

NORTH DEVON COUNCIL

Minutes of a meeting of the LICENSING COMMITTEE held at Brynsworthy Environment Centre, Barnstaple on Tuesday 4th December 2018 at 10.00 a.m.

PRESENT: Members:

Councillor Chesters (Chairman)

Councillors Biederman, J. Cann, Gubb, Haywood, Jones, Meadlarkin and Tucker.

Officers:

Public Protection Manager (KN), Lead Officer Licensing (HB), Senior Solicitor (TB), and Corporate and Community Services Officer (KS).

27 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Barker, Campbell, Hunt, Moore, Mathews, Wilkison and Yabsley.

28 MINUTES

RESOLVED, that the minutes of the meeting held on 9th October 2018 (circulated previously) be approved as a correct record and signed by the Chairman.

29 DECLARATIONS OF INTEREST

There were no declarations of interest announced.

30 ITEMS BROUGHT FORWARD BY THE CHAIRMAN

The Chairman invited members of the Committee and officers to stay after the meeting for refreshments.

31 ANIMAL ACTIVITIES

The Committee received a joint presentation by the Public Protection Manager and the Lead Officer Licensing regarding the Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018.

The Public Protection Manager provided a summary of the presentation together with an overview of the new legislation. She advised that the legislation was the most fundamental change for a number of years and the changes came into effect on 1st October 2018. She added that the fees had to be approved at very short notice to ensure that the correct licence fees were in place and that there was no time to bring the fees to the Committee prior to

agreement at Full Council. She added that the legislation was introduced as part of the Animal Welfare Act 2006 and was an important step forward in streamlining a number of previous Acts and Regulations.

She took the Committee through the main changes, which were as included:

- The regulations set out to maintain or improve welfare standards.
- One generic multi-activity licence could now be issued.
- Licences were not date specific.
- Licences could now be issued for one, two or three years.
- Greater enforcement options, with the power for the Council to revoke and suspend licences.
- Keeping or training animals for exhibition was now a licensable activity.
- Dog day care and wholesale pet supply formed a licensable activity.
- There were no provisions for licence transfer.
- The threshold for dog breeding in terms of the prescribed number of litters had reduced from five to three in any 12 month period and a business test was now prescribed.
- Criteria had been amended in terms of rules for advertising, which stipulated that the name of the licence holder followed by the number of the licence must be clearly displayed on any website used in respect of a licensable activity.
- As to what fees may be charged, the authority could charge such fees as it considered reasonably necessary. The legislation stated that fees could be charged for consideration of an application for the grant, renewal or variation of a licence including any inspection related to that consideration, and for the grant, renewal or variation.
- Part A fees were the direct costs of processing an application and were payable on application, and before a licence was issued.
- Part B fees were payable on grant and included the ongoing costs associated with running the licensing function, including the supervision and monitoring of licensed premises and the enforcement activity for any unlicensed premises.
- The previous fees were charged at a flat rate of £71.10.
- Part A fees were substantially increased and Part B fees for all activities was a standard rate of £180.00 regardless of the length of the licence period.
- Fees had been revised and approved by Full Council.
- The first guidance for the new regulations was issued in July 2018 with further revisions issued. Work commenced in August/September 2018 to be ready for implementation on 1st October 2018 with further 80 revisions received by 3rd December 2018.
- The Council must carry out an inspection of a premises prior to the renewal or grant of a licence.
- Council appointed inspectors must undertake inspections of premises hiring horses for grant or renewal and dog breeding establishments alongside an appointed veterinarian.
- Applicants were now required to submit more documentation than under the previous regulations.

- More indepth inspections were required.
- There was a requirement for a minimum of one unannounced inspection within the term of the licence.
- A risk rating scheme had been introduced together with a star rating scheme.
- Businesses were rated following their initial inspection.
- The risk based system used the Department for Environment, Food and Rural Affairs (DEFRA) risk scoring table.
- The length of the licence was one to three years, with star ratings being one to five.
- The rating could be amended following an unannounced or additional inspection.
- The legislation did not include zoos and dangerous wild animal licences and those licences were still £71.10. Those charges would be reviewed in due course.
- Inspections took on average four to five hours including travel time and initially involved two Council officers to ensure consistency on risk rating, with reports taking three to four hours to write up.
- Concerns were raised in relation to the impact upon the team and inadequate resources to support the workload.

The Public Protection Manager added the increase in fees had facilitated an application for a 0.5 Full Time Equivalent (FTE) employee within the Service Plan

The Lead Officer licensing took the Committee through the guidance and conditions together with the inspection and risk rating procedures. He provided an example of the scoring matrix and updated the Committee regarding the current position.

Following the presentation, the following points were discussed:

- Breeders could be monitored via kennel clubs and frequency of adverts to ascertain if a dog has had more than three litters in a 12 month period. Officers would build a knowledge base and investigate any complaints or allegations.
- Parish Councils should be informed of changes in legislation so they could monitor activities within their parishes and highlight any concerns.
- Rules for advertising also included the use of social media.
- Officers advised that there was no statutory consultation process or advertising with regards to any public objections made to the application of a licence.
- That the increase in fees and changes to legislation could lead to underground breeders and additional applications.
- That all adverts would be required to display the licence number of the breeder. There was a change to the legislation in that there was no requirement for a public register to enable the public check if the licenced was being misused.

- The Committee felt that there had been inadequate consultation prior to the introduction of the legislation.
- The only current Public Space Protection Order that was in place for dogs related to fouling and not dog walkers.
- The legislation would allow officers to investigate allegations and complaints of unlawful dog breeding.

RESOLVED:

- (a) That Parish Clerks be notified of the main changes to the legislation via letter and email to be cascaded to individual Parish Councils;
- (b) That a copy of the letter be circulated to all Members;
- (c) That a copy of the presentation be circulated to the members of the Committee;
- (d) That the Head of Resources produce a full budget breakdown of the Licensing Team to allow the Committee to review the figures and address concerns in relation to resources within the current team;
- (e) That a brief presentation be given to Full Council to make all Members aware of the changes in legislation; and
- (f) That a report in relation to the licence fees for zoos and Dangerous Wild Animal licences be considered at the meeting of the Committee on 5th February 2019.

The Committee thanked the Public Protection Manager, the Lead Officer Licensing and the whole team for their continued hard work.

32 **BTEC INTERMEDIATE AWARD FOR TRANSPORTING PASSENGERS BY TAXI AND PRIVATE HIRE – MONITORING REPORT**

The Lead Officer Licensing advised that in the summer of 2018 the Council was advised that the training provider of the BTEC Intermediate award for transporting passengers by taxi and private hire would no longer be providing the course to obtain the qualification.

He added that following the Committee the Licensing Officer successfully located a provider from a company called People People, which was based in Plymouth but offered to come to Barnstaple to run the course when required. Three courses had been run so far with all new drivers completing the award.

In response to a question regarding the length of the agreement, the Lead Officer Licensing advised that in the longer term he would like to explore all options available to Council in terms of other providers.

RESOLVED, that the update be noted.

The Committee thanked the Lead Officer Licensing for the update.

33 **REQUEST FOR INCREASE TO COUNCIL'S HACKNEY CARRIAGE FARES**

The Lead Officer Licensing advised that there had been a request to increase the Council's Hackney Carriage fare tariff.

The Lead Officer Licensing advised that a letter had been received in October 2018 requesting an increase to the Council's Hackney Carriage fares. He had responded requesting a list of names of the hackney carriage drivers in support of the request, which was subsequently provided.

The Public Protection Manager advised that a review of the policy was required considering at present it made reference to an annual review date.

RESOLVED:

- (a) That a report in relation to the review of the Hackney Carriage fare be considered at the meeting of the Committee on 5th February 2019; and
- (b) That a copy of the correspondence received be circulated to the Committee for information.

34 **RECORDING OF MEETINGS**

The Chairman addressed the Committee regarding the recording of future meetings and sought views in relation to the recording of all future meetings.

RESOLVED, that all future meetings of the Committee not be recorded.

35 **LICENSING SUB-COMMITTEES**

RESOLVED that the minutes of the meetings of the following Licensing Sub-Committees (circulated previously) be approved as correct records and signed by the Chairmen of the Sub-Committees:

- (a) Licensing Sub-Committee D: 27th September 2018.
- (b) Licensing Sub-Committee E: 12th November 2018.

36 **WORK PROGRAMME/FORWARD PLAN**

The Committee considered the work programme (circulated previously).

RESOLVED:

- (a) That the work programme be noted;
- (b) That the review of the Hackney Carriage fares be added to the work programme for the meeting scheduled on 5th February 2019;
- (c) That a report in relation to the licence fees for zoos and Dangerous Wild Animals (DWA) be considered at the meeting of the Committee on 5th February 2019; and
- (c) That the Head of Resources produce a full budget breakdown of the Licensing Team to allow the Committee to review the figures and address concerns in relation to resources within the current team.

The Chairman thanked the Committee and Officers for their support over the 12 month period.

Chairman

The meeting ended at 12.20 p.m.

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Licensing Committee.