

Licensing Committee

Meeting held 13 December 2018

PRESENT: Councillors David Barker (Chair), Andy Bainbridge, Lisa Banes, Neale Gibson, Adam Hurst, Douglas Johnson, Mike Levery and Mick Rooney

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Jack Clarkson, Dawn Dale, Josie Paszek and Cliff Woodcraft.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETINGS

4.1 The minutes of the meetings of the Licensing Sub-Committee held on 9th, 16th, 18th, 23rd, 25th and 30th October and 6th, 8th, 13th, 20th, 22nd and 29th November, 2018, were approved as correct records.

5. THE ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (ENGLAND) REGULATIONS 2018

5.1 The Chief Licensing Officer submitted a report informing Members of the proposed application fees for the single licence in relation to breeding dogs, pet animals, animal boarding establishments, riding establishments and performing animals under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

5.2 Present for this item were Claire Bower (Licensing Strategy and Policy Officer) and Mark Parry (Enforcement Team Manager), one interested party, Marie-Claire Frankie (Solicitor to the Committee) and Jennie Skiba (Democratic Services).

5.3 Claire Bower, outlined the legislation changes which came into force on the 1st October, 2018 and the aim of the legislation. She stated that the purpose of the Animal Welfare Act was to improve the welfare of animals, impose greater responsibility on their carers and provide greater investigation and entry powers for police and local authority staff to deal with offences; to raise the standards of those carrying out licensable activities and giving the public more information to enable them to make an informed decision about the businesses they wish to use.

She further stated that the selling of animals as pets; providing or arranging for the provision of boarding for cats or dogs; hiring out of horses; breeding dogs; and the keeping or training of animals for exhibition, were all licensable activities and as such are governed by guidance notes and conditions published by the Department for Environment, Food and Rural Affairs. Every applicant must look at the guidance and decide whether or not they need to hold a licence. Claire Bower outlined the transitional arrangements and proposed fees and stated that many of the current licences expire on 31st December, 2018 and to ensure that businesses can continue trading after this date, the application fees will be waived. As part of the consultation process, all applicants have been written to, explaining the new legislation and if no response is received from the applicants, the Animal Control Team will inspect the business.

5.4 In response to questions from Members of the Committee, Mark Parry stated that larger businesses, i.e. Pets at Home, by their nature required less time to regulate than smaller ones. At present, the Animal Control Team are concentrating on current businesses to help them through the transition period, rather than new applications. He explained the scoring matrix used to determine the length of the licence and the star rating awarded. He added that new businesses would initially get either a two or three star rating to begin with as they would have already met certain standards and then it is up to them to improve and attain four or five star ratings. Claire Bower stated that, at the end of October, 2019, the new system will be reviewed and, if necessary, any adjustments to the fees charged, will be made. She explained that there was to be a £1,000 threshold in place, whereby if a business does not earn £1,000 per annum, then that business would be deemed to be “out of scope” as detailed in the guidance and therefore not subject to licensing. The full amount of the fees payable would be paid to the Licensing Service who would then split the fee between themselves and the Animal Control Service. Ms. Bower said that there would be plenty of publicity about the changes and emphasised that this was Government guidance, not Council policy. She added that some of the queries received so far following the consultation, had been unbelievable as there was a genuine misunderstanding of what the guidance covers, but at the same time, extremely helpful in understanding how individual businesses operate, to make the regime work for everyone concerned.

5.5 A member of the public addressed the Committee, and stated that she had been a dog boarder for the past two years, that she had adapted her home and garden to accommodate dogs staying at her home and felt that the new guidance would be totally unfair to small businesses like hers. She questioned why she would be charged the same licence fee as large establishments and was informed by Mark Parry that the fee was to recover officer time inspecting establishments, however, operators with longer licences determined by their risk rating would receive fewer inspections, as inspections tended to be on renewal, in the term long they would pay less fees. The resident also stated that the fee was a large amount to find just before Christmas and was informed by Claire Bower that in appreciation that the initial outlay might be restrictive for small businesses like hers, but the Licensing Service was investigating whether a payment scheme could be introduced on a case by case basis to assist with this.

5.6 RESOLVED: That the public and press and attendees involved in the meeting be

excluded before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.

- 5.7 Members raised a number of comments with regard to the report now submitted and the representations now made, and Marie-Claire Frankie provided legal advice on various aspects of the licensing regulations and proposed fees.
- 5.8 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.9 **RESOLVED:** That the Committee approves the fees as proposed and authorises the Chief Licensing Officer and Head of Licensing to impose the fees as detailed in the report and the relevant attachments.

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