

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

TUESDAY, 11TH SEPTEMBER 2018, AT 6.00 P.M.

PRESENT: Councillors R. L. Dent (Chairman), C. J. Spencer (Vice-Chairman), M. T. Buxton (During Minute No's 13/18 to 15/18), R. J. Deeming, H. J. Jones, C. M. McDonald, S. R. Peters, S. P. Shannon, L. J. Turner and S. A. Webb

Officers: Mrs. V. Brown, Ms. S. Garratt, Mr. D. Etheridge and Mrs. P. Ross

10/18 **APOLOGIES**

Apologies for absence were received from Councillors M. Glass and M. A. Sherrey.

The Committee were informed that Councillor R. J. Deeming was in attendance as the substitute Member for Councillor M. A. Sherrey.

11/18 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

12/18 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 11th June 2018 were submitted.

RESOLVED that, the minutes of the meeting of the Licensing Committee held on 11th June 2018 be approved.

13/18 **ANIMAL ESTABLISHMENT LICENSING REFORMS**

Following on from the Licensing Committee held on 11th June 2018; whereby Members received a briefing report on the upcoming reforms to the licensing of animal related establishments as a result of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

The Committee was asked to consider a further report seeking approval for changes that would be required in order to implement the Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018. Namely, changes to the Worcestershire Shared Services

Agreement dated 1st April 2016 to reflect the legislative changes, and to set the fees under the new regime for licensing of animal activities.

The Licensing and Support Services Manager, Worcestershire Regulatory Services (WRS) introduced the report and in doing so informed Members that the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 was scheduled to come into force on 1st October 2018. These regulations were made under the Animal Welfare Act 2006 and would replace the licensing regime and legislation currently in place.

Members were further informed that under the regulations the existing licensing scheme for animal boarding establishments, pet shops, riding establishments and dog breeders would be repealed and replaced by a new single licensing scheme that would regulate all of these activities and would also incorporate the licensing of those who train or exhibit performing animals.

Each application would have to have an inspection visit prior to the issue of a licence.

In order for these changes to be facilitated and implemented, all six Worcestershire District Councils would need to agree that the items listed at section 2 of the report were incorporated into the Worcestershire Shared Services Agreement and Statement of Partnership Requirements.

It was noted that the new regulations would come into force on 1st October 2018. The Licensing and Support Services Manager explained that officers had only received the guidance that supported the regulations, as issued by the Department for Environment, Food and Rural Affairs (DEFRA), in mid-August.

Paragraph 3.12 in the report detailed the main differences in the new licensing scheme.

All current licence holders had been contacted in writing. Officers were also reviewing what additional activities might now be subject to a licence where one would not have been required previously.

Members were advised that the new regulations were very prescriptive in how matters should be conducted both in the granting and refusal of a licence and due to this very prescriptive nature of the regulations the Licensing authority was under strict limitations in respect of how it dealt with each application; lending the new regime to a much more administrative approach to animal licensing than the previous one. The new regime would be more rigorous, require a greater number of inspections and more administration work to support, therefore WRS had decided that an extra officer would need to be employed to cover the additional workload.

The proposed fees and charges, as detailed at Appendix 1 to the report, had been calculated on a full costs recovery basis and were approximately a 39% increase. This would be reviewed in 2019/2020. The proposed fees and charges did represent a significant increase but this was due to the extra work that would have to be undertaken and the cost of engaging an additional officer.

The Licensing and Support Services Manager, WRS, explained that individual guidance had been issued for each licensable activity and there would be three levels of conditions for applicants to comply with; standard conditions, higher conditions and extra higher conditions. This would be linked to a star rating system and to a risk rating. The level of risk would determine the number of inspections required each year for any business holding a licence, with most businesses receiving at least two inspections a year. Business owners would be required to display their star rating to the public.

There would be a lead in period after 1st October 2018 with businesses having to move over to the new system as and when their existing licences expired.

In response to questions from Members the Licensing and Support Services Manager, WRS stated that each business would be charged a single application fee and then licence fees would be added depending on the activities carried out by the business. For performing animals a three year licence would be issued as there was no risk assessment. However, officers would still go out and inspect any such establishments if any concerns were raised via intelligence. Travelling circuses were exempt from the legislation.

RECOMMENDED:

- a) that determination of all licensing applications in respect of the Animal Welfare Act 2006 be removed from para 3, Schedule 2, Part II (Matters not Delegated) of the Worcestershire Shared Services Agreement dated 1st April 2016;
- b) that the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 be added to Schedule 1 Appendix, Part II of the Worcestershire Shared Services Agreement dated 1st April 2016;
- c) that the following wording be added to Part II "Animal Health and Welfare" section of Appendix 1- Statement of Partner Service Requirements to Worcestershire Shared Services Agreement dated 1st April 2016; and
- d) that the proposed fees and charges, as detailed at Appendix 1 to the report, be approved.

Following on from the Licensing Committee meeting held on 12th March 2018, whereby Members approved the draft revised Statement of

Principles for the purpose of consultation. Members were asked to consider the responses received to the consultation and the changes incorporated into the revised draft Statement of Principles as a result of those responses.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), presented the report and in doing so informed Members that the consultation exercise was carried out from 3rd May until 27th July 2018.

During the consultation period three substantive responses were received as follows; the Public Health Team at Worcestershire County Council, Dodford Parish Council and from a consultant that worked for a gambling premises operator who had premises in the licensing authority's area.

The Public Health Team had requested some minor changes to the wording contained in the part of the Statement of Principles relating to Public Health and Gambling; in order to provide a firmer commitment to engagement with them in this area. The changes requested had been incorporated into the draft revised Statement of Principles, as detailed at Appendix 2 to the report.

Dodford Parish Council had recommended that restrictions were placed on the number of betting shops in Bromsgrove High Street as this could be ruining the character of the town. Members were informed that it was not possible to impose such restrictions under the Gambling Act 2005 and that every application had to be determined on its own merits.

The response for the consultant, as detailed at Appendix 1 to the report, raised two points. In response to the first point raised, the revised Statement of Principles was amended to clarify that when an applicant for an unlicensed family entertainment centre was a limited company, a Basic Disclosure certificate would need to be supplied in respect of each director of the company concerned

In response to the second point raised, officers did not believe that the wording in section 10 of the draft revised Statement of Principles implied any gambling premises were inappropriate in town centres. This section simply set out some of the matters that the licensing authority would expect gambling operators to consider when carrying out their own local risk assessments.

In response to questions from Members, the Senior Licensing Practitioner, WRS, informed the Committee that there were five licensed betting premises within the district, three on the High Street, one on Worcester Road and one in Rubery. Shipley Amusement Centre located on the High Street, was an adult gaming centre and not a betting premises.

RECOMMENDED:

- (a) that Council approve the revised Statement of Principles, as detailed at Appendix 2 to the report, and
- (b) that the Statement of Principles be published by 31st January 2019.

15/18

LICENSING COMMITTEE WORK PROGRAMME

The Committee considered the Work Programme for 2018/19.

RESOLVED that the Licensing Committee Work Programme for 2018/2019 be noted.

The meeting closed at 6.22 p.m.

Chairman