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BRECKLAND COUNCIL

At a Meeting of the

LICENSING COMMITTEE

Held on Wednesday, 21 November 2018 at 10.00 am in
Norfolk Room, The Conference Suite, Elizabeth House, Dereham

PRESENT

Mr K. Martin (Vice-Chairman)	Mrs K. Millbank
Mr R. F. W. Brame	Mrs L.H. Monument
Mr P. R. W. Darby	Mr W. R. J. Richmond
Mr K.S. Gilbert	Mr F.J. Sharpe
Mrs J. Hollis	

In Attendance

Donna Hall	- Licensing & Business Support Manager
Sarah Wolstenholme-Smy	- Legal Services Manager (Deputy Monitoring Officer BDC)
Lisa Turner	- Assistant Licensing Officer
Julie Britton	- Democratic Services Officer
Bethany McDade	- Apprentice (Licensing)

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45/18 MINUTES (AGENDA ITEM 1)

1. 17 July 2018

The Minutes of the Licensing Committee meeting held on 17 July 2018 were agreed as a correct record and signed by the Chairman.

2. 02 October 2018

The Minutes of the additional Licensing Committee meeting held on 2 October 2018 were agreed as a correct record and signed by the Chairman.

46/18 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from the Chairman, Councillor Marion Chapman-Allen, Councillor Matthews and Bowes.

The Vice-Chairman Councillor Keith Martin chaired the meeting.

47/18 URGENT BUSINESS (AGENDA ITEM 3)

None.

48/18 DECLARATION OF INTERESTS (AGENDA ITEM 4)

None.

49/18 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)

None.

50/18 UPDATE ON THE WORK RELEVANT TO THE BUSINESS OF THIS COMMITTEE (AGENDA ITEM 6)

Donna Hall, the Licensing & Business Support Manager provided Members with an update and a little background information on the new animal welfare regulations.

The Committee had been presented with a report on 28 March 2018 to advise about the new draft Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. The regulations changed the existing licensing regime for animal establishments including animal boarding establishments, dog breeding establishments, pet shops and riding establishments.

In 2016 DEFRA consulted on the introduction of new secondary legislation to introduce a single "Animal Establishment Licence". The stated aim was to "relieve the administrative burden on local authorities, simplify the application and inspection process for businesses, as well as maintain and improve existing animal welfare standards by modernising the current animal licensing system in England." DEFRA went on to write draft regulations made under the Animal Welfare Act 2006.

Local authorities would be required to submit an annual data return in electronic format to DEFRA on the number of licences and registrations held for the animal activities. The publishing of this information nationally should help to reduce the burden of Freedom of information requests which were common on animal welfare licensing.

The new regulations provide for the licensing of persons involved in England in selling animals as pets, providing or arranging for the provision of boarding for cats or dogs, hiring out horses, breeding dogs and keeping or training animals for exhibition. This replaced the requirement in England, to be registered under the Performing Animals (Regulation) act 1925 or to obtain a licence under the Pet Animals Act 1951; the Animal Boarding Establishments Act 1963; the Riding Establishments Act 1964 or the Breeding of Dogs Act 1973.

The regulations provide for local authorities to be the licensing authorities. Any person wishing to carry on any of these activities in England must obtain a licence from their local authority. Any person carrying on any of these activities without a licence would commit an offence and that person would be liable to imprisonment for up to six months, a fine or both.

An additional Licensing Committee meeting had been held in October 2018 where the proposed fees and charges and the proposed delegations of authority were approved.

A boarding kennel owner who had attended the previous meeting had raised concerns about the new legislation and how difficult it was to obtain the Ofqual qualification – this was where such businesses, although not

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compulsory, had to adhere to a number of conditions to obtain a '5 star' qualification. The Licensing Team had investigated this matter and further guidance from DEFRA was expected in due course. The Licensing & Business Support Manager had not come across this problem in other animal welfare categories.

Councillor Brame asked if the Council had considered offering a support service to assist such businesses. Members were informed that Environmental Health Consultancy Service would be extended to incorporate animal welfare.

The number of establishments such as pet shops, animal boarding kennels/breeders, horse-riding establishments under the old regime had been notified.

Councillor Millbank asked if these new regulations would cause some breeders/establishments to go 'underground'. The Licensing & Business Support Manager was confident that the public would report anything untoward to the Council.

Anyone advertising a business of selling dogs, and/or breeding three or more litters of puppies in any 12 month period or earnings of £1,000, as part of a business, were now covered by the Regulations. The regulations introduced specific requirements about advertisements for the sale of dogs, which would need to include: the licence number; the local authority that issued the licence; a recognisable photo of the dog being advertised, and the age of the dog being advertised. The sale of puppies below eight weeks of age would be prohibited.

One of the biggest issues currently was animal importation.

Legislation governing performing animals had previously fallen to the County Council but from April 2019, this would form part of this Council's remit under the new regulations and would go wider to cover animals that were exhibited, such as mobile animal exhibits.

In response to a question about star ratings, Members were informed that the regulations provide for a licence to be granted or renewed for a period of one, two or three years in respect of the activity. The ratings and qualifications were then highlighted.

A Member asked if the Licensing Team was coping with the extra workload. In response, the Licensing & Business Support Manager said that although it was very busy, the Team was just about managing the workload.

Councillor Darby asked about cross border taxi licences. Members were informed that this issue had been under discussion for a number of years and although any new legislation was not forthcoming an updated Policy for the Council was being prepared. Further to this, a new system that would sit on a national anti-fraud database was being developed and would be brought to a future meeting for discussion.