

**NORTH DEVON COUNCIL**

Minutes of a meeting of Licensing and Community Safety Committee held at Barum Room - Brynsworthy Environment Centre on Tuesday, 18th June, 2019 at 2.00 pm

PRESENT: Members:

Councillor Tucker (Chairman)

Councillors Cann, Biederman, Bulled, Chesters, Gubb, Henderson, Lovering, Mack, Orange, D. Spear, E. Spear and York

Officers:

Solicitor

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Hunt.

**2. DECLARATIONS OF INTERESTS.**

There were no declarations of interest announced.

**3. PROPOSED AMENDMENTS TO DANGEROUS WILD ANIMAL AND ZOO LICENSING FEES**

The Committee considered a report by the Public Protection Manager (circulated previously) regarding the proposed amendments to Dangerous Wild Animal and Zoo Licensing Fees.

The Public Protection Manager outlined the report and welcomed the new Members to their first Committee. She explained that the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into effect on the 1<sup>st</sup> October 2018, which provided substantial updates to animal licensing. There were two areas of animal legislation, which fell outside of the scope of the regulations and those were in the areas of zoo licences and licences for keeping dangerous wild animals. She added that in the case of Hemmings v Westminster City Council, which examined the level of fees for Sex Shop licences judgements had clarified what local authorities could include when setting licences fees and concluded that the licence fee was made up of two parts, the first part covering direct costs for processing an application and the second part for costs associated with running the licensing function.

She advised that the Council currently licensed three zoos, which included Ilfracombe Aquarium, Combe Martin Dinosaur and Wildlife Park and Exmoor Zoo. There were currently no licences in relation to keeping dangerous wild animals. She explained that the fee currently set for zoo and dangerous wild animal licences was £71.10. A review of those fees had not been undertaken for a considerable period and therefore the Council had been significantly under-recovering fees from that area of the licensed community. She referred the Committee to appendix A of the

report, which set out the new fees proposed and explained the various parts of the fees. She explained that some zoos that held a small exhibit of animals could apply for exemption or a dispensation. A report in respect of the draft fees had been presented to the Licensing Committee on 5<sup>th</sup> February 2019 and a period of consultation took place on the Council's website from 11<sup>th</sup> February to 30<sup>th</sup> April 2019. Letters were also sent to the three licenced zoos, which provided a breakdown of the proposed fees and structure and to date no representations had been received. She added that additional income from the proposed amendments to the fees would only allow the Council to recover the costs of administration and enforcement. However, the fees would be regularly reviewed and any proposed increases would be presented to the Committee.

In response to a question, she advised that the report and recommendation would be presented to the Strategy and Resources Committee and then on to Full Council for final approval prior to the proposed fees coming into effect prior to October 2019.

The Committee discussed the wording of the recommendation to include a statement that no representations had been received.

RECOMMENDED, that following the consideration of the draft fees for zoo licences and licences for keeping dangerous wild animals, which had undergone a period of consultation and for which no representations had been received the Strategy and Resources Committee amend the fees in line with the proposals set out in appendix A of the report.

#### **4. ALTERNATIVE ARRANGEMENTS FOR THE APPOINTMENT OF SUB-COMMITTEES**

The Committee considered a report by the Senior Corporate and Community Services Officer (circulated previously) regarding alternative arrangements for the appointment of Sub-Committees.

The Corporate and Community Services Officer outlined the report to the Committee and following a question, explained the purpose of appointing Sub-Committees and their function for the main Committee.

In response to a question regarding the gender split of Sub-Committees A and B which were all one gender, the Corporate and Community Services Officer advised that the Sub-Committees had been appointed to include a selection of existing and newly appointed Members. However, advised that the membership of Sub-Committees A and B could be amended to reflect a more balanced gender split.

RESOLVED:

- (a) That five Sub-Committees each with three Members with the delegated powers be appointed as detailed in Appendix A of the report, with the following amendment to the membership of Sub-Committees A and B:

- (i) That Councillor Mack be appointed to Sub-Committee B and Councillor L. Spear be appointed to Sub-Committee A to reflect a more balanced gender split.
- (b) That alternative arrangements be made for the appointment of Members of the Sub-Committees of the Licensing Committee in accordance with the powers set out in S17 of the Housing And Local Government Act 1989 and the provisions of the Local Government (Committees And Political Groups) Regulations 1990;
- (c) That the alternative arrangements provided that the membership of the Sub-Committees of the Licensing and Community Safety Committee be not politically balanced;
- (d) That a Member be selected by Corporate and Community Services to act as a Substitute Member for each Sub-Committee meeting if required;
- (e) That Members and Chairmen be appointed to the Sub Committees as detailed in Appendix B of the report until such time as re-appointments were made in 2020;
- (f) That the appointed Sub-Committees be restricted in that they may not further delegate any of their powers to an officer of the Council or any other body.

**5. LICENSING AND COMMUNITY SAFETY WORK PROGRAMME  
2019/20**

The Committee considered the work programme 2019/20 (circulated previously).

The Public Protection Manager outlined the work programme for the forthcoming year and made the following amendments:

- Statement of Gambling Policy (Gambling Act 2005) - To be deleted.
- Statement of Licensing Act Policy (Licensing Act 2005) - To be deleted.
- Animal Activities: Licensing, Dog Breeding, Pet Shops, Riding Establishments, Animal Breeding Establishments – To be deleted.
- Dangerous Wild Animals and Zoo Licence Fees – To be deleted.
- Development of Internal Service Level Agreement (SLAs) – To be deleted.
- Regulating in Post – To be deleted.
- Street Trading – To be moved to 2020.
- BTEC Intermediate Award for Transporting Passengers by Taxi and Private Hire Monitoring report – To be deleted.
- Caravan Site Licensing Fees – To be considered at the next meeting.
- Taxi Driver and Private Hire Driver Convictions Policy - To be considered at the next meeting.
- Sex Establishment Policy – To be added to the work programme.

In response to concerns raised by the Committee in relation to street trading, the Public Protection Manager advised that there was no immediate public safety risk posed and that the Licensing Team had other areas of work, which it needed to prioritise and that there was not capacity within the team to address at the present time.

In response to concerns raised by the Committee in relation to an incident concerning the handling of a snake on the high street by an unlicensed member of the public, the Public Protection Manager advised that the incident had been reported and was currently being investigated.

In response to a question regarding the delegation of street trading to the Town and Parish Councils, the Public Protection Manager advised that this was a possibility, however from preliminary investigation surrounding the implementation of a street trading regime a number of years ago, it was clear that the introduction of any scheme would entail a very long and complicated process which would likely require the recruitment of an additional employee.

In response to a further question regarding the consideration of air and water quality, the Committee agreed to defer to the next meeting to allow the Clerk to ascertain whether it would be more appropriate for the Policy Development Committee to undertake that element of work.

RESOLVED:

- (a) that the work programme together with the proposed amendments be noted; and
- (b) that the Community Safety Team be invited to attend a future meeting of the Committee.

Councillor Cann declared a personal interest as she had reported the incident involving the snake handler.

## **6. APPOINTMENT OF A CRIME AND DISORDER SUB-COMMITTEE**

The Committee considered and agreed of a Crime and Disorder Sub-Committee.

RESOLVED, that a Crime and Disorder Sub-Committee be appointed and that in accordance with the roles and responsibilities of the Committee as detailed in part 3 of the Constitution all Members of the Committee be appointed to the Sub-Committee.

Chairman

The meeting ended at 2.53 pm

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