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LICENSING AND APPEALS COMMITTEE

Minutes of a Meeting held on Thursday 22 March 2018 in the Council Chamber, Town Hall, Matlock at 6.00pm

PRESENT

Councillor Jean Monks - In the Chair

Councillors Tom Donnelly, Ann Elliott, Graham Elliott, Steve Flitter, Helen Froggatt, Alyson Hill, Angus Jenkins, Joyce Pawley and John Tibenham.

Tim Braund (Head of Regulatory Services), Eileen Tierney (Licensing Manager) and Jackie Cullen (Committee Assistant).

APOLOGIES

Apologies for absence were received from Councillors Sue Bull and Richard FitzHerbert.

359/17 – MINUTES

It was moved by Councillor John Tibenham, seconded by Councillor Tom Donnelly and

RESOLVED

(unanimously)

That the Minutes of the meeting of the Licensing and Appeals Committee meeting held on 26 October 2017 be approved as a correct record.

The Minutes were signed by the Chairman.

360/17 – GAMBLING ACT 2005 – THREE-YEARLY REVIEW OF GAMBLING STATEMENT OF PRINCIPLES (LICENSING POLICY)

The Committee considered a report informing of the need to review the Council's current Gambling Statement of Principles (Licensing Policy), as required under section 349 of the Gambling Act 2005 (the Act). The Committee was advised that a final draft of the revised document would need to be submitted to a meeting of the full Council for consideration, with a view to adoption and re-publishing no later than 3rd January 2019.

The Council's current statement took effect from 31st January 2007, and was reviewed and re-published again in 2010, 2013 and 2016. The reviewed policy would take effect from 31st January 2019 and would remain in force until 2022.

The Licensing Objectives and Principles were set out in the report.

The Gambling Commission's Licence Conditions and Codes of Practice (LCCP), revised and published in February 2015 and again in April 2017, formalised the need for operators to consider local risk, as detailed in the report, with effect from 6th April 2016. In this regard, the Licensing Authority could produce a Local Area Profile (LAP) to assist applicants and licence-holders in producing their risk assessments, although this was not mandatory. The Council's current policy document did not make reference to a local area profile, but it was suggested that the Committee may wish officers to produce one in consultation with other agencies/authorities, if considered necessary. A draft local area profile document was attached as Appendix 2 to the report for the Committee's consideration.

The premises in Derbyshire Dales currently licensed to allow gambling activities were listed in paragraph 1.15 of the report.

It was recommended that the required consultation exercise be carried out between 1st May and 30th June 2018, and would be advertised on the Council's website. This timescale would allow for any further information being received from the Gambling Commission which could highlight other changes that may be required. Any such changes may require further consultation with the Responsible Authorities before a final draft of the reviewed policy could be submitted to a meeting of the full Council, to comply with the specified timescale for adoption and re-publishing in January 2019.

It was moved by Councillor Steve Flitter, seconded by Councillor Angus Jenkins and

RESOLVED
(unanimously)

- 1) That the draft Gambling Statement of Principles (Licensing Policy) detailed in Appendix 1 of the report be subject to consultation between 1st May and 30th June 2018.
- 2) That after the consultation exercise has finished, the Draft Gambling Statement of Principles be produced and reported back to this Committee for further consideration.
- 3) That the finalised Draft Gambling Statement of Principles be reported to a meeting of the full Council for consideration, adoption and re-publishing no later than 3rd January 2019.
- 4) That Officers prepare a Local Area Profile (LAP) based on the template in Appendix 2 of the report, to assist applicants and licence-holders in producing and reviewing their Local Risk Assessments.

361/17 – ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (ENGLAND) REGULATIONS 2018

The Committee considered an updating report on the Government's review of Animal Welfare Licensing. The proposed changes to the current licensing procedures were reported to the March 2016 and the October 2017 meetings.

The report also informed that The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 had now been published with a commencement date of 1st October 2018, although the regulations had not yet been made. The Department for Environment, Food and Rural Affairs (DEFRA) laid the draft regulations with an Explanatory Memorandum (EM) and Impact Assessment (IA), as explained in the report. The draft regulations (to be reviewed in the first instance before 1st October 2023,

and subsequently at no more than five yearly intervals) proposed an updated licensing system in England for five activities involving animals, and provided for the licensing of persons in England who are involved in selling animals as pets; providing for or arranging for the provision of boarding for cats or dogs; hiring out horses; dog breeding; and keeping or training animals for exhibition.

The key changes brought about by the legislative overhaul included:

- the introduction of a risk-based single ‘animal activities’ licence that would cover any or all of the 5 activities mentioned in paragraph 1.4 of the report;
- anyone trading commercially in pets online would need to be properly licensed;
- it would be mandatory for licensed pet sellers to provide written information when they sold pets;
- it would be illegal to sell puppies younger than 8 weeks old;
- anyone breeding and selling 3 or more litters of puppies a year would need to apply for a formal licence; and
- licences would be issued for a fixed term, set at any point in the year, with the maximum length of a licence being increased to 3 years – subject to a risk-based assessment.

Once the changes had been introduced, the existing legislation would be repealed.

Transitional arrangements in respect of all licences currently in force under the Pet Animals Act 1951, the Animal Boarding Establishments Act 1963, the Riding Establishments Act 1964 or the Breeding of Dogs Act 1973, were set out in the report.

DEFRA intended to ask local authorities to submit an annual data return to assist them in carrying out the required reviews, as explained in the report. Furthermore, on 8 January 2018 the Chief Executive received an email from the Local Government Association (LGA) on behalf of DEFRA’s Animal Licensing Team seeking information to help design the Annual Return Form. As the information was required by 23 January 2018, Officers completed the Return after discussion with the Chair of the Committee. The information was tabled in the report.

In view of the proposed timescale for implementation and the frequency of these committee meetings, the report sought authority for officers to commence preparations for the implementation of the changes, as listed in the report. The Licensing Manager advised that any further information received would be brought to the July 2018 Committee meeting.

It was moved by Councillor Helen Froggatt, seconded by Councillor Joyce Pawley and

RESOLVED That approval be given for Officers to commence preparations (as (unanimously) detailed in paragraph 1.12 of the report), for the implementation of The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, when they come into force on 1st October 2018.

362/17 – REVIEW OF TAXI AND PRIVATE HIRE LICENSING POLICY

The Committee considered a report on the consultation responses received, together with Officer comments/proposed action, in respect of the proposed amendments to the Council’s Taxi and Private Hire Licensing Policy, with a view to producing a final draft

Policy document for consideration by the full Council. This document was attached as Appendix 2 to the report.

It was reported that the Deregulation Act 2015 had provided the Government with an opportunity to amend the existing taxi licensing laws, and the changes made were in respect of the licence renewal periods for taxi driver and private hire operator licences, as set out in the report.

It was also reported that the Institute of Licensing (IoL) had recently developed a Guidance document intended to help local authorities in determining the suitability of applicants and licensees in the hackney carriage and private hire trades, but the document was still at the consultation stage.

The Committee was reminded that the consultation process on the Council's local Taxi Licensing Policy had started in 2014 and was repeated in 2016. Meetings had been held with the taxi trade and consultation had taken place with specific sectors of the public, on the understanding that any major changes to the policy would not be introduced while confirmation of the national proposals was still awaited.

At the last meeting it was agreed that the revised draft Policy document detailed in Appendix 1 of the report should be consulted on with a view to updating the current Policy which was out-of-date and needed to take account of more current issues. The main areas of proposed change to the Policy related to the Driver Knowledge Test process, the enforcement of breaches of conditions and convictions with the introduction of a penalty points system for drivers; and mandatory training for drivers, e.g. Safeguarding/Child Sexual Exploitation, and Equalities.

The most recent consultation exercise commenced on 5th December 2017, as set out in the report, and the closing date for comments was 11th March 2018.

No fundamental objections were raised, with most comments received being advisory. The majority of comments received were mainly from the Council's Legal Advisor and Council's vehicle testing senior officer. All of the comments received were tabled in Appendix 2 of the report. The Draft Policy document had not been updated to reflect these comments, but was attached to the report as Appendix 1 for ease of reference.

It was recommended that the draft Policy, once considered by this Committee would be updated with any agreed changes and referred for final consideration by the full Council with a view to being implemented with effect from the 1st May 2018.

It was moved by Councillor Steve Flitter, seconded by Councillor Tom Donnelly and

RESOLVED
(unanimously)

1. That the schedule of responses received to the consultation on the draft Taxi and Private Hire Licensing Policy detailed in Appendix 2 of the report be noted.
2. That the consultation draft Taxi and Private Hire Licensing Policy document detailed in Appendix 1 to the report be revised, taking into account the changes approved by this Committee.
3. That a final draft Taxi and Private Hire Licensing Policy be reported to Council for consideration for approval and adoption

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with effect from 1st May 2018.

MEETING CLOSED 7.32PM

CHAIRMAN