

Public Document Pack

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A special meeting of **General Licensing Committee** will be held in Committee Room 2 - East Pallant House on **Wednesday 7 November 2018 at 10.00 am**

MEMBERS: Mr J Ridd (Chairman), Mr H Potter (Vice-Chairman), Mr P Budge, Mr A Collins, Mr J Connor, Mr J W Elliott, Mr L Macey, Mr G McAra, Mr A Moss, Dr K O'Kelly, Mr C Page, Mrs P Plant, Mrs C Purnell, Mrs S Taylor and Mr D Wakeham

AGENDA

- 1 **Chairman's Announcements**
Any apologies for absence will be noted at this point.
- 2 **Minutes** (Pages 1 - 5)
To approve the minutes of the General Licensing Committee meeting held on 14 June 2017.
- 3 **Urgent Items**
The Chairman will announce any urgent items which due to special circumstances are to be dealt with under agenda item 7b.
- 4 **Declarations of Interests**
Members and officers are reminded to make any declarations of disclosable pecuniary, personal and/or prejudicial interests they may have in respect of matters on the agenda for this meeting.
- 5 **Public Question Time**
The procedure for submitting public questions in writing no later than 12:00 on 6 November 2018 is available upon request from Democratic Services (the contact details for which appear on the front page of this agenda).
- 6 **Proposed Fees & Charges for the new Animal Welfare Licensing Regime** (Pages 7 - 13)
The Committee is requested to approve the new fees and charges in relation to the administration and enforcement of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

7

Late Items

Consideration of any late items as follows:

- a) Items added to the agenda papers and made available for public inspection.
- b) Items which the Chairman has agreed should be taken as matters of urgency by reason of special circumstances reported at the meeting.

8

Exclusion of the press and public

There are no restricted items for consideration.

NOTES

1. The press and public may be excluded from the meeting during any item of business whenever it is likely that there would be disclosure of exempt information as defined in section 100I of and Schedule 12A to the Local Government Act 1972
2. The press and public may view the agenda papers on Chichester District Council's website at [Chichester District Council - Minutes, agendas and reports.](#)
3. This meeting will be audio recorded and the recording will be retained in accordance with the council's information and data policies. If a member of the public makes a representation to the meeting they will be deemed to have consented to being audio recorded. By entering the committee room they are also consenting to being audio recorded. If members of the public have any queries regarding the audio recording of this meeting please liaise with the contact for this meeting detailed on the front of this agenda.
4. Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of their intentions before the meeting starts. The use of mobile devices for access to social media is permitted, but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided.



Minutes of the meeting of the **General Licensing Committee** held in Old Court Room, The Council House (Chichester City Council), North Street, Chichester on Wednesday 14 June 2017 at 9.30 am

Members Present: Mr H Potter (Vice-Chairman), Mr G Barrett, Mr P Budge, Mr A Collins, Mr J Connor, Mr J W Elliott, Mr L Macey, Mr G McAra, Mr C Page, Mrs C Purnell and Mr D Wakeham

Members not present: Mr J Ridd, Mrs P Plant, Mr N Thomas and Mrs S Westacott

In attendance by invitation:

Officers present: Mr A Barson (Licensing Technician), Mr L Foord (Licensing Manager), Miss L Higenbottam (Democratic Services) and Ms G Di Lauro (Litigation and Licensing Lawyer)

1 **Chairman's Announcements**

In the absence of the Chairman, Mr Ridd, the meeting was chaired by Mr Potter (Vice-Chairman).

Mr Potter welcomed Mr Collins and Mr Page to the Committee.

Apologies for absence had been received from Mrs Plant, Mr Ridd (Chairman) and Mr Thomas.

2 **Minutes**

Ms Di Lauro requested an amendment to minute 36 (the top paragraph of page three of the agenda pack) to read 'Equality Act 2010' rather than 'Equalities Act 2010'.

RESOLVED

That the minutes of the meeting held on 22 March 2017 be approved and signed by the Vice-Chairman as a correct record subject to the above amendment.

3 **Urgent Items**

There were no urgent items.

4 **Declarations of Interests**

There were no declarations of interest.

5 **Public Question Time**

There were no public questions.

6 **Equality Act 2010 - Designation of 'Wheelchair Accessible Vehicles' and clarification regarding the carrying of assistance dogs**

Mr Barson explained that sections 165 and 167 of the Equality Act 2010 came into force on the 6 April 2017. Section 165 of the Act requires drivers of wheelchair accessible vehicles (WAV) to carry passengers in wheelchairs, provide appropriate assistance and prohibits additional charging. Section 167 of the Act gives councils the power to create a list of wheelchair accessible vehicles. Contravention of the Act could result in a fine of up to £1,000. Mr Barson explained that officers intend to issue drivers with a list of WAV and publish a list on the Chichester District Council (CDC) website.

Mr Barson outlined section 166 of the Equality Act 2010. He explained that for a driver to be granted an exemption from carrying passengers in wheelchairs they must provide written medical evidence from a doctor or other professional detailing the reason the exemption is required, the date the relevant condition started, the type of modification/s (if any) required and the timescale for any modification/s. The licensing team reserves the right to refer the driver to the council's own medical practitioner or occupational therapist. If there are any doubts then the matter would be referred to Licensing Sub-Committee. If the licence is refused then the driver has the right of appeal to the Magistrates Court. For an exemption notice to be valid it must be displayed correctly in the driver's vehicle.

Mr Barson also advised of the proposed addition to the policy in terms of clarifying the requirements for licensed drivers to carry assistance dogs and the process for drivers to claim an exemption on medical grounds.

In response to members' questions about vehicle capacity Mr Barson explained that the driver application form provides officers with information relating to whether a vehicle is wheelchair accessible. He confirmed that all WAV in the CDC fleet have the capacity to securely transport a standard sized wheelchair also known as a 'reference' wheelchair (exact dimensions are detailed on the website). For anything larger (electric wheelchairs) the driver of a WAV will need to undertake a dynamic risk assessment to determine whether it is safe to transport the wheelchair user/s. The council's expectation is that in the vast majority of cases it will be safe to do so. Any new applicant who intends to drive a WAV is required to undertake a wheelchair assessment to ensure they know how to safely load, secure and unload. Regarding the number of complaints from passengers travelling in wheelchairs, Mr Barson explained that most relate to loading and unloading although these were very rare. He confirmed that under these circumstances the licensing team has requested that the driver retake the assessment.

In response to a request to clarify some key definitions Mr Barson outlined a document created by Transport for London which illustrates the various types of assistance dogs and what their different coats represent. Mr Foord agreed to arrange for the link to be sent to all drivers and put on the CDC website. It was also confirmed that drivers must carry assistance dogs unless they have been issued with an exemption certificate and notice by the council for a genuine medical reason following an application being made to the licensing team and including supporting information from the GP and Consultant. Mr Barson explained that the CDC definition of a standard wheelchair is detailed in appendix two to the report and all vehicles on the CDC designated list would be able to carry a standard wheelchair. It was also clarified that taxis cannot transport mobility scooters.

In response to members concerns regarding complaints, Mr Barson confirmed that no complaints had been received about drivers starting the meter whilst loading passengers in wheelchairs. Mr Foord explained that when the licensing team is contacted for advice by a member of the public on booking a taxi they encourage them to contact a licenced operator and discuss any specific requirements prior to their journey.

Ms Di Lauro requested an amendment to appendix two on page 10 of the agenda pack to read 'hire' instead of 'higher'.

RESOLVED

That the proposed changes to the existing policy regarding duties to carry wheelchair users, establishing a list of designated 'Wheelchair Accessible Vehicles' and the carrying of assistance dogs be approved subject to the above amendment.

7 Update regarding Knowledge Test for new private hire (PH) and hackney carriage (HC) drivers

Mr Barson explained that, following the last meeting, officers began designing a computerised Knowledge Test in partnership with Diamond. Mr Barson listed the five sections which cover the road signs, Highway Code, HC/PH law and policy, places of interest and prevention of Child Sexual Exploitation (CSE) and disability awareness. All applicants would have to complete these sections regardless of whether they are applying for a HC or PH driver licence. However, HC licence applicants would be required to answer additional geographical questions and a number of questions would be specific to either HC or new PH applicants. To pass the test new applicants must achieve 70% or above in all sections, however there is opportunity for two retakes. The applicant will only be re-tested on the sections failed. If an applicant is unable to pass all sections of the test after three attempts they must wait six months. Each applicant is charged £41 per test and an additional £20 per retake. Mr Barson outlined plans for officers to trial the test on four purpose built laptops provided by IT. He explained that data would be transferred and stored on a master laptop. Mr Barson confirmed that a factsheet detailing the test process could be found on the CDC website.

In response to members concerns regarding officer time, Mr Foord confirmed that although there had been a significant recent increase in the number of new PH

driver applications new ways of working allows officers to use their corporate laptops to work whilst invigilating. Regarding the level and content of the test, Mr Foord explained that the test includes questions about the whole district and not just Chichester city centre. Mr Foord explained that it requires an applicant to have some knowledge of the area and the licensing team had adopted a common sense approach in formulating the questions. He assured the Committee that if the majority of applicants consistently achieve 100% mark in answering the questions, therefore indicating that the questions may be too easy then the questions would be reviewed. Conversely, if some of the questions proved to be too difficult to answer for the majority of the applicants these would be reviewed. Regarding the testing of English, Mr Foord explained that by reading and answering the test questions a new applicant would have demonstrated a suitable level of understanding of the English language. He outlined how some other local authorities require all applicants to sit an English test but confirmed that at present there are no plans to implement this approach at CDC. Regarding applicants who are unable to read, Mr Barson confirmed that an officer would offer appropriate support.

In response to a request to clarify whether a driver would be suspended for failing a test Mr Foord confirmed that as only new applicants would be required to take a Knowledge Test they would be unlicensed at that stage. Mr Foord asked members to consider whether the Committee should set a limit on the number of retakes allowed for a licence renewal test (at present there is no limit) i.e. would it be appropriate for a driver to be granted a licence if they had had to re-sit the Knowledge Test half a dozen times over a six or 12 month period. This is something that could be considered further after the system has been running for a period of time.

In response to members suggestions, Mr Foord agreed that applicants could be encouraged to take the Knowledge Test before paying for their criminal record and medical checks. He confirmed that it would not be possible to require all taxis to install a satellite navigation device but assured members that most CDC taxis have either a standalone device or a built in device.

Mr Connor proposed that applicants should be given the option to complete their Knowledge Test as the first stage of the application process. Mr Barrett seconded the proposal. The Committee were in agreement and requested officers implement the approach. The Committee also requested officers carry out an annual review of the Knowledge Test questions and provide the Committee with a full review of the process in two years' time.

Following discussion on whether sections A and B (road signs and Highway Code) should be included in the test (as they relate to the Highway Code which is tested by the DVLA) Mr Page proposed that sections A and B be withdrawn. This proposal was not seconded.

8 Consideration of any late items as follows:

There were no late items for consideration.

The meeting ended at 10.37 am

CHAIRMAN

Date:

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Chichester District Council

GENERAL LICENSING COMMITTEE

7 November 2018

**Proposed Fees & Charges for the new
Animal Welfare Licensing Regime**

1. Contacts

Report Author

Timothy Horne – Principal Environmental Health Officer, Environmental Protection

Tel: 01243 534598 E-mail: thorne@chichester.gov.uk

Cabinet Member

John Connor, Cabinet Member for Environment Services

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2. Recommendation

- 2.1 That the General Licensing Committee approves the new fees and charges in relation to the administration and enforcement of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.**

3. Background

- 3.1** The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 repeals and amends the existing legislation for animal licensing activities, namely; animal boarding, dog breeding, pet shops, performing animals and riding stables.
- 3.2** The new regulations aim to provide benefits for animal welfare and have amended the previous licensing regime in a number of ways. The three key changes which relate to fees are:
- Premises can have a single licence covering a number of licensed activities.
 - Performing animals, previously subject to a permitting regime administered by County Councils, are now included in this licensing regime and the licensing authority is, therefore, District Councils.

- With the exception of performing animals, all other business will be assessed against animal welfare model standards and awarded a risk rating which determines the length of the licence. Licences can last for between 1 to 3 years. Performing animal licenses automatically run for 3 years.
- 3.3 The legislation allows licensing authorities to charge a reasonable amount to recover the cost of considering the grant, renewal or variation of a licence.

4. Outcomes to be achieved

- 4.1 That new fees are set which are fair and reasonable based on the Open for Business: LGA guidance on locally set licence fees and which achieve recovery of the Council's costs in administering the new system. The proposed fees have regard to the reasonable anticipated costs for:
- Consideration of an application, including any inspection relating to that consideration;
 - Consideration of a licence holder's compliance with the Regulations and the licence conditions to which a licence holder is subject. This includes the cost of any further inspections related to compliance;
 - The reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator;
 - The cost of the new requirement for officer training and the reasonable anticipated costs of the local authority compiling and submitting the data required by regulation 29 to the Secretary of State.

5. Proposal

- 5.1 That a new fee structure is introduced (as set out in Appendix 1) which will ensure the animal licensing system achieves cost recovery, including enforcement.
- 5.2 The fees and charges proposed are based on the statutory guidance for the new regime, issued by DEFRA.
- 5.3 In addition to the Council's fees, businesses may also be required to pay for an inspection and report from the Council's authorised vet. This cost will be in addition and is recharged to the licensee at the cost to the Council. Vet inspections are required for riding establishments, the first inspection of a dog breeder and for any premises, where an officer has concerns about animal welfare and a vet's opinion is required.

- 5.4 Whilst the cost of administering this licensing regime will result in a significant increase in fees for operators, some licences will run for 2 or 3 years, instead of being renewed annually, so the cost to fully compliant businesses may, in fact, be less over the life of the licence. An estimate of the fees over a 3 year period, based on current licence types and numbers, might be approximately £61,000 (£20300/year).

6. Alternatives that have been considered

- 6.1 By leaving fees at the existing levels, they will not comply with the new legislation. Although the legislation provides for no transition period, the Council could introduce a sliding scale for the fees, over a period of, for example, 3 years as a means of supporting the transition for local businesses that may have additional costs of meeting the newer model conditions for animal welfare. This would however mean that the full cost of administering the new regulations would not be recovered.

7. Resource and legal implications

- 7.1 Changes arising out of the new regime have resource implications but it is anticipated at this stage that no new staff resources will be required to administer the new licencing system but this will be kept under review.
- 7.2 There are no additional legal implications beyond those outlined above.

8. Consultation

- 8.1 A Sussex-wide Animal Licensing Sub-Group produced a fee setting structure to ensure consistency in the fees across the County. The Council's proposed fees are in line with the fees proposed by neighbouring local authorities.
- 8.2 All current licence holders have been written to, explaining the changes to animal licences and the new application process. The Council's website has also been updated..

9. Community impact and corporate risks

- 9.1 The changes in legislation may be a challenge for a regulated business although the thrust of the new legislation is to improve animal welfare standards, which should be seen as a positive move. Any increase in licensing of premises that currently operate unlicensed, will assist in achieving an even playing field for all businesses.

- 9.2 Failure to approve suitable fee levels for licensable activities will result in the Council's costs in administering the regime not being fully recovered.

10. Other implications

Are there any implications for the following?		
	Yes	No
Crime & Disorder: The new legislation will result in more businesses now coming under the licensing regime which have previously been unregulated e.g. hobby breeders, dog day care franchises. The legislation also requires LA to look for businesses that continue to operate animal activities without a licence.	x	
Climate Change and Biodiversity: Are there any implications for the mitigation of/adaptation to climate change or biodiversity issues? If in doubt, seek advice from the Environmental Strategy Unit (ESU).		X
Human Rights and Equality Impact: You should complete an Equality Impact Assessment when developing new services, policies or projects or significantly changing existing ones. For more information, see Equalities FAQs and guidance on the intranet or contact Corporate Policy.		X
Safeguarding and Early Help: The Council has a duty to cooperate with others to safeguard children and adults at risk. Do these proposals have any implication for either increasing or reducing the levels of risk to children or adults at risk? The Council has committed to dealing with issues at the earliest opportunity; do these proposals have any implication in reducing or increasing demand on Council services?		X
General Data Protection Regulations (GDPR): Does the subject of the report have significant implications for processing data likely to result in a high risk to the rights and freedoms of individuals? Processing that is likely to result in a high risk includes (but is not limited to): <ul style="list-style-type: none"> • systematic and extensive processing activities and where decisions that have legal effects – or similarly significant effects – on individuals. • large scale processing of special categories of data or personal data relation to criminal convictions or offences. • Any larger scale processing of personal data that affects a large number of individuals; and involves a high risk to rights and freedoms e.g. based on the sensitivity of the processing activity. • large scale, systematic monitoring of public areas (including by CCTV). Note - If a high risk is identified a Privacy Impact Assessment must be provided to the Data Protection Officer.		X

Other (Please specify): eg health and wellbeing		X
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11. Appendices

Appendix 1. - Table of proposed Animal Licence Fees

12. Background Papers

- 12.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, Procedural guidance notes for local authorities, July 2018.

<http://www.cfsg.org.uk/The%20Animal%20Welfare%20Licensing%20of%20Activities%20Involvi/f.%20Defra%20Guidance%20Notes%20for%20Dog%20Boarding%20Kennels.pdf>

- 12.2 Open for Business – LGA guidance on locally set licence fees, Local Government Association, May/June 2017.

https://www.local.gov.uk/sites/default/files/documents/5%2013%20%20OpenForBusiness_02_web.pdf

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Appendix 1. - Table of proposed Animal Licence Fees

Licence Type	Numbers	Existing Licence Fee	Proposed Licence Fee
Pet shop		148.00	304.00
Home boarding of dogs	1-6	94.00	253.00
Dog day care	1-6	new	289.00
	7-25	new	304.00
	26-75	new	319.00
	76+	new	334.00
Boarding – dogs or cats	1-6	155.00	304.00
	7-25	155.00	319.00
	26-75	187.00	334.00
	76+	247.00	349.00
Hire of horses/donkeys	1	131.84	418.00
	2-10	194.67	445.00
	11-20	252.35	522.00
	21+	375.95	599.00
New dog breeding establishment	1-6	154.00	349.00
	7-12	154.00	364.00
	12+	154.00	394.00
Renewal dog breeding establishment	1-6	154.00	304.00
	7-12	154.00	319.00
	12+	154.00	349.00
Animals for exhibition [3 year licence]	1-5	New	304.00
	6+ or > 3 species	New	334.00
Rescore visit		£140	
Vets fees (where required)	A recharge to the licensee of the cost to the Authority		

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