



Minutes of the meeting of the **General Licensing Committee** held in Committee Room 2 - East Pallant House on Wednesday 12 February 2020 at 9.35 am

Members Present: Mr G McAra (Chairman), Mr A Moss (Vice-Chairman), Mr J Elliott, Mr K Hughes, Mr C Page, Mr H Potter, Mr A Sutton and Mrs S Taylor

Members not present: Mrs T Bangert and Mr G Evans

In attendance by invitation:

Officers present: Mr N Bennett (Divisional Manager for Democratic Services), Miss H Giudici (Licensing Assistant (Technical)), Mr T Horne (Principal Environmental Health Officer), Miss S Hurr (Democratic Services Officer), Mr D Knowles-Ley (Licensing Officer), Mr R Walling (Senior Environmental Health Officer) and Ms G Di Lauro (Litigation and Licensing Lawyer)

25 **Chairman's Announcements**

Apologies were received from Mr G Evans and Mrs T Bangert.

26 **Minutes**

That the minutes of the meeting held on 27 February 2019 be approved and signed by the Chairman as a correct record.

27 **Urgent Items**

There were no urgent items.

28 **Declarations of Interests**

Mr Moss declared a personal interest in respect of agenda item 6 as his niece earned an income from dog walking.

29 **Public Question Time**

There were no public questions.

30 **Revised Fees and Charges 2020 for the Animal Welfare Licensing Regime**

The Chairman explained that in recent years a number of licensing policies had been adopted, some of the policies were now due for renewal and there were two such policies on the agenda today.

Mr Horne introduced the report and summarised the key points.

The Chairman explained the Environmental Health Team exercise considerable control over the breeding of animals within the district, and were very professional in how matters were dealt with, including the keeping of exotic pets which often presented a challenge.

Members sought clarification in relation to the length of time of a license was in existence for and if the enforcement element was based on historical enforcement actions. Mr Horne confirmed that under the previous provision, licence ran for one year with the exception of dangerous wild animals which ran for two years. Licenses now run for one, two or three years depending on risk rating. Dangerous Wild Animals licenses still run for two years, and Keeping or Training Animals for Exhibition licence runs for three years. With regards to enforcement actions, that had been calculated in terms of the new regulatory regime, and noted that enforcement under the previous scheme was not considered to be as much of a priority as now.

Members sought further clarification regarding livery yards, including those which provided the facilities for owners taking partial or full-time care of their horses, if they were included under 'Franchise Animal Boarding', and if they were required to have a licence. Mr Horne confirmed that such establishments were not licensable under the animal licensing regime. Members queried if they were required to have veterinarian inspection, and if the licensing regime covered the hire of animals for riding. Mr Horne explained that arrangements of this type were private contractual arrangements, but were not outside the animal welfare law and therefore if complaints were made, they would require investigation.

Members sought further clarification regarding commercial dog walking and whether a licence was required. Mr Horne confirmed that dog walking was not under the regulations, which only relate to the boarding of animals (cats and dogs).

Members sought further clarification with regards to licensing for commercial zoological establishments. Mr Horne advised that this was outside the topic under discussion, but the Authority issued zoo Licenses and suggested this item was included for a future meeting of the committee.

Members sought further clarification in relation to the various categories of licence type and whether a more detailed explanation was provided. Mr Walling confirmed that there were more precise guidance for each of the categories which explained when an enterprise was in or out of scope for the requirement of a licence, but the general rule was whether a commercial element existed. Mr Walling added that in relation to new dog breeding establishments, this referred to those that were 'new' and therefore had not previously been licenced. An initial inspection for this for licence was carried out with a qualified veterinarian present, and thereafter the inspection may be repeated on an annual, two or three yearly basis. Mr Walling

also explained that there were a number of dog boarding businesses within the district which were of a high standard.

Members sought further clarification in regards to licensing animals used for exhibition. Mr Walling confirmed this related technically to keeping or training animals for exhibition, such as for displays or educational purposes and gave the examples of a sheep dog used for herding geese, and horses used in displays at country shows.

Members sought further clarification regarding whether 'Rescue Centres' were required to be licensed and if inspections took place under the regulations. Mr Walling confirmed that technically the rescue of animals was not 'boarding'. There had been some debate on this matter, particularly as rehoming often involved a 'donation' which could be considered as selling animals similar to a pet shop and therefore could fall under the licensing regime but currently does not. Rescue Centres were not inspected under the regulations, but if the Authority received a complaint under the Animal Welfare Act, the Licensing Team would work with the Royal Society for the Prevention of Cruelty to Animals (RSPCA) on such matters.

Members further queried the size of the increase in the fees which appeared to be around 20% to 30%. Mr Horne confirmed that on first introduction of the fees, the figures were estimated and now more accurate figures could be applied with regards to the costs, as the service was required to be self-sustaining.

The Chairman sought information regarding the Environmental Health team's activities in relation to wild animals within the district. Mr Walling confirmed that there were three licenced premises, two wild boar establishments operating as farms and a private collection of lemurs and primates.

Members sought further clarification regarding if an establishment provided both dog boarding and dog day care whether two licence would be required. Mr Walling advised that in such a situation as the activities were so similar a distinction would not be drawn, and therefore currently one licence is permissible for both services.

Resolved

That the Committee approves the new fees and charges for 2020/2021 (from April to March).

Members discussed that this report had previously been presented at Cabinet and referred to the Committee, but this could have posed an issue if the Committee had not approved the report or rejected or changed the recommendation, as it would have then been necessary to return this to Cabinet. This matter will be considered by officers and appropriate arrangements made to ensure in future, it is brought to the Committee prior to being presented at Cabinet.

31 The Council's proposed revised House to House Collection Policy

Mr Knowles-Ley introduced the report and summarised the key points.

Members sought clarification regarding charitable collections and commercial collections, such as a modern equivalent of a 'Rag & Bone Man'. Mr Knowles-Ley responded this would not include the sale of items over a social media platform which was considered as a sales transaction, but if doorstep collections were for charities, that was when this licensing regime was implemented. The definition of a charity is one which is registered with the Charities Commission and charitable organisations would not have charitable status, but if it could be demonstrated that a collection was for charitable purposes, the Authority would support the organisation in obtaining a licence.

Members commented upon the collections carried out by The Lions Christmas collections using a mock sleigh and santa, and that the extended 21 day period in December would aid this activity, which achieved significant fund-raising for the organisation. Mr Knowles-Ley explained that there were a number of national charities (currently 47) which held a national exemption order and were just required to notify the local Authority of the impending activities in relation to collections. Mr Knowles-Ley further explained that last year the Authority received eight applications and cited examples of these organisations which included Christian Aid, The Air Ambulance Service, Scope, The Fisherman's Mission and The Royal British Legion (Poppy Appeal).

Members queried if there had been any requirement with regards to enforcement. Mr Knowles-Ley responded that they had been notified by a homeowner that a number of bags had been dropped, contact had been made with the entity purporting to be collecting for the charity and they had demonstrated that they had a contract with the charity, but officers had been able to establish that this collection should not have been made within Chichester District.

Members sought clarification regarding the clothes aid franchises, which collected bags on behalf of charities and were paid to do so, and whether all organisations were treated similarly including those collections for which 100% of the funds raised was received by a charity. Mr Knowles-Ley responded that when people donated items to a charity they preferred that all the funds raised are received by the charity, but it was lawful to collect for charities as a business. There has been a reduction in those enterprises from which charities were receiving only 20%. When an application was received there was a requirement to explain what the intentions were and following the collection there was a form to complete with a statement of accounts, including what it had cost to undertake the collection, and how much had been received for the items sold. Those calculations were checked by officers and recorded on a database, this was reviewed to ensure that percentages initially given were achieved and those that fell short were informed. The Authority's preference was for a minimum of 70% of the funds raised received by the charity; however, Mr Knowles-Ley explained that this was not a legal requirement specified in the House to House Collection Act 1939. The Act only requires that the total amount for charitable purposes is adequate in proportion to the value of the proceeds likely to be received.

Resolved

That the Committee approves the revised policy (which was generally revised every five years, if earlier if required).

The Chairman closed the meeting and advised that the agenda had been lighter but there were a number of challenging policies forthcoming for future meetings, and thanked Members for attending.

32 **Consideration of any late items as follows:**

33 **Exclusion of the press and public**

There was no requirement to exclude the press and public at this meeting.

The meeting ended at 10.10 am

CHAIRMAN

Date: