

Crawley Borough Council

Minutes of Licensing Committee

Monday, 5 November 2018 at 7.30 pm

Councillors Present:

M W Pickett (Chair)

M L Ayling (Vice-Chair)

T G Belben, N J Boxall, B J Burgess, R S Fiveash, K L Jaggard, M G Jones, K McCarthy, C J Mullins, D M Peck, B J Quinn, R Sharma and J Tarrant

Officers Present:

Tony Baldock Environmental Health Manager

Roger Brownings Democratic Services Officer

Astrid Williams Solicitor

Apologies for Absence:

Absent:

Councillor C Portal Castro

1. Disclosures of Interest

No disclosures of interests were made.

2. Minutes

The minutes of the meeting of the Licensing Committee held on 11 June 2018 were approved as a correct record and signed by the Chair.

At this point, and in response to a request from the Chair, the Committee acknowledged for its information a copy of a letter as tabled from Councillor Malik regarding his attendance at the Committee's last meeting.

3. Review of the Statement of Licensing Policy Licensing Act 2003

The Committee considered report HCS/08 of the Head of Community Services. The Committee was advised that the Council's current Statement of Licensing Policy concerning the Licensing Act 2003 expired in 2018 and as such the Council was required to update that Policy to reflect its proposed strategy in discharging its role as the Licensing Authority for the 5 year period 2019 – 2024. The Committee acknowledged that whilst as a Policy Framework Document the adoption of the Policy as updated, must ultimately be considered by the Overview and Scrutiny Commission and be agreed by the Cabinet for recommendation to the Full Council, the purpose of

the report was to ensure that the Committee was involved in the process as far as was possible and was aware of the work being undertaken. At this point a member of the public abruptly stood and tried to ask questions regarding a taxi matter. The Chair explained to him that this was not the forum to raise his personal situation, and eventually he left the Committee room.

The Committee considered the report in detail, and in response to issues raised, the Environmental Health Manager:

- Emphasised that the Council was obliged to consult, and as widely as possible, on the updating of its Policy.
- Explained that the consultation was currently in progress, and in addition to consulting with the key named stakeholders, the consultation involved a wide range of representative groups. Every Councillor, including those of this Committee, was able to make representations as part of the consultation process.
- Advised that the Council had to ensure that our policy and procedures were compliant with guidance regarding consultation good practice, and specific guidance, as issued under section 182 of the Licensing Act 2003.
- Confirmed there had been a substantial number of changes to the law concerning this area of regulation since 2013 which now needed to be included in the Policy document.
- Indicated that with regard to a new provision which would allow the Council to revoke a personal licence if the holder had been convicted for a specified offence, he would provide clarification to Members as to the associated procedure for appeal. **ACTION.**

In further seeking and receiving clarification on details set out in the report, the Committee indicated its thanks to Officers for that report and for the information provided therein.

RESOLVED

That the report be noted.

4. Arrangements for the Licensing of Activities Involving Animals

The Committee considered report HCS/07 of the Head of Community Services, the purpose of which was to consider new arrangements for the licensing of activities involving animals and approve the revised fee levels as proposed.

The Committee was informed that The Animal Welfare Act 2006 was the enabling legislation for recently introduced regulations. The new regulations, called the Animal Welfare (Licensing of Activities Involving Animals) Regulations (the regulations), were passed by the Government in April 2018 and came into effect on 1st October 2018. These regulations repealed and amended the raft of legislative provisions (as set out in Paragraph 4.3 of the report) that currently governed the Council's licensing activities in relation to animal establishments.

The Committee considered the report in detail, and in response to issues raised, the Environmental Health Manager:

- Confirmed that for licensing purposes the new Regulations provided a comprehensive list of activities involving animals.

- Explained that Zoos' and 'Dangerous Wild Animal' establishments would continue to operate under their current licensing regimes.
- Advised that Dangerous dogs would continue to be covered by the Dangerous Dogs Act.
- Agreed that before using boarding establishments for their cats or dogs, the public would be advised to seek assurances from those establishments that they were covered by the new legislation.
- Explained, that as a safeguard and added assurance, a new risk rating system would be implemented resulting in a business receiving a 1-5 star score. The duration of a business' licence would be determined by the level of compliance and extent to which they met or exceeded the required standards.
- Emphasised that a lot of publicity was being undertaken to ensure that all relevant animal establishments, including those involved in the boarding and breeding of dogs, were aware of the new legislation, whilst investigatory work by the Council along with expected peer pressure, would help to pinpoint any establishments that might go unnoticed or did not come forward for this licensing purpose.
- Advised that in terms of the licensing of "keeping or training animals for exhibition" - which was to be transferred from County Councils to District Councils, he would provide further clarification to Members as to which groups of animals fitted into this licensing activity. **ACTION.**
- Emphasised that the cost of implementing and operating the new licence regime was required to be covered by income from animal establishment licensing fees.
- Explained that the new licensing regime would necessitate additional work by the Council and accordingly a new fee regime was proposed to ensure that the Council covered its costs.
- Indicated that the proposed fees were comparable generally with those of other authorities.
- Acknowledged that there might be more work than anticipated due to the unknown numbers of persons / organisations needing to be licensed, in which case future fees might need to be adjusted to reflect this possibility.

RESOLVED

1. That the new arrangements for the licensing of activities involving animals be agreed
2. That the implementation of revised fee levels as set out in Appendix A to the report be approved.

Closure of Meeting

With the business of the Licensing Committee concluded, the Chair declared the meeting closed at 8.20 pm.

M W PICKETT
Chair