Terms of Reference for the Forum that you refer to were never formally adopted by the Forum mainly due to the poor response from the trade as a whole other than the cattery owners. As the Forum effectively became a cattery discussion group, an Animal Licensing Forum was never formally established; the cattery owners group met as and when required and complied with the request made by Elected Members of the Licensing and Appeals Committee.
4. See point 3 above.
5. It was clearly identified during the consultation process leading up to the adoption of the original Policy from 1st April 2010, and in that Policy itself, that the standard cattery conditions included in that Policy (excluding pen sizes) would have to be complied with by all existing cattery owners from 1st January 2013. I accept that there are some amendments to those conditions included in the proposed new Policy, however, they were agreed with the Forum and do not impose any additional requirements not known at the adoption of the original Policy from 1st April 2010. The trade have been aware of the 1st January 2013 requirements for over two years now and have had ample time to prepare for them; no additional time will be given over and above the current consultation which runs for a twelve week period.

In simple terms, the proposed Policy in respect of animal boarding establishments is no different to the Policy that has been in place since 1st April 2010 other than the inclusion of amendments to the standard conditions agreed with the Forum which place no additional burden on existing businesses. That said, however, I appreciate that the trade may have concerns, either new or carried forward from the original Policy, and would suggest that you and your colleagues make written submissions as part of the consultation. All written submissions will be considered by officers prior to a draft Policy being recommended to the Licensing and Appeals Committee who will have sight of the written submissions. The Licensing and Appeals Committee will make any amendments they deem appropriate before making a recommendation to Cabinet who have the responsibility for adopting Policy.

As I have stated many times in the past, and in this response, it is has never nor will never be the council's intention to force existing licence holders out of business; it is important, however, to promote consistency across the trade in terms of conditions with regard to any nationally approved standards. Existing boarding establishments already have a pen size exemption contained within the Policy and there is scope to allow other minor exemptions, for example damp proof membrane and 1:80 falls, where the establishment complies with all other aspects of the requirements. When building or improvement works are undertaken, however, existing owners will be expected to move towards full compliance with the conditions.

It is further accepted that a degree of choice for cattery users is beneficial, however, the basic standards need to be fair and consistent. The council would not seek to preclude existing businesses that have been licensed for many years and have offered a good service over something as minor as a lack of damp proof membrane, however, without a standard set of conditions the move towards parity and consistency has no foundation.

JOINT RESPONSE FROM THE MAJORITY GROUP OF KENNEL AND CATTERY OWNERS IN NORTH HERTFORDSHIRE

ATTACHMENTS TO COVERING EMAIL

Response to S Cobb's email (sic)

10/08/2012

Following the Animal Licensing Policy Consultation in 2009 and the meeting of the Licensing and Appeals Committee in November of that year an Animal Trade Forum was set up as the Licensing & Appeals Committee advised should be done.

Over the next two plus years a number of cattery/kennel owners attended meetings of this Forum, albeit not as regularly as was originally intended due to time constraints on the Licensing management staff of North Herts. District Council.

The last meeting of the Forum was held on 29th June 2011 and this was a continuation of the meeting of 22nd June 2011 as time ran out on the 22nd and there were still a number of issues to discuss. There are no minutes on the forum website of the 29th June meeting only the 22nd. In those minutes it clearly states that the document would be circulated to the trade and forum members between Jan-March 2012 to see if there are any issues/amendments required. In April the timetable would be set out to adopt/amend the policy and set out the stages including the committees - LAC and Cabinet.

At the meeting we went through the policy and discussed areas where it was felt changes needed to be made to make it a workable policy and we were told that a number of the items could be approved without going to full consultation.

Following a letter of 19th June from Nigel Bratchel concerning the consultation process Mrs. Clements contacted Steve Cobb to clarify a number of issues.

Mr. Cobb's response has been that there were no formal minutes taken on 29th June. As it was at this meeting that proposed amendments were discussed item by item then surely this was in fact one of the most important meetings to be held and should have been minuted.

Mr. Cobb states that as the policy was due to be subject to a full consultation during 2012 it was decided not to ask the Head of Service and Portfolio Holder to make the minor amendments. Why were we not advised of this change?

Mr. Cobb also states that due to the poor response from the trade as a whole, other than cattery owners - obviously he is unaware that two were kennel owners - it became a cattery discussion group and an Animal Licensing Forum was never formally established. If this is the case why does the NHDC website call it an Animal Licensing Forum as do all the minutes and Agenda's, who made the decision not to establish it as a Forum and why were we never advised of this change? We cannot see how this complies with the request made by Elected Members of the Licensing and Appeals Committee as he states. The 'group' did not meet as and when required as Mr. Cobb states but when the Licensing and Enforcement team had time to fit us in. Attendance by the Licensing and Enforcement team was poor with one or

other and one occasion neither of the office based team attending. It was the Licensing and Enforcement team's responsibility placed on them by Elected Members of the Licensing and Appeals Committee and a condition of their approval of the document that Forum meet and any failure is therefore not the responsibility of the trade and the Licensing and Enforcement team should be asked to inform the committee why they failed to establish the Forum as they now are suggesting.

One of the reasons for setting up the Forum was the distrust the trade had for the Licensing and Enforcement team during the consultation period in the hope a better understanding would grow. On the contrary that distrust has grown with the off hand way the trade has been treated, the use of the Licensing and Enforcement team's superior understanding of council procedures to overrule objections by the trade, the well publicised situation with the Taxi driver's forum -which was the model for this - and now this response.

JOINT RESPONSE FROM THE MAJORITY GROUP OF KENNEL AND CATTERY OWNERS IN NORTH HERTFORDSHIRE

ATTACHMENTS TO COVERING EMAIL

Response to initial consultation letter

Dear Mr. Bratchell,

In response to your letter of 19th June re the Consultation Process on the North Herts. District Council Animal Licensing Policy we as representatives of the below listed kennels and catteries in North Herts. believe that there are still a number of items outstanding for discussion on the policy but particularly the following in the section 'Standard Conditions relating to Cat Boarding Establishments'. These are 3.1.2, 3.3.2, 5.6.2 5.8.1 At least one of these has been changed from the original document without any discussion taking place and in fact now to the detriment of the existing businesses. How are existing businesses expected to comply with putting in a damp proof membrane to Building Regulation standards?. This is an example of moving the goal posts without any reference to the Forum.

Please pass this plus the attachment to the Licensing and Appeals Committee.

We look forward to hearing from you in due course on the date of the first meeting of this committee.

Yours sincerely

On behalf of Country Boarding, CozyCats, Greenfields, Greyshingles, Ley Green and Waterdell

RESPONSE FROM PETS AT HOME

COVERING EMAIL

22/06/2012

Dear Nigel Bratchell,

Thank you for informing us that you are reviewing your Animal Licence Policy.

We are quite keen for all the councils we use for our stores to use the Model Licensing Standards as guide when reviewing their Animal Licensing Policy.

I have attached an updated copy, you may find it of interest if you are not currently using it.

Kind Regards.

Lyndsay Hardy

**Vet Nurse Assistant to Head of Pets
Pet Team | Pets at Home Ltd**