

LICENSING COMMITTEE

DRAFT MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 26 SEPTEMBER 2018 AT KENNET ROOM - WILTSHIRE COUNCIL OFFICES, COUNTY HALL, TROWBRIDGE.

Present:

Cllr Allison Bucknell, Cllr Trevor Carbin, Cllr Peter Evans (Substitute - Part II), Cllr Sue Evans, Cllr Jose Green (Vice-Chairman), Cllr Peter Hutton (Chairman), Cllr George Jeans, Cllr Pip Ridout, Cllr Ian Thorn and Cllr John Smale

Also Present:

Sukdave Ghuman (Solicitor), Linda Holland (Licensing Manager) and Lisa Pullin (Democratic Services Officer)

20 Apologies

Apologies were received from Councillors Hewitt, Lynch and Randall.

Councillor Peter Evans was substituting for Councillor Mike Hewitt.

21 Chairman's Announcements

There were no Chairman's announcements.

22 Declarations of Interest

There were no declarations of interest.

23 Public Participation

No questions had been submitted to the Committee from the public prior to the meeting and there were no members of the public present at the meeting.

24 Procedures and fees in relation to the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

Linda Holland (Licensing Manager) referred to the report circulated with the Agenda which informed the Committee of forthcoming changes to the way in which animal boarding establishments, dog breeding establishments, pet shops

and riding establishments are licensed; and the commencement of responsibility for the licensing of the keeping of animals for exhibition. The report also sought to recommend adoption of delegation arrangements and approval of fee levels required to administer the new arrangements. Linda highlighted the following:

- At the last committee meeting on 3 September, Members were informed about the new animal licensing regulations that would come into force from 1 October 2018. Following legal advice, it had been confirmed that the Council would need to have agreed fees in place by that date to apply to any applications after that date and have a set out appeals process;
- The legislation sought to ensure more robust measures for animal welfare and Officers would seek to award well run establishments a full 3-year licence;
- The proposed fees (attached at Appendix 2 of the report) had been calculated to cover the costs of the implementation of the licence grant and subsequent inspection visits that would be required;
- It was anticipated that the Officer time for inspections would at least be doubled as the inspection document had gone from 8 pages to 24 pages;
- Three information seminars were planned for evenings in October and 120 of the 150 spaces offered had already been filled;
- It was hoped that the Council would be able to “go live” with the new application process from 1 October and had currently designed their own application form as Defra still had not produced one for use;
- From 31 December 2018, all existing licences would expire and all those currently with a licence would need to reapply should they choose to do so;
- The proposed fees (if agreed) would be in place until the end of the financial year. They would be reviewed as part of the budget process by Council in February 2019 and if there were any changes proposed to the fees, this would be brought back to the Licensing Committee in March 2019 as part of the briefing document; and
- Linda would be utilising the existing Dog Warden service to help carry out the inspections whilst a couple members of the Licensing Team gained the relevant training and experience. The new regulations have meant that the Team were having to be pulled away from their current licensing work.

The Chairman thanked Linda and her team for all their work in implementing the new regulations and requested that a briefing note be prepared for Members in anticipation of any questions they may receive from their constituents.

Councillors asked the following questions:

Q How much would a licence cost today and then after 1 October?

A For a home border now it would cost £111 pa and then for a 3 year licence after 1 October it would be approximately £60 more.

Q Does the legislation affect franchise businesses?

A Yes, the franchisee would need to be licensed as they are captured by the legislation.

Q Would there be conditions placed on a licence?

A Yes, both general and activity specific.

Q What are the vet's fees?

A Average vet's fees are £75 per hour and the Council have to attend vet inspection also. We pay the vets bill and this cost is then recouped from the Applicant. The Council are responsible for finding appropriately qualified vets. We are currently in the process of contacting all local vets to come on board with us.

Q What is the grant fee?

A The issuing of the licence – including any associated administration costs, the cost of a yearly unannounced inspection, the anticipated costs of any enforcement in relation to the licensable activity, the anticipated cost of any activity of unlicensed operators.

Q What is the appeal process?

A There is a first-tier tribunal process, which is similar to a Magistrates process. If concerns about the premises were received the Council has the authority to suspend, vary or revoke a licence (under the existing regulations the only option is to prosecute). The licence can be varied with or without the consent of the licence holder.

Q Are Councillors required to hear appeal applications?

A No.

Resolved:

That the Licensing Committee:

- 1. Notes the adoption of the powers and obligations contained within the Animal Welfare Act 2006, and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.**

- 2. Delegate all decisions in relation to the determination of licences and enforcement action to relevant Head of Service and/ or Licensing Manager - Public Health and Protection from the 1st October 2018.**
- 3. Recommends to Council that the Scheme of Delegation for Licensing be amended and updated to reflect these changes.**
- 4. The Licensing Committee approves the fees payable in relation to animal licensing as of 1st October 2018, these fees and charges to be reviewed in line with all fees and charges for 2019/2020.**

25 Dates of Future Committee Meetings

Members noted the date of future meetings of the Licensing Committee as detailed below, all to start at 10.30am

3 December 2018
11 March 2019.

26 Urgent Items

There were no urgent items.

(Duration of meeting: 9.00 - 9.35 am)

The Officer who has produced these minutes is Lisa Pullin, of Democratic Services, direct line 01225 713015, e-mail lisa.pullin@wiltshire.gov.uk

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