

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

**MINUTES OF THE MEETING HELD ON THURSDAY 20 SEPTEMBER
2018**

Present: Councillor Mrs Joy (Chairman), and
Councillors Garten, Mrs Grigg, Harper, Harvey,
Hinder, Mrs Hinder, McLoughlin, Purle,
Mrs Robertson, J Sams and Springett

20. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillor McKay.

21. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Harper was substituting for Councillor McKay.

22. URGENT ITEMS

There were no urgent items.

However, Members questioned why the Licensing Committee meetings were not webcast. The Legal Advisor stated that in the past the Committee had considered the issue on several occasions and decided that as there were many Part II items and matters where objectors were in attendance, it was more prudent to not webcast these meetings. However, time had passed and if Members wished to reconsider that decision then the Committee could do so.

RESOLVED: That the decision on whether to webcast the Licensing Committee meetings be reviewed on an annual basis.

Voting: For: 11 Against: 0 Abstentions: 1

23. VISITING MEMBERS

There were no Visiting Members.

24. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

Councillor Mrs Springett arrived at 6.35 p.m. as this item was being discussed.

25. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

26. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

27. MINUTES OF THE MEETING HELD ON 19 JULY 2018

In response to a question by a Member, Mr John Littlemore, the Head of Housing and Community Services, advised that he would find out why Email regarding the Licence Tracker had not been sent out as requested.

RESOLVED: That the Minutes of the meeting held on 19 July 2018 be approved as a correct record and signed.

28. COMMITTEE WORK PROGRAMME

The Committee considered the Work Programme for 2018/19 and the following comments were made by Members:-

- **Deregulation Act 2015** – Members expressed concerns about the effect that the de-regulation of certain types of licensable activity, mainly at alcohol licensed premises (particularly outside) had had on residents living near public houses. In particular complaints made are dealt with by enforcement which entails months of recordings from the complainant by which time the Summer months, where the amplified music is more prominent, have gone and the situation has settled down again. They would wish that consideration be given to possible lobbying of central government.

Mr Littlemore undertook to take a report to the Communities, Housing and Environment Committee as this would come under that Committee's responsibilities.

- Gambling Act 2005: Responses to Consultation – November 2018
- MBC Animal Establishment Fees and Charges 2019/20 – Mr Littlemore advised that should the report on the agenda be approved at this meeting then this would not need to come to the March Committee meeting.

RESOLVED:

- 1) That the Committee Work Programme for 2018/19 be noted with the changes made.
- 2) That Officers present a report to the Communities, Housing and Environment Committee on the deregulated LA03 activities and the

impact they have had on communities and what options were there to deal with them.

Voting: Unanimous

29. CHANGES TO ANIMAL LICENSING LEGISLATION

Mr Martyn Jeynes, the Community Protection Manager, introduced his report which provided guidance from DEFRA on the new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 which would come into effect on the 1st October 2018.

The Committee noted that the new legislation provided an updated licensing framework in England for five activities involving animals which were as follows:-

- Selling animals as pets
- Providing for or arranging for the provision of boarding for cats and dogs
- Hiring out horses
- Dog breeding
- Keeping or training animals for exhibition

Mr Jeynes highlighted areas that were now captured by the legislation such as online trading of pets.

In response to questions from Members, Mr Jeynes advised that:-

- The fees were calculated according to the guidance and took into account all the activities involved in the particular processes such as travel, time spent at the establishment and the processing of the licence application.
- The new regulations were made on 16th April 2018 and due to come into effect on 1st October 2018. The relatively late publication of the guidance, particularly around fee setting meant that it had not been possible to brief Members before the Committee meeting.
- The legislation gave more powers to Local Authorities, including giving Officers authority to enter a premises with a warrant on suspicion of trading rather than having to gather evidence of an offence first.
- If selling pets online the person was required to show a licence number on their advertisement.
- A dog training establishment did not fall under the new regime but the person who exhibited the dog would have to be licensed.
- The guidance stated that there should only be 1 litter per bitch each year. The restriction of 3 litters per year related to 3 breeding bitches in one household. An Officer can investigate if there was a

suspicion that it was more.

- The current licences were due to expire in December 2018 so existing establishments had been contacted and advised about the new regime. The legislation provided for the transition of existing licences which needed to be issued under the new regime once expired. With most licences due to expire in December 2018 there was likely to be heavy demand on the service between October and December.
- It would be possible to review the fees in 12 months' time as there would have been sufficient time to check if the fees had been calculated in the correct manner.
- Officers could follow up on concerns from residents who suspected an activity was being operated without a licence.
- The guidance stated that a cost for enforcement against unlicensed activities should be included, which would be paid from licensed activities fees, as enforcing against unlicensed activities protected their business.
- Establishments who were awarded a 5 Star rating would pay upfront cost in the first year, but the Council would still need to recover its costs overall.
- Dog Day Care and Home Dog Boarding were new additions to the regulations and therefore an unknown quantity.
- Dog Walkers and Horse Livery Stables were currently outside of the scope of the legislation.
- It was envisaged that the details of the Animal Licences would be published on the licensing website in order that anyone could check to see if the establishments had a licence.
- Officers would be working with the Communications Team to ensure that the message was given out to the general public to reflect the new changes. Mr Jeynes stated that he would also address the requirement for a hotline so residents could report their concerns around unlicensed activities.
- Officers had taken into account the cost of an inspector and others in training to provide cover. It had also been recognised that for the first one to two years the service would be resource heavy, especially as a lot of the existing licences expire at the end of 2018.
- The fees were calculated to cover the cost of the service provided, this included the cost for one official visit and an unannounced visit during the term of the licence.

- The activities of home dog boarding and dog day care were required to be licensed from 1st October. If these were excluded from the list of fees then it would not be possible to licence this activity. The guidance specifies the fees from other licensed activities cannot be used to subsidise another licensing activity. The fees for each licence had been costed based on predicted costs for the Council on administering the licence and not on the relative incomes of the activities themselves.

RESOLVED:

- 1) That the changes required by The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 be noted.
- 2) That the associated fee structure, produced in accordance with the guidance provided by DEFRA effective from 1 October 2018 be agreed.
- 3) That a review of the service be submitted to the Committee in 12 months' time.

Voting: For: 8 Against: 4 Abstentions: 0

Councillor Garten asked for his dissent to be noted.

30. **COMMITTEE MEMBER TRAINING**

Mr John Littlemore, the Head of Housing and Community Services presented a report on the Constitution requirement that Members and Substitute Members of the Licensing Committee undertake the required training to enable them to continue to serve on the Committee.

In response to a question from a Member, Mrs Bolas, the Legal Officer advised that it was not felt practical to hold the training in the evening as it would take a minimum of two to three hours to complete and was detailed.

The Committee noted that one more training session would be arranged to capture the two Committee Members and the Substitute Members who had not undertaken the training. However, failure of any Member to attend the training session would result in them not being able to serve on the Committee as a Member or a Substitute. Mrs Bolas advised that a further refresher training session would be organised in the new year.

RESOLVED: That the content of the report be noted and the need for its Membership to be compliant with Maidstone Borough Council's Constitution and the Licensing Committee decision of the 16 June 2016 on the requirements for training be agreed.

Voting: Unanimous

31. DURATION OF MEETING

6.30 p.m. to 8.10 p.m.