

LICENSING COMMITTEE

Minutes of the meeting held on Wednesday, 14th November 2018 at Worksop Town Hall

Present: Councillor J Potts (Chair)
Councillors J R Anderson, B A Bowles, G Clarkson, S Isard, G Jones,
D R Pressley, J M Sanger OBE, K Smith, K Sutton and C Tindle.

Officers in attendance: L Dore and S Wormald.

(Meeting opened at 6.30pm.)

(The Chair welcomed all to the meeting, especially Councillor Sanger as this was her first Licensing Committee meeting, and read out the Fire Alarm/Evacuation Procedure).

25. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor K M Greaves.

26. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

(a) Members

There were no Declarations of Interest by Members.

(b) Officers

There were no Declarations of Interest by officers.

27. MINUTES OF THE MEETING HELD ON 19TH SEPTEMBER 2018

RESOLVED that the Minutes of the meeting held on 19th September 2018 be approved.

28. MINUTES FOR ACTION

At Minute 19, 'Roadside Catering Policy', the Committee had resolved that the presentation of a further report be delayed until 2019.

At Minute 22, 'Application for a Combined Hackney Carriage Licence/Private Hire Vehicle Driver's Licence', the applicant had accepted the outcome of a shorter Licence period being granted.

RESOLVED that the Minutes for Action be received.

29. OUTSTANDING MINUTES LIST

At Minute No. 35(b) 'Roadside Catering Policy', the Solicitor confirmed that a report will be presented to a future meeting in 2019 as agreed at the Licencing Committee meeting on 19th September 2018. The delay was largely due to the amount of work which had been required by staff in the Licensing, Environmental Health and Finance departments to prepare new procedures and a fee structure following the introduction of new Animal Welfare regulations. (The report featured later on the Agenda).

RESOLVED that the Outstanding Minutes List be received.

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

None.

Other Decisions

30. REPORT(S) OF THE PRINCIPAL SOLICITOR (LICENSING AND REGULATORY)

(a) Adoption of Procedures and Fees in relation to the Animal Welfare (Licensing of Activities Involving Animals)

Members were presented with a report which provided information on reforms which came into force on 1st October 2018. The Council Solicitor advised that the report revealed a fundamental change in the way local authorities licence animal welfare, however, preparation for the change had been hampered by guidance and training only becoming available just before the legislation came into force. As a result, many applicants are currently waiting for the introduction of the new conditions and fees with further applications pending.

Prior to 1st October, the Council has been responsible for functions in relation to the licensing and regulation of various animal related activities with Nottinghamshire County Council responsible for performing animal registrations. Under the new regulations, the existing licensing schemes for animal boarding establishments, pet shops, riding establishments and dog breeders have been repealed and replaced with a new single licensing scheme that regulates all of these activities and also incorporates the licensing of those who train or exhibit performing animals.

The new regulations aim to ensure that animals are not mistreated and statutory guidance made under the legislation introduced the five freedoms of animal welfare, namely: a suitable environment (place to live); a suitable diet; to be housed with or apart from other animals; protected from pain, suffering, injury or disease; exhibit normal behaviour patterns. Current licensing schemes for zoos and those keeping dangerous wild animals will continue to be carried out under the existing legislative provisions.

The report detailed the reasons set out in the regulations that the licensing authority can suspend, vary or revoke a licence and the process for dealing with these. It also advised the process for a licence holder to appeal. Copies of the licence conditions, which include general and specific conditions for each of the licensable activities, were appended to the report at Appendix A.

The new regulations allow licensing authorities to charge a reasonable amount to cover the cost of considering a grant, renewal or variation of a licence. The Council's proposed fees have been set based on guidance provided within the regulations and a reasonable estimate of the costs in undertaking this. The proposed fee structure is a two-tier system where applicants pay an application fee to cover the cost of considering the application documents and an inspection of the premise to be licenced. (Appended to the report at Appendix B). If the applicant is deemed fit to hold a licence then they have to pay a licence fee based on the length of licence they are offered. The report advised that the Council will use DEFRA guidance to determine the level of risk posed by the activities on the site and that this will in turn determine the length of the licence. As an applicant can appeal against a risk assessment score, the report proposed that this is dealt with by a senior Council officer; the proposed scheme of officer delegation was appended to the report at Appendix C.

In order to deal with matters relating to the new regulations in a timely manner, the report proposed that these are dealt with by a sub-committee of three members. It also noted that the standard rules on the publication of committee agendas be altered to a shorter period which still ensured that the Committee has ample time to properly consider the implications.

A summary of all the main changes arising from the introduction of the new regulations was appended to the report at Appendix D.

In response to questions raised by Members, the Council Solicitor advised/clarified: the applicant pays an application fee and a then a separate licence fee if the application is approved; fees are charged for each different licenced activity; a reduction in fees will be given if the applicant proposes to undertake more than one activity at the same premises; inspections will be undertaken jointly by Licensing and Environmental Health Officers; Environmental Health Officers are already trained in carrying out inspections of this nature; breeding from one dog at home is unlikely to fall into the category where licensing would be required; a property can be inspected at any time if a report is received where an animal business activity is suspected of operating without an appropriate Licence.

RESOLVED that:

1. The discretionary powers contained within the Animal Welfare Act 2006, and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 be adopted.
2. The fees as set out in Appendix B to the report be approved.
3. The scheme of delegation as set out at Appendix C to the report be approved.
4. Matters relating to Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 that need to be dealt with by the Licensing Committee are dealt with by a sub-committee of three members.

(b) Statement of Licensing Policy 2019

Members were presented with the draft Statement of Licensing Policy for approval and onward referral to the next Council meeting for implementation from January 2019. The Statement of Licensing Policy forms the basis against which all applications under The Licensing Act 2003 are considered.

The Statement of Licensing Policy has to be consulted on and approved every five years. It had been prepared and reported to Licensing Committee in July 2018 where it was approved for the purpose of consultation. No responses were received during the consultation period which closed on 28th September. The draft Policy was appended to the report.

In response to questions from Committee members, the Council Solicitor advised that vertical drinking referred to licenced premises with limited seating provision and that the new regulations permit the Council to reject an application/revoke a licence, if it is considered appropriate, for the prevention of illegal working in licenced premises.

RESOLVED that the draft Statement of Licensing Policy be approved and referred to Full Council for implementation from January 2019.

(c) Gambling Statement of Principles

Members were presented with the draft revised Statement of Gambling Policy Principles for approval and onward referral to the next Council meeting for implementation from January 2019.

Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act.

Although it can be reviewed by the authority at any time, the Statement lasts a maximum of three years and as the previous statutory period began in January 2016, the authority must review, adopt and publish a new Statement by 31st January 2019.

The draft Statement had been prepared and reported to Licensing Committee in July 2018 where it was approved for the purpose of consultation. A copy of the approved draft was then circulated to the statutory consultees with the consultation period closing on 28th September. One response was received from the solicitors who act for The Association of British Bookmakers. A copy of the response along with a copy of the draft Policy was appended to the report.

Members expressed concern regarding the number of establishments in Worksop town centre where gambling can take place. The Council Solicitor commented that the change in the law reducing the stake on gaming machines to a maximum of £2 from April 2019 had been widely welcomed. He added that the recommendation at 6.1.2 to pass a “no casino resolution” was not required as the Gambling Statement of Principles does not include this resolution.

RESOLVED that the revised Statement of Gambling Policy 2019-2021 be approved and referred to the next meeting of Full Council for implementation from January 2019.

SECTION B – ITEMS FOR DISCUSSION IN PRIVATE

Key Decisions

None

31. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT.

As there was no other urgent business to be discussed, the Chair closed the meeting.

(Meeting closed at 7.10pm.)