

LICENSING AND GENERAL PURPOSES COMMITTEE

22 October 2018



Minutes of the Licensing and General Purposes Committee held at the Town Hall, Bexhill-on-Sea on Monday 22 October 2018 at 6:30pm.

Committee Members present: Councillors C.J. Saint (Chairman), Mrs J.M. Hughes (Vice-Chairman), Lord Ampthill, R.K. Bird, P.R. Douart, K.M. Field, Mrs. S. Hart and I.G.F. Jenkins.

Other Members present: Councillor K.P. Dixon.

Advisory officers present: Executive Director (MJ), Head of Service Environmental Services, Licensing and Community Safety and Democratic Services Officer.

Also present: 1 member of the press and 1 member of the public.

Prior to the commencement of the meeting, the Committee stood for a minutes' silence in honour of Councillor Stuart Earl who had recently passed away.

LG18/05. MINUTES

The Chairman was authorised to sign the minutes of the meetings of the Licensing and General Purposes Committee held on 16 April 2018 and 21 May 2018 as correct records of the proceedings.

LG18/06. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors G.S. Browne, Mrs D.C. Earl-Williams and Deputy Legal Services Manager.

PART II – DECISIONS TAKEN UNDER DELEGATED POWERS

**LG18/07. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING –
(5.1) DELEGATIONS TO OFFICERS**

Consideration was given to the Executive Director's report on delegation to officers in respect of Hackney Carriage and Private Hire Licensing.

At present, officers had delegated authority to revoke a Hackney Carriage and Private Hire Driver Licence where it was considered necessary for the protection of the public, following consultation with the Chairman or Vice-Chairman of the Licensing and General Purposes Committee. A recent case had highlighted the need to extend the delegation to all types of licence, namely operator and vehicle licences. Since 2016 only two drivers' licences had been

immediately revoked, to ensure public protection. Members were advised that licence holders had the opportunity to appeal the decision to the Magistrates' Court. Licences would only be reinstated, if required, after the decision of an appeal.

The Committee agreed that the Executive Director and Head of Service Environmental Services, Licensing and Community Safety be granted delegated authority to revoke Hackney Carriage Licences (driver and vehicle) and Private Hire Licences (driver, operator and vehicle), where it was considered necessary for the protection of the public, following consultation with the Chairman or Vice-Chairman of the Committee.

RESOLVED: That the Executive Director and Head of Service Environmental Services, Licensing and Community Safety be granted delegated authority to revoke Hackney Carriage Licences (driver and vehicle) and Private Hire Licences (driver, operator and vehicle), where it was considered necessary for the protection of the public, following consultation with the Chairman or Vice-Chairman of the Licensing and General Purposes Committee.

LG18/08.
(5.2) **ANIMAL WELFARE LICENSING**

Members considered the report of the Executive Director on Animal Welfare Licensing.

After a review of the existing legislation, from 1 October 2018, several licensing acts, except the Dangerous Wild Animals Act had been amalgamated under the Animal Welfare Act 2006 and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations. The new regulations aimed to streamline current licensing processes including tighter controls on pet sales and dog breeding practices, provide benefits for animal welfare, as well as updated statutory guidance on procedures, scope, fee setting and inspector's qualifications. A full list of the current Government guidance was detailed at Appendix A to the report.

Under the Act, the Council had the power to vary, refuse, suspend or revoke a licence. Members noted that anyone who operated licensable activities without a licence would be committing an offence and could be subject to a fine or in serious cases a prison sentence. A person who was convicted under the Act could also be disqualified from owning, keeping, controlling or influencing the way animals were kept, transported or dealing in animals. Persons could also be disqualified from owning licences for set periods of time.

The Act did not provide for any grandfather rights for premises previously licensed under former Acts of Parliament however, licences previously issued by the Council would remain valid until 31 December 2018. This meant that new licences could not be issued until the premises had been inspected in accordance with the new guidance. The Committee was advised that staffing resources would be redistributed to ensure premises were inspected as soon as possible. It was anticipated that some licences would not be renewed.

A risk-based (star rated) system would be implemented with licences issued for one, two or three years with the exception of “Keeping or Training Animals for Exhibition” where all licenses were issued for three years. The star rating would be listed on the licence issued.

No financial implications were anticipated however training would be required for staff involved in inspecting premises. Fees would increase slightly. A copy of the recalculated fees was appended to the report at Appendix B.

Clarity was sought on the definition of a “domestic” and “commercial” dog breeding activity, as well as the number of litters a single bitch was allowed per annum. Domestic owners could allow their animals to have numerous litters. The Head of Service Environmental Services, Licensing and Community Safety advised that the Council would check that all Dog Breeding Societies in the district aware of the new regulations. Commercial breeders were identified by one adult bitch producing three litters per annum or the equivalent of earning £1,000 per annum. Members felt that the regulations required further investigation / clarity by Government, as one litter of puppies could earn over and above £1,000 per annum.

The Committee agreed that delegated authority should be given to the Executive Director and Head of Service Environmental Services, Licensing and Community Safety to grant, refuse, suspend, revoke and vary licences under the new act. They also approved the recalculated fees.

RESOLVED: That the:

- 1) Executive Director and Head of Service Environmental Services, Licensing and Community Safety be authorised to grant, refuse, suspend, revoke and vary licences under the Animal Welfare Act 2006; and
- 2) Proposed fees for licences issued under the Animal Welfare Act 2006, set out at Appendix C to the report, be approved.

LG18/09.
(5.3)

GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES

The Committee considered the report of the Executive Director which detailed a review of the Statement of Principles (SoP) which the Council was required to produce as part of the Gambling Act 2005. The SoP detailed how the Council proposed to exercise the functions under the Act when licensing gambling premises such as casinos, adult gaming centres, betting shops, bingo halls and family entertainment centres etc. The Council’s SoP was based on a nationally accepted template for issuing licences and permits in 2006 and was required to be reviewed every three years. It was last reviewed in 2015.

A consultation on the SoP would commence on 24 October to 31 December 2018. Members were advised that there were no significant changes to the regulations or guidance however, some minor

amendments had been made to the SoP as highlighted in the Policy, appended to the report at Appendix A.

During discussion, the following questions and comments were noted:

- **Local Area Profile (LAP):** Completing an LAP was not a requirement for the Council (licensing authority). LAPs identified and provided better awareness of existing or developing risks e.g. saturation of multiple gambling premises in one particular area etc. It was suggested that the Council pro-actively completed LAPs. The Head of Service Environmental Services, Licensing and Community Safety advised that this would be discussed with (East Sussex County Council) as part of the consultation.
- **Local Risk Assessment (LRA):** It was clarified that LRAs were completed by the licensee.
- **Adult Gaming Centres (AGC):** B3 gaming machines were also located in betting establishments.
- **Family Entertainment Centres (FEC):** It was suggested that signs be displayed at all FECs stating that “no unaccompanied children be allowed access during school hours”.
- **Test Purchasing:** Members were advised test purchasing was carried out in conjunction with the Gambling Commission.
- **Licensing Objectives:** It was suggested that the policy should make reference to protection against gambling problems and prevention of gambling addiction.

Following discussion, the Committee agreed that the draft SoP be approved for consultation and, subject to no objections being received, be recommended to full Council for formal approval and adoption. Should objections be received, a report would be presented to the Licensing and General Purposes Committee at the meeting scheduled to be held on 21 January 2018.

RESOLVED: That the draft Gambling Act 2005 Statement of Principles be approved for consultation;

AND

RECOMMENDED: That subject to no objections being received, be recommended to Council for approval and adoption.

(Councillor Dixon declared a personal interest in this matter as he held a personal gambling licence issued by the Gambling Commission and in accordance with the Members’ Code of Conduct remained in the room during the consideration thereof).

CHAIRMAN

The meeting closed at 7:10pm

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