

# Minutes

## Licensing Committee

24th January 2017



Present:

Councillors	Present	Councillors	Present
Mrs J Allen	Yes	H Johnson	Yes
M Banthorpe (Chairman)	Yes	Mrs J Money	Apologies
P Barlow	Yes	Mrs J Pell	Apologies
J Baugh (Vice-Chairman)	Apologies	R van Dulken	Apologies
J Elliott	Apologies	Mrs L Walters	Yes
J Goodman	Apologies	Mrs S Wilson	Yes
A Hensman	Yes		

### 27 **DECLARATIONS OF INTEREST**

**INFORMATION:** The following interests were declared:-

On behalf of Members of the Committee, Councillor M Banthorpe, the Chairman of the Licensing Committee, declared a joint non-pecuniary interest in Item No. 5 - Dangerous Wild Animals Act 1976 - Application for a Licence to Keep Dangerous Wild Animals as the applicant's father was a former elected Member of Braintree District Council and was known to them.

In accordance with the Code of Conduct, Councillors remained in the meeting and took part in the discussion when the Item was considered.

### 28 **MINUTES**

**DECISION:** That the Minutes of the meeting of the Licensing Committee held on 5th January 2017 be approved as a correct record and signed by the Chairman.

### 29 **QUESTION TIME**

**INFORMATION:** There were five statements made. Details of the people who spoke at the meeting are contained in the Appendix to these Minutes.

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

30 **DANGEROUS WILD ANIMALS ACT 1976 - APPLICATION FOR A LICENCE TO KEEP DANGEROUS WILD ANIMALS**

(Mr Bolton, the applicant, and four objectors made statements during Question Time. Mr Bolton answered questions put to him by Members of the Committee during the consideration of this Item).

(Mr A Williamson, the veterinary surgeon appointed by the Council, attended the meeting and spoke during the consideration of this Item).

**INFORMATION:** Consideration was given to an application by Mr J Bolton for a licence under the Dangerous Wild Animals Act 1976 to keep wild boar at Pitt Wood, Sturmer Road, New England. This matter had been presented to the Licensing Committee on 5th January 2017, but it had been deferred to enable Members of the Committee to attend an accompanied visit to the site. The site visit had subsequently taken place on Tuesday, 24th January 2017. The visit had enabled Members of the Committee to familiarise themselves with the general location and the site itself. The visit had not been an opportunity to discuss the application, or to debate its merits, as this would take place at the formal Committee meeting. Public participation in the visit had not been possible due to the nature of the site.

It was reported that the applicant currently held a licence, which had been amended on 6th September 2016 to keep Dangerous Wild Animals on a smaller part of the site. This licence allowed the licence holder to keep up to 55 wild boar comprising 15 adults and 40 young boars up to the age of eight months. However, the applicant wished to expand his business into the remaining area of woodland and to increase the number of animals kept to a maximum of 131 (1 adult male, 10 adult females and 120 rearing/fattening boars up to the age of 20 months). The new licence, if granted would cover the entire site, including the existing licensed area, the proposed extension and the increase in the number of animals. If granted, the licence would be in force from the date of issue for a period of two years. It was proposed that conditions should be attached to the licence in order to meet the requirements of the Act and to provide additional public safety safeguards and to help minimise public nuisance. The proposed conditions were set out in Appendix 6 to the Agenda report. The applicant had indicated that, subject to the grant of the new licence and its commencement, the existing licence would be surrendered.

Members were advised that the determination of applications to keep dangerous wild animals was delegated to the Council's Environmental Health Department. However, this application had been referred to the Licensing Committee for determination as there was significant interest from neighbouring residents.

The site was situated off a road/track called Walton's Lane which served at least two residential properties, including Pitt House which was located immediately before Pitt Wood and Walton's Farm which was approximately 600 metres beyond Pitt Wood. There were other residential properties which either bordered, or were in close proximity to the site. Walton's Lane was served by the A1017 running between Baythorne End and Sturmer.

The site, including the area already licensed and the proposed area, measured approximately 2.0 to 2.4 hectares. The total land available at Pitt Wood amounted to 2.8 hectares. In assessing whether the proposed licensable area was sufficient in size to accommodate the number of animals requested by the applicant, consideration had been given to advice from the Council's veterinary surgeon and other sources of available advice/guidance. The veterinary surgeon had recommended a maximum stock density of six adult wild boar per hectare and he had stated that both phase 1 and phase 2 of the site were adequate. It was reported that Scottish Government Species Guidance on the keeping of wild boar recommended an outdoor stock density not exceeding 10 sows with their litters and one boar per hectare, whilst guidance issued by Bangor University in 2007 referred to a stock density of six sows per hectare. A Code of Recommendations produced by the Department for Environment, Food and Rural Affairs in 2003 stated that a higher stock density may be suitable in certain situations. All guidance was based on the number of breeding adults, not their offspring. It was proposed that the number of breeding stock and the number of rearing/fattening stock should be stipulated separately on any licence issued for Pitt Wood, together with the age at which an animal should no longer be included within the rearing/fattening category.

Following the Licensing Committee's decision on 5th January 2017, the applicant had applied for a variation to the current licence to allow up to seven of the existing wild boar to be kept at the site beyond the age of eight months pending the determination of the application by the Committee. In accordance with delegated authority, Council Officers had agreed to the variation. The variation would cease to have effect from 1st February 2017, or at the time the original licence was surrendered by the applicant.

It was reported that the Council had not consulted the public directly about the latest application. However, five letters of objection and three letters of support had been submitted, copies of which had been sent to the Members of the Committee. A number of complaints relating to the issue of the original dangerous wild animal licence and subsequent amendments to the licence had been submitted to the Council and a complaint had been referred to the Local Government Ombudsman. The Council's Environmental Health Team had also received complaints from residents living in close proximity to the premises regarding alleged noise and odour nuisances and the presence of rodents. These complaints had been investigated, but no nuisance or rodent infestation had been found to date. The Council had received two further

complaints recently regarding rodents and odour. An Environmental Health Officer had visited the site and he had reported that there were no signs of a rodent infestation at Pitt Wood, but there was evidence of rodents at Pitt House. The applicant had been informed of the outcome of the investigation and he had been advised about the storage of food. The complaint regarding odour was currently being investigated.

It was reported that Mr A Williamson, the veterinary surgeon appointed and authorised by the Council, had inspected the premises on 18th November 2016. The inspection report had not highlighted any concerns with the current operation at the site and had recommended that a licence be granted under the Act.

On receipt of the latest application, the Council had reviewed the conditions attached to the existing licence to determine their relevance and enforceability. It was proposed that some conditions should be deleted where legislation or other regulatory means existed, or if they were unenforceable.

Members were advised that no Public Rights of Way existed over Walton's Lane from which the public could access the site. Furthermore, Essex Highways had stated that the section of Walton's Lane between Walton's Farm and the A1017 was privately owned. The track was not a public highway from which the public could access the site. Essex Highways had also confirmed that it had no record of any access rights, or permissive rights along the lane. It was understood that the owners of Pitt House had a private right of access over the track to their property and that the applicant had a private right of access over the track to Pitt Wood. Public access to the site from the track would be by way of trespass, which could result in the applicant and the owners of the track taking legal action.

The Council was satisfied, following confirmation by the Food Standards Agency, that the applicant was lawfully authorised to slaughter farmed boar on the site. Furthermore, the Animal Health Agency had advised that the applicant could lawfully collect and transport animal bi-products from the site and dispose of these at a certified animal bi-products facility.

It was considered that the application site was fit for purpose and met the requirements of the Act in terms of animal husbandry, safety and security; and that the applicant was a suitable person to hold a licence. It was noted that if a licence was granted, routine site inspections would be made by the Council's Environmental Health Team, who would also respond to any complaints submitted. However, in considering the application Members of the Committee considered that more and larger notices should be erected at the site and that the entrance to the site should be cleared and tidied.

**DECISION:** That the application submitted by Mr J Bolton for a licence under the Dangerous Wild Animals Act 1976 to keep wild boar at Pitt Wood, Sturmer Road, New England be granted, subject to the conditions specified in

Appendix 6 to the Agenda report and reproduced below and subject to a direction to Officers that Members would expect there to be an increase in the signage from that present during their site visit in line with condition no. 5.

#### Conditions

1. Whilst any animal concerned is being kept under the authority of the licence
  - i. The animal(s) shall be kept by no person other than the licence holder.
  - ii. The animal(s) shall normally be held at the location specified.
  - iii. The animal(s) shall not be moved from the location or shall only be moved in such circumstances as are specified in condition 15.
  - iv. The licence holder shall hold a current insurance policy, which insures him and any other person entitled to keep the animal(s) under the authority of the licence against liability for any damage which may be caused by the animal(s), for a minimum sum of £5 million.
  - v. The terms of any such policy shall be subject to the approval of the authority.
2. No animal requiring licensing under the Dangerous Wild Animals Act 1976 shall be permitted at the location, unless authorised in the schedule.
3. The licence holder shall at all reasonable times make available a copy of the licence to any person entitled to handle or manage the animals under the authority of the licence.
4. All doors to the specified animal compounds/cages shall be kept locked at all times save for access. This condition relates to the following gates as marked on the plan attached to the licence.  
  
Main Gate to area 1  
Gate to loading and unloading bay area 2  
Gates to containment areas 3
5. Notices must be displayed at key locations at the site as agreed by the Local Authority. The Notices displayed shall state the following:  
  
Keep Out  
Wild Boar

Please keep dogs on lead  
Contact details in the case of emergency

6. All animals shall have an adequate supply of wholesome drinking water available at all times.
7. All animals shall be adequately supplied with suitable food.
8. All animals shall be visited at least on one occasion per day.
9. The licence holder shall take reasonable measures to prevent and control the spread of infection or disease amongst animals, including arrangements for proper veterinary treatment or advice and isolation as appropriate.
10. All reasonable steps and precautions shall be taken to prevent unauthorised access to, or escape of, the animals.
11. Plan – The layout of the location must be maintained as shown on the plan attached. The licence holder shall notify the Local Authority of any proposed changes to the layout of the location prior to any changes being made.
12. Perimeter fencing
  - i. Stock wire capped back on ground to a minimum of 300mm (1 Foot), fixed down with wooden stakes and/or pins and barbed wire. The fencing must be at least 1.6 metres high (5 Foot 2 inches)
  - ii. Perimeter fencing must be checked at least daily for integrity and any necessary repairs undertaken immediately or any licensed animals shall be isolated from the fence to prevent escape until such repairs are carried out.
  - iii. A daily record of inspection of perimeter fencing to be maintained, to detail any remedial action.
13. Electric fencing
  - i. Electric fencing must be provided within the perimeter fencing. This must be positioned at least 300mm inside the perimeter fence and be at least 300mm high.
  - ii. Electric fencing must be checked at least daily for integrity & adequate voltage and any necessary repairs undertaken immediately or any licensed animals shall be isolated from the fence to prevent escape until such repairs are carried out.

- iii. A daily record of inspection of electric fencing to be maintained, to detail any remedial action.
- 14. Supervision – The licence holder must reside within 15 minutes travelling distance from the site. If the licence holder is not able to attend site within a reasonable time period in case of an emergency, at least two other responsible persons should be nominated, at least one of whom should attend. The contact details of these persons must be lodged with the Police and Fire Service of both Essex and Suffolk, as well as the Licensing Authority.
- 15. Movement – The Licensing Authority must be notified within 14 days of the destination and name and address of the new owner of any animals removed from the site, the Licensing Authority for the area and the licence number of the new owner. (Any animal may, on authority of a veterinary surgeon, be moved to premises controlled by the veterinary surgeon for purposes of treatment).
- 16. The licence holder shall maintain and keep updated an emergency and fire management control plan and implement as necessary.

The meeting closed at 8.15pm.

Councillor M Banthorpe  
(Chairman)

APPENDIX  
LICENSING COMMITTEE  
24TH JANUARY 2017  
PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

- 1 Statements Relating to Agenda Item No. 5 - Dangerous Wild Animals Act 1976 - Application for a Licence to Keep Dangerous Wild Animals
  - (i) Statement by Mr Toby Wilson Waterworth (Objector)
  - (ii) Statement by Mr Adrian Fell (Objector)
  - (iii) Statement by Mrs Teresa Newman (Objector)
  - (iv) Statement by Mr Nicholas Newman (Objector)
  - (v) Statement by Mr James Bolton (Applicant)  
(In addition, Mr Bolton answered questions put to him by Members of the Committee during the consideration of this Item).