

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
HELD ON THURSDAY 4 OCTOBER 2018 AT 10:00 AM
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK

PRESENT: Councillors

Johnson, T.B. (Chairman)
Allen, F.W.C. (Vice-Chairman)

Crabtree, S.K. Smith, C.D.
Hoare, M.W.A. Snape, D.J.
Lea, C.I.

1. Apologies

Apologies for absence were submitted for Councillors Mrs. S.M. Cartwright and Mrs. D.M. Todd.

2. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

No Declarations of Interests were made in addition to those already confirmed by Members in the Register of Members' Interests.

3. Minutes

RESOLVED:

That the Minutes of the meeting held on 28 June, 2017 be approved as a correct record and signed.

4. Licensing Sub-Committee Minutes

RESOLVED:

That the Minutes of the Licensing Sub-Committees held on 27 July, 2017 and 16 July, 2018, be noted.

(Councillor Crabtree arrived at the meeting during the consideration of this item.)

5. Gambling Act 2005 – Statement of Principles 2019 to 2021

Consideration was given to the report of the Head of Economic Prosperity (Enclosure 5.1 – 5.49 of the Official Minutes of the Council).

The Chairman advised Members that they were being asked to note that an updated Gambling Act Statement of Principles had recently been consulted on and would be presented to full Council on 28 November, 2018 for approval and adoption.

The Food, Safety & Licensing Manager then took Members through the following sections of the report:

- Policy objectives;
- Key areas within the policy;
- Consultation responses.

A Member commented that he was pleased with the Government's position on the proposed reduction in the maximum bet to £2 for Fixed Odds Betting Terminals (FOBTs). The Senior Licensing Officer advised that no date had as yet been announced for when this change would happen, but the reduction would definitely come into force.

A Member asked for clarity on the reasoning behind the consultation response provided by Novomatic UK (paragraph 9 on report page 5.35) concerning paragraphs 17, 19 and 20 of the policy statement. The Senior Licensing Officer responded that previously the policy statement had set out different conditions and controls that may need to be applied depending on circumstances, but in response to the feedback provided, it had been updated to ensure a consistent approach for those premises mentioned in the relevant paragraphs. The Food, Safety & Licensing Manager further replied that the aim had been to remove from the policy any inconsistencies in approach.

In response to separate feedback provided by Novomatic concerning the protection of children from harm, the Senior Licensing Officer advised that this matter had been included in the policy statement from not just a gambling perspective, but from a crime prevention standpoint too.

A Member then raised concern about the issues and control of online gambling. The Senior Licensing Officer replied that there was widespread recognition about the ease of access and usage of online gambling sites, and the proliferation of the advertising of such sites, as seen with the tobacco and alcohol industries in the 1970s. There was a political will from the Government to address problems associated with the advertising and promotion of online gambling sites. The Gambling Commission had been doing more to tackle the issue, including instigating prosecutions where necessary. In contrast, 'high street' gambling venues were well controlled, regulated and inspected.

RESOLVED:

That:

(A) The Gambling Act 2005 Statement of Principles 2019-2021 be noted.

(B) It be further noted that the Statement of Principles will be submitted to Council on 28 November, 2018 for approval and adoption.

6. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

Consideration was given to the report of the Head of Economic Prosperity (Enclosure 6.1 – 6.33 of the Official Minutes of the Council).

The Food, Safety & Licensing Manager advised that in respect of animal welfare licensing, local authorities had been working with legislation first adopted in the 1950s and '60s. The 2018 regulations therefore brought the legislative requirements up to date. The proposed changes provided greater structure for enforcement, but would make the process more expensive for councils to administer.

Members were then taken through the following sections of the report:

- The Regulations;
- Guidance notes for local authorities;
- How long licences last;
- Before granting a new animal activity licence;
- Suitably qualified inspectors;
- Granting a licence;
- Suspension, variation or revocation of a licence;
- Fee setting;
- Determining the length of a licence and the star rating of a business;
- Certification by a UKAS-accredited body;
- The appeals process for star ratings;
- Implications for the Council.

The new scheme for licensing relevant premises would allow for 1, 2 or 3 yearly licences to be applied for. At present, licences could only be granted on an annual basis.

The guidance for local authorities was still being updated and revised by the Government despite the associated Regulations already being in force.

The requirement to have suitably qualified inspectors would place an additional expense on the Council, as relevant Officers would need specialist training to undertake the necessary duties.

The current licence fee was £140 per year, but due to the extra workload expected under the new regime, it was likely to increase to £415 per licence. For those premises eligible for a three-year licence, this may result in a lower average annual licence cost than at present, since in some cases vets' fees would no longer apply.

A Member queried what had changed for it to be necessary to increase the fees payable. The Food, Safety & Licensing Manager replied that the old regime had a fairly superficial approach, with a short application and inspection process and no means for appealing decisions, thus placing fewer burdens on businesses and the Council. The new regime would take up more Officer time due to the prescriptive guidance that needed to be followed to process applications. As part of considering the new fee amount, it had become apparent that the current

fee charged may have been too low to fully recover any operational costs. The Senior Licensing Officer further replied that each type of boarding establishment had its own specific guidance and conditions that Officers had to follow when considering any new applications. This also had the impact of significantly increasing the time taken to carry out inspections of premises and meeting with potential applicants. Officers were also required to assess the risk rating of each establishment and then produce a final 'star rating' and accompanying report. Applicants were entitled to see these reports, so it was vital to ensure all information included was correct. Furthermore, it was no longer necessary for a vet to be present when undertaking inspections as the assessment criteria set out what animal welfare conditions should be checked, so the extra work undertaken by Officers was reflected in the higher level of fees.

Another Member then queried why the Regulations had been produced. The Senior Licensing Officer replied that the Animal Welfare Act 2006 gave the Secretary of State powers to introduce such regulations, and it was necessary to do so as the previous regulations were considerably out of date. A lot of work was being done by the current Secretary of State to try and improve animal welfare standards.

A Member queried if the licensable activity of 'provision of day care for dogs' also included walking of dogs. The Senior Licensing Officer replied that dogs being walked as a standalone activity was a separate matter and therefore not considered licensable under the regulations.

The same Member then queried how charities were impacted by the regulations. The Principal Solicitor replied that when an application was made, a 'business test' would have to be applied that looked into income, profit element etc. The onus was on the Council to look at the whole picture of a business/charity as if a particular 'score' was achieved then a licence would be required.

Another Member then queried what the position was if a dog was being looked after with no charge made for doing so. The Principal Solicitor replied that it was unlikely a licence would be needed in such circumstances as no income or profit was being received by the individual looking after the animal. The Senior Licensing Officer further replied that the regulations also set out a number of exemptions for requirement of a licence.

Another Member then queried what the rationale was for charging the same level of fee even though a range of different licensable activities was being undertaken. The Food, Safety & Licensing Manager replied that at this stage a single fee had been set as the new regime had not been fully implemented. It was hoped to have a better idea of the final fee structure in January 2019 in readiness for the 2019/20 budget process.

Another Member noted appreciation with the work being done to improve animal welfare standards, but suggested that a lower fee should be charged for those businesses with a lower level of income/profit. The Food, Safety & Licensing Manager replied that such an approach could be a possibility, but the Council had to charge what it cost to run the service. The Senior Licensing Officer further replied that support would be given to businesses to meet the new

legislative requirements, particularly small businesses as they would require the same amount of documentation on file as a large scale business.

Another Member then noted that it appeared there was an inconsistent approach in fee setting when considering that a different fee structure was introduced for the Commercial Use of the Highways Policy. The Principal Solicitor and the Food, Safety & Licensing Manager replied that each policy had differing requirements and means of assessment/inspection, therefore it was appropriate for fees to be set in different ways.

RESOLVED:

That:

- (A) The introduction of the new Animal Welfare Regulations and associated guidance to local authorities be noted.
- (B) It be further noted that a report on the Regulations will be submitted to Council on 28 November, 2018 for consideration.

The meeting closed at 11:10 a.m.

CHAIRMAN