

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 18TH NOVEMBER 2019, AT 6.00 P.M.

PRESENT: Councillors H. J. Jones (Chairman), A. B. L. English, M. Glass,
C.A. Hotham, S. A. Hughes, H. D. N. Rone-Clarke, C. J. Spencer and
J. Till

Officers: Mrs. V. Brown, Mr. D. Etheridge, Mrs. A. May and Mrs. P. Ross

15/19 **APOLOGIES**

No apologies for absence were received.

16/19 **DECLARATIONS OF INTEREST**

Councillor J. Till, declared an other disclosable interest in Agenda Item 4, Review of Street Collection Policy, in that a family member was the Chairman of Bromsgrove Round Table.

Councillor C. J. Spencer, declared an other disclosable interest in Agenda Item 4, Review of Street Collection Policy, in that she assisted with street collections for the British Legion.

17/19 **MINUTES**

The minutes of the Licensing Committee held on 23rd September 2019 were submitted.

RESOLVED that the minutes of the Licensing Committee held on 23rd September 2019, be approved as a correct record.

18/19 **REVIEW OF STREET COLLECTION POLICY**

Members considered a report in relation to a review of the Council's Street Collections Policy and if Officers should conduct a consultation exercise in order to obtain views on the current policy and any suggested amendments.

The Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS), presented the report and in doing so, highlighted that the Council had adopted the Street Collection Policy in September 2014, as

detailed at Appendix 1 to the report. The current Street Collection Policy was therefore due for review.

Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916, enabled local authorities to make regulations to control street collections in their area. The Council were able to regulate collections where there was a collection of money or the selling of articles for the benefit of charitable purposes (cash collections).

The Council had also entered into a site management agreement with the Institute of Fundraising (previously the Public Fundraising Regulatory Association or PFRA); in order to control street collections; as detailed at Appendix 2 the report.

The Senior Practitioner (Licensing), WRS, highlighted that Officers had identified two parts of the current Street Collection Policy that required updating. Namely that the Council had entered into a site management agreement with the Institute of Fundraising and that applications should be forwarded to the Council offices at Parkside; as detailed at Appendix 3 to the report.

If the Committee were in agreement that a consultation exercise should be carried out, Officers would look to contact the Charities Commission, the Institute of Fundraising, Parish Councils and any person who had applied for a street collection permit in the past 12 months; to invite any comments on the revised draft Street Collection Policy. Any responses received during the consultation period would be brought back to a future meeting of the Licensing Committee for Members to consider.

The Senior Practitioner (Licensing), WRS, reassured Members that the Street Collection Policy was not a restrictive policy to prevent fund raising street collections. The policy enabled the Council to manage fund raising street collections by limiting the number of street collections taking place.

The Senior Practitioner (Licensing), WRS, responded to a number of questions from Members with regard to:

- the costs associated should a consultation be conducted;
- the consultation period;
- public awareness raising of the Street Collection Policy; and
- the regulation of Big Issue Vendors

Members agreed that Officers should conduct a consultation on the draft Street Collection Policy, as detailed at Appendix 3 to the report. Members further agreed that the consultation be carried out in January 2020, in order to avoid the busy Christmas period/break, in order to be most effective.

RESOLVED:

- a) that the draft Street Collection Policy, as detailed at Appendix 3 to the report, be approved for the purpose of consultation; and
- b) that any responses received to the draft Street Collection Policy, as detailed at Appendix 3 to the report, be brought back to a future meeting of the Licensing Committee.

19/19

ANIMAL ACTIVITY LICENSING INFORMATION REPORT

The Committee considered an information report that provided an update on the implementation of the licensing of various animal-related establishments as a result of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

The Senior Practitioner (Licensing), Worcestershire Regulatory Services (WRS), introduced the report and in doing so informed the Committee that The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, came into effect on 1st October 2018.

These regulations fundamentally reformed licensing arrangements for a variety of animal-related establishments.

The regulations were supported by a comprehensive and detailed suite of guidance documents issued by the Department for Environment, Food and Rural Affairs (DEFRA). These included procedural guidance documents and guidance notes on the licence conditions (standards) for each of the different licensable activities, as detailed in paragraph 3.4 in the report.

The guidance documents were first published by DEFRA on 2nd October 2018, with revised versions issued on 4th December 2019. The late publication, then the immediate revision to the guidance documents, added to the challenge of implementing the new licensing arrangements contained in the regulations.

The implementation was also particularly challenging due to the fact that a large number of licences in force under the previous licensing regimes were due to expire on 31st December 2018. These included all licences issued under the Pet Animals Act 1951 and the Animal Boarding Establishments Act 1963.

As a result of the extremely tight timescale imposed on the Council, many applications for licences under the new regulations were not able to be granted by 1st January 2019; as each application made under the new regulations required an inspection to be undertaken by a suitably qualified inspector before the application could be determined.

The inspector had to assess whether the business was meeting the minimum and higher standards set out in the DEFRA extensive guidance documents, which ran between 26 and 91 pages, depending on the licensable activity being undertaken.

Given the difficulties in processing the large volume of applications in a short period of time, a pragmatic approach was adopted and anyone issued with a licence under the previous licensing regime was allowed to continue trading whilst their new application, under the new licensing regime, was determined.

To date, 197 licences were now in force across Worcestershire under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, which included 40 licences in the Bromsgrove District. Members' attention was drawn to Appendix 1 – Procedural guidance for local authorities.

Appendix 2 detailed two tables, Table one showed the licensable activities authorised by the licences issued by Bromsgrove District Council, with Table two detailing the star rating.

Members were further informed that unannounced visits had taken place in those premises that were authorised to be used for licensable activities as required under DEFRA's guidance.

A number of investigations were also ongoing in relation to businesses suspected of providing licensable activities which were not currently licenced under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

Members raised a number of questions with regard to star ratings, which the Senior Practitioner (Licensing), WRS responded to and in doing so explained that star ratings could be misleading, it did not necessarily reflect the standards reached.

Premises issued with a one star, one year licence, would only have minor administrative failings recorded; they would not be animal related failings. Following a further inspection those minor administrative failings could have improved, thus leading to a higher star rating. Under the new guidance, DEFRA had raised the bar, whereby there were additional requirements needed in order to achieve a 5 star rating. Some licensed businesses were happy to keep to their 1 star rating. The new DEFRA guidance had proved to be a steep learning curve for a lot of businesses.

In response to the Chairman, the Technical Officer (Licensing), WRS, stated that only one licence had been refused under the new guidance.

The Senior Practitioner (Licensing), WRS, responded to further questions from the Committee with regard to 'Unannounced' and 'Announced' visits.

Members commented that there appeared to be some inconsistencies in the guidance regarding visits and inspections.

In response the Chairman commented that the guidance had been issued by DEFRA and had not been issued by Worcestershire Regulatory Services (WRS), therefore WRS were not responsible for any inconsistencies within the guidance.

Members raised a number of questions with regard to the level of business and public awareness on the newly published DEFRA guidance and the star rating of licensed businesses.

The Senior Practitioner (Licensing), WRS, stated that once WRS had published the public register of businesses licensed under the new DEFRA guidance, they would look to raise public awareness with press releases; and through their own and the Council's social media sites. With regard to the star ratings, the published public register of businesses licensed under the new DEFRA guidance, would show star ratings of licensed businesses.

However, he would highlight that higher star ratings took longer to implement. He was of the view that whilst businesses were in the process of adapting to the new guidance and once the new regulations were embedded; Officers would then review the design of the licence issued and raise further public awareness on star ratings.

The Chairman expressed her sincere thanks to the Technical Officer (Licensing), Worcestershire Regulatory Services for her hard work, in processing the large volume of applications in such a short period of time.

RESOLVED that the Animal Activity Licensing Information report, be noted.

20/19

LICENSING COMMITTEE WORK PROGRAMME 2019/2020

The Committee considered the Work Programme for 2019/20.

RESOLVED that the Licensing Committee Work Programme for 2019/2020 be updated to include the items discussed and agreed during the course of the meeting.

The meeting closed at 7.07 p.m.

Chairman