

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

22ND SEPTEMBER 2014 AT 6.00 P.M.

PRESENT: Councillors C. J. Spencer (Chairman), K. A. Grant-Pearce (Vice-Chairman), J. M. L. A. Griffiths, P. A. Harrison, H. J. Jones, B. Lewis, C. M. McDonald (substituting for Councillor M.T. Buxton), R. J. Shannon, S. P. Shannon and L. J. Turner

Officers: Mrs. V. Brown, Mr. D. Etheridge and Mrs. J. Smyth

11/14 **APOLOGIES**

Apologies for absence were received on behalf of Councillors M.T. Buxton and S.J. Dudley.

12/14 **DECLARATIONS OF INTEREST**

No declarations of interest were made.

13/14 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 23rd June 2014 were submitted.

RESOLVED that the minutes be approved as a correct record.

14/14 **ANIMAL WELFARE LICENSING CONDITIONS REVIEW**

The Committee considered a report which set out standard conditions for Animal Welfare Licences that allows Authorities to attach conditions to licences to secure the welfare of animals.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS) introduced the report and advised Members that a review of the standard conditions that were currently being attached to the various types of Animal Welfare Licences, had been undertaken to ensure licences were being issued in accordance with the most up to date guidance and best practice that had recently been issued. It was further advised that this review was also being undertaken by Worcestershire Regulatory Services (WRS) across all of the districts with the aim of ensuring a consistent approach to standards across the County.

Members were also advised that the Council would have the discretion to amend the standard conditions in individual cases by way of amending, omitting or adding conditions relevant to the type of licence, as appropriate to the circumstances of an individual case. Such amendments would be considered on the recommendation of a veterinary practitioner or veterinary surgeon appointed, in accordance with relevant legislation, to inspect the premises the subject of the licence application.

Members were asked to approve the standard conditions detailed in the Appendices to the report, that were proposed to be attached to the various types of licences that the Council is responsible for issuing, namely:

- Pet Shop Licences (Appendix 1)
- Dog Boarding Establishments (Boarding Kennels) (Appendix 2)
- Cat Boarding Establishments (Catteries) (Appendix 3)
- Dog Boarding Establishments (Home Boarding) (Appendix 4)
- Dog Boarding Establishments (“Dog Day Care” premises) (Appendix 5)
- Dangerous Wild Animal Licences (Appendix 6)
- Riding Establishment Licences (Appendix 7)
- Dog Breeding Establishment Licences (Appendix 8)
- Zoo Licences (Appendix 9)

The Committee was also asked to delegate authority to the Head of Worcestershire Regulatory Services to amend the standard conditions as appropriate to each individual case, in accordance with the relevant legislation for each type of licence, in order that WRS has the flexibility to respond to inspections by veterinary practitioners and surgeons.

In response to queries as to what expert bodies had guidance been taken from for the proposed standard conditions, the Senior Licensing Practitioner assured Members that the wording for all of the proposed standard conditions had been taken from Guidance laid down for the various licences required. The Guidance had been drawn up with input from expert bodies, including the Royal Institute, Environmental Health, various Animal Welfare organisations, veterinary practitioners, and veterinary surgeons.

Clarification was also provided on a number of other queries, including; age restrictions for purchasing animals from Pet Shops, cage sizes / floor areas for larger birds in pet shops; stocking densities in aviaries; escape of dangerous animals; dog breeding and overbreeding of bitches; guidance for marine and fresh water fish purchasers; micro-chipping of dogs being boarded; and PAT testing of electrical items used in establishments.

Officers attention was drawn to Appendix 2, in respect of Section B – Operational Management in regard to Disease Control and Vaccination where it was pointed out that a record of vaccination, required under B.4.2 (page 32), was not listed in Section C – Kennel Administration and Management in regard to the Register of Information required in C.3.1 (page 33) and queried

whether this was an error as it appeared in other Appendices. It was agreed that the requirement should also be included in the Register of Information.

The Senior Licensing Practitioner also provided clarification in respect of the length of licenses and renewal timelines for the various types of licences, namely:

- Pet Shops / Animal Boarding – annually from 31st December to 31st December.
- Dangerous Animals Licence – 2 years
- Riding Establishment Licence – 1 year rolling
- Dog Breeding Licences – annually
- Zoo Licences – initial 4 years thereafter every 6 years.

Members were informed that any expired licences that were not renewed would be followed up. It was also reported that the introduction of an automatic renewal process was in hand at the moment and that licence renewal notices for this forthcoming year would be going out earlier than usual. Officers confirmed that any outstanding renewals at the end of the year would be chased.

RESOLVED that

1. The draft Standard Conditions detailed in Appendices 1 to 9 attached to the main report, be attached to future Licences issued by the Council under relevant Legislation;
- 2) authority be delegated to the Head of Worcestershire Regulatory Services to amend the agreed standard Conditions as appropriate in the circumstances of an individual case, by altering, omitting or adding conditions as recommended by a veterinary practitioner or veterinary surgeon appointed in accordance with the relevant legislation to inspect the premises, the subject of the licence application: and
- 3) in regard to Appendix 2 Dog Boarding Establishments (Kennels), under Section C – Kennel Administration and Management, the Register of Information list, required to be kept as detailed at C.3.1., be amended to include “Record of Vaccination”.

15/14

STREET COLLECTION POLICY

The Committee considered a report which detailed responses received during a consultation undertaken on a new Street Collection Policy, proposed to be adopted with effect from 1st January 2015. The Senior Licensing Practitioner reminded the Committee of the discussion that took place at the previous meeting of the Committee on 23rd June 2014, when the proposed Draft Street Trading Policy was considered for consultation purposes.

Members noted that further to the consultation process that was undertaken with relevant bodies, responses had been received from Wythall Parish

Council, Catshill, North Marlbrook Parish Council and Bournheath Parish Council who had submitted no adverse comments to make in relation to the draft Policy together with responses from the Public Fundraising Regulatory Association (PFRA), Phoenix Children's Foundation Charity and Christian Aid.

The Senior Licensing Practitioner clarified the PFRA response in regard to the regulation of Direct Debit Collections in that this method of charitable fundraising did not fall within the remit of Street Permits and could only be regulated by PFRA in conjunction with a site management agreement with the Council. Members were advised that discussions were progressing with the PFRA on this matter and it was hoped that a report on progress could be brought to the next meeting of the Committee in November.

In relation to the concerns raised by the Phoenix Children's Foundation Charity in respect of the proposal to limit charity collections per charity to one each year posing a significant problem for their fundraising work, Members were informed that the draft Policy already stated that more than one collection per charity could be permitted by Licensing Officers in special circumstances. It was noted that the Draft Policy had been amended to provide guidance on such circumstances.

The Senior Licensing Practitioner provided clarification in regard to various concerns raised by Christian Aid, in respect of:

- a) the Policy's definition of a "public place", and implications for charity collections on private property, on which Members were informed that, as it would be difficult to set out exact locations, each application would be assessed on its merits with legal advice being taken as necessary;
- b) the requirement for collection boxes to be numbered consecutively and Christian Aid's alternative suggestion that each tin be allocated a unique reference number to be accounted for, which Officers had felt was a reasonable alternative suggestion and on which basis the draft policy had been amended;
- c) the prohibition on the use of tables and chairs during street collections; on which Members were informed that, as the Policy does not specify an outright ban on tables and chairs, their use can be agreed with the Licensing Officer in advance of the collection. Members noted that, in view of this, Officers considered that it had not been necessary to amend the draft policy in that regard, and
- d) in regard to the proposed restriction of not allowing applications for Mondays or Wednesdays, Members were informed that this restriction would only apply to the St. John's Ward to avoid clashes between cash collections and direct debit collections.

In response to a query in regard to the British Legion's annual Poppy Appeal, the Senior Licensing Practitioner reported that no comments had been received from the British Legion on the draft Policy; he further advised that the

organisation was very good at planning ahead and always applied for their licenses well in advance.

Members were also provided with clarification on the status of the sales of the Big Issue, on which Officers reported that these sales were outside of regulatory control as they were not classed as street traders / street collections. It was noted, however, that the Big Issue had its own stringent rules in place for its sellers. In response to a Member query, the Senior Licensing Practitioner also advised that the requirement for Charities to provide the Council with Returns Form in respect of monies collected for each collection tin was, he believed, a national requirement as part of the overall control of street collections to minimise the risk of the public being defrauded.

RESOLVED that

the revised draft Street Collection Policy, detailed at Appendix 2 to the report, be adopted from 1st January 2015.

16/14 **LICENSING COMMITTEE WORK PROGRAMME 2014/2015**

The Committee considered the Work Programme for 2014/2015 with the following items of business being provisionally scheduled in for forthcoming meetings:

10th November 2014

Designated Public Places Orders (DPPO)
Deregulation Bill (Taxis) Update
Proposals to amend Hackney Carriage Vehicle Licensing Policy
Direct Debit Collections - Site Management with the PFRA – progress report / draft agreement

23rd March 2015

Gabling Act 2005 – Review of Statement of Principles
Draft Sex Establishment Licensing Policy
Results of Consultation on amendments to Hackney Carriage Vehicle Licensing Policy (dependent on National meeting).

RESOLVED that the Work Programme be updated to include the items discussed and agreed by the Committee during the course of the meeting.

17/14 **OTHER BUSINESS - WORCESTER ROAD TAXI RANK**

With the agreement of the Chairman, the Committee briefly discussed the work currently being undertaken on the Taxi Rank in Worcester Road. The Senior Licensing Practitioner reported on proposals to write to the Taxi Traders on the intended use for the Taxi Rank and general safety messages to the community. The intention by Officers to undertake high profile night

time visits to the various establishments was noted. The Committee suggested that the two Ward Councillors for the Ward be invited to participate in the visits. Officers were also asked to notify Door people and local Street Pastors on the changes to the Taxi Rank.

No formal resolutions were agreed on this matter.

The meeting closed at 7.45 p.m.

Chairman