

Licensing Committee

Monday, 3 September 2018

MINUTES

Present:

Councillor Anita Clayton (Chair), and Councillors Andrew Fry, Julian Grubb, Pattie Hill, Gareth Prosser, Antonia Pulsford, Yvonne Smith and Joe Baker

Officers:

Sue Garratt, Ann May and Vanessa Brown

Committee Services Officer:

Sarah Sellers

10. APOLOGIES

Apologies for absence were received from Councillors Roger Bennett, Joanne Beecham, Jennifer Wheeler and Pat Witherspoon. Councillor Joe Baker attended as substitute for Councillor Witherspoon.

11. DECLARATIONS OF INTEREST

There were no declarations of interest.

12. MINUTES

RESOLVED that

the minutes of the meeting of the Licensing Committee held on 16th July 2018 be confirmed as a correct record and signed by the Chair.

13. ANIMAL ESTABLISHMENT LICENSING REFORMS

Members received a report seeking approval for changes that would be required in order to implement the Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations

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Chair

2018. Specifically, Members were asked to consider updating the Worcestershire Shared Services Agreement dated 01 April 2016 to reflect the legislative changes, and to set the fees under the new regime for licensing of animal activities.

The Licensing Support Manager, Worcestershire Regulatory Services (WRS) introduced the report and updated members on the introduction of the new regime for licensing of animal activities which the members had already been briefed on at the meeting of the Licensing Committee on 16 July.

Members were reminded 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licensing scheme for animal boarding establishments, pet shops, riding establishments and dog breeders would be repealed and replaced by a new single licensing scheme that would regulate all of these activities and would also incorporate the licensing of those who train or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 which is an area of licensing that had previously been the responsibility of Worcestershire County Council carried out by Trading Standard Officers.

It was noted that the new regulations would come into force on 01 October 2018, and the Licensing Support Manager explained that officers had only received the guidance that supports the regulations issued by the Department for Environment, Food and Rural Affairs (DEFRA) in mid-August. Members were advised that the guidance documents were very detailed and officers were working hard to review the guidance and set up a work programme to cover the change over to the new regime. As the new regime would be more rigorous and require a greater number of inspections and more administration work to support it, WRS had decided that an extra officer would need to be employed to cover the additional workload.

The Licensing Support Manager 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. The level of attainment would be linked to a star rating system and to a risk rating. The level of risk would dictate 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.

The Licensing Support Manager highlighted the following features of the new regime:-

- That a licence would be able to authorise more than one activity, for example kennelling and breeding;

- That the new system would introduce star ratings and that the linked risk assessment would inform the frequency of inspections and the length of licence granted.
- That the old terminology of a “pet shop licence” would be replaced with a licence for the “selling of animals” thus incorporating not only traditional shops but also all other forms of selling including internet businesses.
- That dog breeders would now have to obtain a licence for 3 litters and over a year.
- That the new legislation would give local authorities more options when assessing applicants including powers to revoke, refuse or suspend licences with a right of appeal to the First Tier Tribunal.

Members were advised that there would be a lead in period after 01 October with businesses having to move over to the new system as and when their existing licences expired. WRS were planning for this carefully as the majority of licences held locally were due to expire on 31st December 2018.

With regard to the setting of fees, the Licensing Support Manager explained that the proposed fees did represent a significant increase but this was a reflection of the extra work that would have to be undertaken and the cost of engaging an additional officer. The fees had been calculated on a costs recovery basis. For example the inspection fee of £160 was based on the visit, travel and administration work taking 3 hours. As the services would be provided by WRS acting for all the partner authorities at district level in Worcestershire, it was being proposed that the fees would be the same for all districts in Worcestershire.

The Licensing Support Manager explained that recommendations 1 to 3 were required in order for the current partnership agreement for WRS to be updated and for the new powers to be delegated to WRS to be performed on behalf of the Borough Council.

In responding to questions from Members the Licensing Support Manager commented on the following:-

- 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.
- That compared to the fees under the current system the increase would be in the region of 39%, although as previously mentioned this would be required to cover extra staffing costs.

- That for performing animals, there would be a slightly lesser requirement that a licence be re-newed every three years. This was partly a reflection of the previous system for performing animals which had historically been administered by Trading Standards. Officers would still go out to inspect any such establishments if relevant intelligence was received regarding concerns.
- That regarding informing businesses of the changes, 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.
- That the Council website had been updated to include links to the DEFRA guidance on animal licensing.

Overall, members were supportive of the changes and the recognition through the new legislation of the benefits for animal welfare of having a more rigorous licensing and inspection regime.

RECOMMENDED that:

- 1) **Determination of all licensing applications in respect of Animal Welfare Act 2006 is removed from para 3, Schedule 2, Part II (Matters not Delegated) of the Worcestershire Shared Services Agreement dated 1 April 2016**
- 2) **The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 are added to Schedule 1 Appendix, Part II of the Worcestershire Shared Services Agreement dated 1 April 2016.**
- 3) **The following wording is added to Part II “Animal Health and Welfare” section of Appendix 1- Statement of Partner Service Requirements to Worcestershire Shared Services Agreement dated 1 April 2016.**

Activity	Outcomes/ critical success factors	Performance measures/ key performance indicators and targets	Applicable policies, strategies, service standards, statutory codes or guidance
Licensing of Activities Involving Animals	Premises meet Licensing Conditions and License issued on time. Animal welfare issues addressed assured and protected. All appropriate persons and premises licensed.	Compliance with License conditions and standards.	The Animal Welfare Act 2006 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 4) That the proposed fees and charges as detailed in the report at Appendix 1 are approved.

14. WORK PROGRAMME

The Committee considered the Licensing Committee Work Programme for the 2018/2019 Municipal Year.

RESOLVED THAT

The Licensing Committee Work Programme 2018/2019 be noted

The Meeting commenced at 7.00 pm
and closed at 7.25 pm