

South Somerset District Council

Notice of Meeting



Licensing Committee

Making a difference where it counts

Tuesday 11th September 2018

10.00 am

**Council Chamber B
Council Offices
Brympton Way
Yeovil
BA20 2HT**

(disabled access and a hearing loop are available at this meeting venue)



The public and press are welcome to attend.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Jo Morris, Case Services Officer (Support Services) - 01935 462055**, website: www.southsomerset.gov.uk

This Agenda was issued on Monday 3 September 2018.

Alex Parmley, Chief Executive Officer

This information is also available on our website
www.southsomerset.gov.uk



Licensing Committee Membership

The following members are requested to attend the meeting:

Chairman: David Recardo
Vice-chairman: Crispin Raikes

Jason Baker
Neil Bloomfield
Dave Bulmer
Nigel Gage
Val Keitch

Tony Lock
David Norris
Wes Read
Angie Singleton
Alan Smith

Gerard Tucker
Linda Vijeh
Martin Wale

South Somerset District Council – Council Aims

South Somerset will be a confident, resilient and flexible organisation, protecting and improving core services, delivering public priorities and acting in the best long-term interests of the district.

- Protect core services to the public by reducing costs and seeking income generation.
- Increase the focus on Jobs and Economic Development.
- Protect and enhance the quality of our environment.
- Enable housing to meet all needs.
- Improve health and reduce health inequalities.

Members Questions on reports prior to the Meeting

Members of the Committee are requested to contact report authors on points of clarification prior to the Committee meeting.

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

Information for the Public

The Licensing Committee shall be responsible for those functions listed in part 3 of the Constitution as being the responsibility of the Committee. This will include licensing matters referred to it by officers, in accordance with the Officer Scheme of Delegation, such as contested public entertainment licences, and applications for taxi driver licences where the officer considers the application should be determined by members. The Committee shall also be responsible for all the functions assigned to it under the Licensing Act 2003.

The Statutory Licensing Committee has responsibility for all activities under the Licensing Act 2003 and the Gambling Act 2005 except for policies and fees. Established under the Licensing Act 2003, it exercises the functions of the Licensing Authority which itself is the Council.

The Other Licensing Committee can be responsible for all other licensing matters. Established by the Council under discretionary power contained in Section 101 of the Local Government Act 1972.

It is lawful for the membership of the two committees to be the same, but they are differently constituted and run under different powers.

Meetings of the Licensing Committee are generally held bi-monthly at 10.00am normally on the second Tuesday of the month in the Council Offices, Brympton Way.

Licensing Committee agendas and minutes are published on the Council's website www.southsomerset.gov.uk

The Council's Constitution is also on the web site and available for inspection in council offices.

Further information can be obtained by contacting the agenda co-ordinator named on the front page.

Licensing Committee

Tuesday 11 September 2018

Agenda

Preliminary Items

1. **To approve as a correct record the Minutes of the Previous Meeting**
2. **Apologies for Absence**
3. **Declarations of Interest**

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

4. **Public Participation at Committees**

a) Questions/comments from members of the public

This is a chance for members of the public and representatives of Parish/Town Councils to participate in the meeting by asking questions, making comments and raising matters of concern.

Items for Discussion

5. **Animal Welfare - Licensing of Animal Activities Fees** (Pages 5 - 9)
6. **Appointment of Chairmen for Licensing Sub Committees** (Page 10)
7. **Date of Next Meeting** (Page 11)

Agenda Item 5

Animal Welfare – Licensing of Animal Activities Fees

Executive Portfolio Holder: Angie Singleton, Strategic Planning (Place Making)
Director: Martin Woods, Service Delivery
Lead Officer: Rachel Lloyd, Licensing Officer Operational
Contact Details: rachel.lloydsouthsomerset.gov.uk or (01935) 462134

Purpose of the Report

To update members on the Animal Welfare (Licensing of Activities Involving Animals (England) Regulations 2018.

Recommendation

That the fees for licensing of animal activities are approved as detailed in this report and the attached appendix.

Background

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 comes into effect on 1 October 2018. The purpose of this legislation is to increase standards of animal welfare in premises where licensable animal activities take place. The legislation introduces the ability for licences to last longer than one year, the ability for licences to be varied, and gives Councils powers to suspend and revoke licences. There will be a requirement to risk assess each premises and provide each premises with a star rating. The legislative changes to how these licences are administered and inspected means that new fees need to be set to cover the costs involved.

The licensable activities are:

- Selling animals as pets.
- Providing or arranging for the provision of boarding for cats and dogs (kennels, catteries, home boarding and day care).
- Hiring out horses (will continue to have an annual veterinary inspection regardless of length of the licence).
- Breeding dogs (breeders who produce 3 or more litters in any 12 month period must be licensed as well as people who intend to make a profit from breeding and selling fewer litters).
- Keeping or training animals for exhibition (registration of performing animals is currently carried out by Somerset County Council).

Current licensed premises

Activity type	
Home boarding	26
Kennels/cattery	24
Day care	2
Riding Establishments	8
Pet Shops	4
Dog Breeding	3
Performing animals	unknown
	67

Report Detail

The regulations require Councils to inspect each premises before determining the application

The fee has been split into an application fee and licence fee. The reason for this is because once granted, the licence could last longer than a year, and therefore, the on-going enforcement costs, compliance and admin costs would be unknown. Section 13 from the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 states what we can charge for. The application fee includes the cost of the inspection and the licence fee included the cost of one unannounced inspection during the licensed period.

Fees

13.—(1) A local authority may charge such fees as it considers necessary for—

- (a) the consideration of an application for the grant, renewal or variation of a licence including any inspection relating to that consideration, and for the grant, renewal or variation,
- (b) the reasonable anticipated costs of consideration of a licence holder's compliance with these Regulations and the licence conditions to which the licence holder is subject in circumstances other than those described in sub-paragraph (a) including any inspection relating to that consideration,
- (c) the reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator, and
- (d) the reasonable anticipated costs of compliance with regulation 29 (provision of information to the Secretary of State).

-(2) The fee charged for the consideration of an application for the grant, renewal or variation of a licence and for any inspection relating to that consideration must not exceed the reasonable costs of that consideration and related inspection.

Non-Refundable Application Fee/Variation Fee ¹	
One licensable activity	£170.00
Two related licensable activities (e.g. combined kennel/cattery)	£220.00
Two unrelated animal activities (e.g. boarding kennels and dog breeding)	£260.00

Licence Fee ²	1 year licence	2 year licence	3 year licence
Up to 2 related activities	£115.00	£160.00	£210.00
2 unrelated activities	£130.00	£175.00	£220.00

If an appeal is received and the consideration of the appeal involves re-inspection which results in a higher star rating being awarded, the Council has to bear the costs of the re-inspection, however, if the re-inspection doesn't result in a change to the star rating, or a lower rating being awarded, the applicant has to pay the cost of re-inspection.

Re-inspection Fee and Report ³
£125.00

¹ Fees rounded up or down to the nearest £5 or £10.

² Fees rounded up or down to the nearest £5 or £10.

³ Fees rounded up or down to the nearest £5 or £10.

Different fees have been set for one and two activities because a report will have to be completed for each activity (the reports will detail the compliance with conditions and guidance, and these differ for each activity). The conditions for kennels and catteries, home boarding and day care have some similarities so there will be a slightly increased inspection time for these activities. In the situation that an application for dog breeding and dog boarding is received; the inspection time will be longer because of the different requirements.

The compliance with conditions as well as the risk assessment will determine the star rating and the length of the licence, so it is crucial that the inspection report accurately reflects the premises and management of it to minimise the time spent dealing with appeals and to be able to provide information to the applicant to explain why the rating was awarded.

The current fees for animal establishments are:

Licence type	All licences last 1 year (January – December)
Animal boarding (grant)	£220
Animal boarding (renewal)	£200
Pet shop (grant)	£245
Pet shop (renewal)	£210
Dog breeding (grant)	£245 (plus costs of veterinary inspection)
Dog breeding renewal	£210
Riding establishment	£170 (plus costs of veterinary inspection)

Financial Implications

The costs are designed to achieve full cost recovery. Costs have been estimated so will need to be monitored and reviewed to ensure that the fee reflects the actual costs incurred in issuing and enforcing licences.

Implications for Corporate Priorities

Ensure safe, sustainable and cohesive communities and increase economic vitality and prosperity.

Other Implications

None

Background Papers

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
Procedural Guidance for Animal Activity Licensing 2018

Appendix

Calculation of fees

Appendix: Calculation of fees for animal licensable activities

Activity type	
Home boarding	26
Kennels/cattery	24
Day care	2
Riding Establishments	8
Pet Shops	4
Dog Breeding	3
Performing animals	unknown
	67

Non refundable application/variation fee includes		
Application administration	30 level 4	18.42
Arranging and carrying out inspection (incl. travelling time avg. 40 min)	110 level 6	81.65
Preparation of report/RA/Determination	60 level 6	44.54
	90 level 6 (based on 20% appeal rate)	
Customer feedback incl. appeals (not incl. inspection)		13.36
Issue licence	20 level 4	12.28

2 boarding activities e.g. home boarding and day care, kennel and cattery (where they are at the same premises and applications submitted at the same time).		
Application administration	30 level 4	18.42
Arranging and carrying out inspection (incl. travelling time avg. 40 min)	140 level 6	103.92
Preparation of report/RA/Determination	90 level 6	66.81
	90 level 6 (based on 20% appeal rate)	
Customer feedback incl. appeals		13.36
Issue licence	30 level 4	18.42

2 animal activities (e.g. boarding and breeding at the same premises and where the applications are submitted at the same time)		
Application administration	30 level 4	18.42
Arranging and carrying out inspection (incl. travelling time avg. 40 min)	160 level 6	118.73
Preparation of report/RA/Determination	120 level 6	89.08
	90 level 6 (based on 20% appeal rate)	
Customer feedback incl. appeals (not including inspection)		13.36

Issue licence	30 level 4	18.42
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Licence Fee (up to 2 related animal activities such as combined kennel/cattery)		
Compliance (incl. unannounced visit)	80 level 6	59.39
Enforcement (including enforcement of unlicensed premises and investigation of complaints 3hrs based on 10% complaint)	50 level 6	46.28
On going admin (including reminder letter and cost of providing information to Secretary of State)	15 level 4	9.21

Licence Fee (2 unrelated animal activities such as boarding and breeding)		
Compliance (incl. unannounced visit)	100 level 6	74.23
Enforcement (including enforcement of unlicensed premises and investigation of complaints 3hrs based on 10% complaint)	50 level 6	46.28
On going admin (including reminder letter and cost of providing information to Secretary of State)	15 level 4	9.21

Cost of re-inspection (applicant responsible for the costs if the rating doesn't increase following appeal)		
Arranging and carrying out inspection (incl. travelling time avg. 40 min)	110 level 6	81.65
Preparation of report/RA/Determination	60 level 6	44.54

Application fee	
One activity	170.25
2 related animal activities (e.g. kennels/cattery)	220.93
2 unrelated animal activities (e.g. boarding and dog breeding)	258.01

On-going licence costs	1 yr licence	2 yr licence	3yr licence
up to 2 related activities	114.28	160.56	206.84
2 unrelated activities	129.72	176	222.28

Agenda Item 6

Appointment of Chairmen for Licensing Sub Committees

Specialist: Angela Cox, Specialist Democratic Services
Lead Officer: Jo Morris, Case Services Officer (Support Services)
Contact Details: jo.morris@southsomerset.gov.uk or 01935 462055

Purpose of the Report

As the Council has entered a new municipal year, the Committee is asked to review the appointment of Chairmen for Licensing Sub Committees.

Please could members make every effort to make themselves available for Licensing Sub Committees.

Recommendation

The Licensing Committee is asked to consider appointing up to five members as Licensing Sub Committee Chairmen.

Background

The Licensing Sub-Committee is made up of three members from the Licensing Committee. The Licensing Committee has been established under the Licensing Act 2003, with the power to hear and determine all applications referred to it under the SSDC Statement of Licensing Policy. The Sub-Committee also considers taxi driver applications, which need to be referred to members due to the nature of the application.

Financial Implications

All Chairmen of the Licensing Sub Committee receive an allowance of £369 per annum. There is sufficient capacity within the Members Special Responsibility budget to appoint up to five Licensing Sub Committee Chairmen.

Background Papers

None

Agenda Item 7

Date of Next Meeting

Members are asked to note that the next scheduled meeting of the Licensing Committee will take place on Tuesday 11th December 2018 at 10.00am in the Council Offices, Brympton Way, Yeovil.
