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Minutes of the meeting of the **Special General Licensing Committee** held in Committee Room 2 - East Pallant House on Wednesday 7 November 2018 at 10.00 am

Members Present: 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, Mrs C Purnell and Mrs S Taylor

Members not present: Mr C Page, Mrs P Plant and Mr D Wakeham

In attendance by invitation:

Officers present: Mr N Bennett (Divisional Manager for Democratic Services), Miss L Higenbottam (Democratic Services), Mr T Horne (Principal Environmental Health Officer) and Ms A Stevens (Divisional Manager for Environmental Protection)

9 **Chairman's Announcements**

Apologies were received from Christopher Page and Penny Plant.

10 **Minutes**

RESOLVED

That the minutes of the meeting held on 14 June 2017 be approved and signed by the Chairman as a correct record.

11 **Urgent Items**

There were no urgent items.

12 **Declarations of Interests**

Mr Macey declared a personal interest in respect of agenda item 6 as his daughter earns money from dog breeding.

Mr Moss declared a personal interest in respect of agenda item 6 as his niece earns money from dog walking.

Mrs Purnell declared personal interests in respect of agenda item 6 as a member of West Sussex County Council (WSCC), Selsey Town Council, Manhood Peninsula

Partnership and as a WSCC appointed member of the Inland Fisheries Conservation Association (IFCA).

Mr Bennett confirmed that any further personal interests relating to WSCC or parish council membership would be listed in the minutes (see below):

- Mr P Budge – a member of Chichester City Council
- Mr A Collins – a member of Chidham and Hambrook Parish Council
- Mr G McAra – a member of Midhurst Town Council
- Dr K O'Kelly – a member of WSCC
- Mr H Potter – a member of Boxgrove Parish Council
- Mr J Ridd – a member of Donnington Parish Council
- Mrs S Taylor – a member of West Itchenor Parish Council

13 **Public Question Time**

There were no public questions.

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

Mr Horne introduced the item and was joined by Ms Stevens. He explained that the Cabinet had discussed the new legislation at its meeting on 6 November 2018 where the following recommendation had been made:

RECOMMENDATION FROM THE CABINET TO THE GENERAL LICENSING COMMITTEE

That the new fees and charges in relation to the administration and enforcement of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 be agreed as set out in the appendix (as amended) to the agenda report.

[Note The amendment to the appendix related to the penultimate field (Rescore visit) in the table, where the figure of £140 should be moved from the Existing Licence Fee column to the Proposed Licence Fee column].

In outlining the report Mr Horne confirmed that the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force on 1 October 2018 replacing legislation dating back to the 1940's. The new legislation enables tighter control of animal welfare through the application of a risk based rating system. Mr Horne explained that the fees and charges detailed in the appendix are in line with the statutory guidance from DEFRA. Each eligible business will be granted a licence lasting between one and three years dependent on the rating awarded by the council following inspection. The fee charged will cover the duration of the license for either a one, two or three year period.

Mr Horne and Ms Stevens responded to members questions.

With regard to officer workload the length of questions required at inspection has increased and officers are accountable for inspections, re-inspections, enforcement and maintenance of records. Mr Horne emphasised the implication on officer time as

the district is a large geographical area to cover for inspections. He explained that longer term a review of resources would be likely. Ms Stevens clarified that each premises requires an inspection at the application stage and an interim inspection during the term of the licence which will increase officers workloads. Mr Horne confirmed that officers anticipate a number of appeals due to the new rating system with each appeal requiring written correspondence with an officer and in many cases a revisit.

In clarifying paragraph 3.1 of the report Mr Horne confirmed that the existing legislation had been repealed and amended to comply with the requirements of the new licensing regime. Ms Stevens confirmed that the Animal Welfare Act still applies to all premises where animals are handled and the council is therefore able to investigate animal welfare cases under powers in this legislation.

In response to a number of questions regarding what the new legislation covers Mr Horne and Ms Stevens provided the following clarification.

Areas outside of the scope and therefore not requiring a licence were detailed as follows:

- Dog grooming and walking
- Horse and donkey breeding
- Livery yards for horses and ponies
- Race horse and greyhound tracks
- Rescue centres rehoming dogs and cats (non-profit making, seeking voluntary contributions)
- Rescue centres providing rehabilitation of wildlife (non-profit making)

Areas under the new legislation requiring a licence were detailed as follows:

- Falconry shows (which are now classed as exhibiting animals)
- Premises breeding dogs for a profit of £1000 or more per annum
- Premises breeding three or more litters of dogs per annum

With regard to the difference between the definition of a zoo and the exhibition of animals Ms Stevens explained that as a new area of legislation officers would be seeking further clarification. Previous legislation dates back to the Performing Animals Act 1925 (a county function for the training and/or exhibiting of animals). Mr Bennett clarified that to his knowledge licences obtained under this 1925 Act were subject to a nominal charge.

With regard to the home boarding of dogs Mr Horne clarified that the Council's guidance requires no more than six dogs to be cared for in one property. Each dog must also have its own room (not cage), particularly if left alone in the property for a period of time. If someone is in the property and the dogs have been socialised they are permitted to stay in the same room but must still have access to a room for itself.

Mr Horne outlined the fee structure which has two main elements. The first relates to the application process and the second to inspection and enforcement. If an

application is rejected by the council the applicant will be able to recover the costs associated with the inspection.

With regard to the financial implication of the new rates for businesses Mr Horne explained that any change would be dependent on the length of licence granted by the council which would in turn be determined by the score rating following inspection. Ms Stevens confirmed that model conditions (which businesses are required to comply with) have been in the public domain for some time and although the changes may impact some businesses officers will continue to offer guidance. She explained that the fee structure is comparable with the West Sussex cohort. Mr Horne confirmed that all the main trade bodies had also been made aware of the changes to the legislation. Officers have also written to all licence holders. With regard to the use of a sliding scale of fees Mr Horne confirmed that this would in all likelihood fail to recover the council's full costs. Mr Bennett added that council policy encourages officers to seek recovery of costs unless a significant need has been identified; in this instance it has not been identified.

With regard to whether quarantine kennels are included in the legislation and whether the council is prepared for such an establishment post Brexit a post meeting response was supplied as follows:

Quarantine premises and transporters/carriers are authorised by The Animal & Plant Health Agency and DEFRA. There are no such premises in Chichester District. A prospective quarantine establishment would need to apply to APHA to become an authorised centre.

To travel with your pet after Brexit, if no deal with the EU is reached, a pet passport issued in the UK would not be valid for travel to the EU however, there are various requirements for travelling with your pet but this is outside of the licensing regime and the Councils remit.

In terms of air travel, if you are travelling into the UK and need to put a pet into quarantine you need to apply for a licence to land an animal for detention in Quarantine and use a main airport such as Gatwick. Animal movements are not permitted through Goodwood aerodrome.

The Committee voted unanimously to approve the new fees and charges subject to amendment to the appendix relating to the penultimate field (Rescore visit) in the table where the figure of £140 should be moved from the Existing Licence Fee column to the Proposed Licence Fee column.

RESOLVED

That the new fees and charges in relation to the administration and enforcement of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 be approved subject to the amendment to the appendix detailed above.

15 Late Items

There were no late items.

The meeting ended at 10.50 am

CHAIRMAN

Date:

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