

LICENSING AND APPEALS COMMITTEE

Minutes of a meeting of the Licensing and Appeals Committee held at 10.00 am on 10 September 2018 in the Council Chamber, Council Offices, Holt Road, Cromer.

Members Present:

Dr P Bütikofer	Mr P Moore
Mrs A Claussen-Reynolds	Mr J Rest
Mrs P Grove-Jones	Mr R Reynolds
Mr S Hester (Chairman)	Mr S Shaw
Mr M Knowles	Mr B Smith
Mrs M Millership	Mrs V Uprichard

B J Hannah (observing)

Officers in attendance:

Public Protection Manager, Legal Advisor and Democratic Services & Governance Officer (Regulatory)

18 APOLOGIES FOR ABSENCE

Mr N Pearce sent apologies.

19 PUBLIC QUESTIONS

None received.

20 MINUTES

The minutes of the meeting of the Licensing and Appeals Committee held on 16 July 2018 and Licensing Sub-Committee held on 11 July 2018 were approved as correct records and signed by the Chairman.

21 ITEMS OF URGENT BUSINESS

None.

22 DECLARATIONS OF INTEREST

None.

23 Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018 – Changes to Licensing Arrangements for Animal Based Businesses

The Public Protection Manager presented a report on the Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018 and the forthcoming changes to the way in which animal boarding, dog breeding, pet shops and riding establishments are licensed and the commencement of the licensing of the keeping of animals for exhibition. Members were asked to note the proposed fee structure and recommend to Cabinet and Full Council in line with the Authority's fee setting

structure. The Public Protection Manager explained that the Regulations were still in draft and there could be further changes before the Regulations came into force on 1 October 2018.

The Public Protection Manager reported that HMRC guidance defined a business as someone who receives in excess of £1,000 profit.

Councillor Mrs A Claussen-Reynolds referred to Government plans to ban pet shops from selling puppies and kittens under 6 months old. She sent a link to a news article to the Public Protection Manager.

In response to questions by Councillor Mrs Claussen-Reynolds regarding licence renewals and frequency of unannounced inspection visits, the Public Protection Manager explained that a number of factors which were related to legislation changes had meant that some licences were renewed on their anniversary and others on 1 January. It was easier for the Authority if licences were renewed on their anniversary as inspections could be spread throughout the year. The frequency of inspection visits depended on the risk rating of the business, with those considered to be a higher risk receiving more frequent visits.

Councillor Mrs Claussen-Reynolds considered that it was not sufficient to state that the number of animals kept should not exceed the maximum and that either numbers or ratios should be given. She also emphasised that interactions with people were important to the welfare of animals and time should be given to them. She questioned the lack of specific conditions relating to cat breeding and considered that a minimum age for cats to be given up for adoption should be stated.

The Public Protection Manager explained that the wording of the condition regarding the maximum number of animals kept was set in statute and this could not be changed unless it was amended in the draft regulations. She considered that a definition of "daily interactions" would be included in the legislation and she would update the Committee on this issue. Cat breeding was covered by the Animal Welfare Act 2006 but this activity was not subject to licensing and therefore not included in the draft legislation.

In answer to questions by Councillor Mrs P Grove-Jones the Public Protection Manager explained that the keeping of animals for exhibition included any animal which could be taken anywhere for show, eg. taking animals into schools etc, as well as zoos. Some animals were not required to be licenced or were covered by other legislation which would remain in force.

Councillor P Bütikofer requested clarification of the enforcement policy and penalty for non-compliance.

The Public Protection Manager explained that there was currently a step by step approach to enforcement and it was not proposed to depart from it. In the case of a serious breach, the Council would attempt to rectify the problem as soon as possible and monitor closely. If necessary, offenders would be prosecuted and could be subject to a level 2 fine.

Councillor R Reynolds asked if the legislation covered gamekeepers who bred dogs on a regular basis and if they would be aware they needed a licence.

The Public Protection Manager stated that she would check whether they were required to be licenced. She believed they were outside the scope of previous legislation.

Councillor Mrs P Grove-Jones stated that hunts also bred their dogs regularly. The Public Protection Manager considered that there may be an exemption for hunting dogs. The Chairman suggested that the Hunting Act might cover this activity.

Councillor M Knowles queried the number of pet shops as it seemed surprisingly low. He asked if the Council had a proactive approach to licensing.

The Public Protection Manager explained that the team did not have the resources to check all premises. They were aware of some premises which sold animals but could do nothing if they were not aware of them. Several businesses had surrendered their licences due to the forthcoming legislation, which could explain the low number. She confirmed that businesses would be required to display their licence number in any advertising, which would prevent anyone who was unlicensed from advertising.

Councillor Mrs V Uprichard asked how people who bred from their pet dogs would be affected. The Public Protection Manager explained that if they were making a profit in excess of £1000 they would come under the new legislation. She anticipated that there would be an increase in the number of queries from the public regarding this matter.

Councillor B Hannah suggested that it would be helpful to publish an article in the free newspapers to inform people of the new legislation.

Councillor P Moore asked if the pricing of enforcement had been considered. The Public Protection Manager explained how the fees in Annex 2 had been determined. They were a 'best guess' at the moment and were based on current practice. She would liaise with the Head of Service if additional resources were needed.

Members raised a number of issues which were not within the remit of the licensing regime. Breeding of birds, live crustaceans etc intended for consumption, cat rescue centres and horse dealing were covered by other Animal Welfare legislation, the latter also by Trading Standards.

It was proposed by Councillor P Moore, seconded by Councillor P Bütikofer and

RESOLVED unanimously

- 1. That the report be noted and the conditions set out in statute to be applied from 1 October 2018 be confirmed.**
- 2. To RECOMMEND the proposed fee structure to Cabinet and Full Council in line with the Authority's fee setting structure.**

24 UPDATE ON GENERAL LICENSING ISSUES

The Public Protection Manager updated the Committee on the following matters:

Hackney Carriage Fare Increases

The new fares have now been implemented.

Gambling Policy

The consultation had now ended and four responses had been received. Solicitors acting on behalf of the Association of British Bookmakers had disputed a sentence in part B paragraph 13 of the draft Policy relating to the location of gambling premises. Legal advice would be sought on this matter.

Councillor Hannah had raised a question at the previous meeting regarding responses from responsible authorities, on which the Public Protection Manager had sought legal advice. There was a requirement to notify responsible authorities of an application but they were not legally required to respond or confirm that they did not wish to do so. The legal team had advised that a 'read receipt' should be requested which would prove that the responsible authority had seen the email. The Public Protection Manager would contact the responsible authorities to ask them to send a read receipt in response to email communication.

Councillor Hannah considered that a read receipt would be sufficient to show that the consultation had not been ignored and protect the Council if issues arose following the grant of a licence.

As requested at the previous meeting, the Public Protection Manager circulated the current fees for gambling premises and permits. She confirmed that the gambling fees were dealt with through the Council fee setting process. It was suggested that Members contact the Public Protection Manager direct if they had any comments or queries on the fees.

The Public Protection Manager also confirmed that large lotteries were regulated by the Gambling Commission but others were not.

The Public Protection Manager had consulted the Gambling Commission regarding the blacking out of windows of premises with gaming machines. The contact had undertaken to investigate this matter further. It was not possible to ban gaming machines but there were rules as to where the machines were sited, eg. visible to staff.

25 UPDATE ON TASK AND FINISH GROUPS

There were no updates.

The meeting closed at 11.06 am.

Chairman