

LICENSING COMMITTEE

Minutes of the meeting of the Licensing Committee held on 26 January 2010 commencing at 5.30 p.m.

Present: Cllr. Loney (Chairman)

Cllrs. Abraham, Darrington, Davison, McInnes, Orridge, Pett, Piper Waller and Wigg.

12. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs. Brown and Cooke.

The Committee discussed and voted on potential changes to the start time of the meeting.

Resolved: That the start time of the meeting remain at 5.30 p.m.

13. MINUTES OF PREVIOUS MEETINGS

Resolved: That the minutes of the meeting of the Licensing Committee held on 20 October 2009 and Sub-Committees held on 25 November 2009 and 11 January 2010 be approved and signed by the Chairman as correct records.

14. DECLARATIONS OF INTEREST

Cllr Pett declared a personal interest as he was involved with the management company of the sports pavilion in New Ash Green, which had gaming machines.

Cllr McInnes declared a personal interest as he had a friend who worked as a taxi driver in Swanley.

Cllr McInnes and Cllr Wigg declared personal interests as they were acquainted with Cllr John Underwood, a taxi driver.

15. ANIMAL ESTABLISHMENT LICENCES – REVIEW OF FEES 2010/11 (Report No. 4)

The Head of Environmental and Operational Services introduced this item and highlighted that these fees had not been reviewed since 2004. The Council had undertaken the review of fees and charges in accordance with Local Authority Coordinators of Regulatory Services (LACORS) guidance on local fee-setting. This Guidance had been updated to meet the requirements of the European Commissions Services Directive which stated that financial burden should be kept to a minimum and ensure that fee setting was only used to cover the Council's costs. It was explained that, if agreed, the new fees would come into effect in April 2010 and would be reviewed annually.

Following a query, it was explained that the fee for Performing Animals had been more than halved as it reflected the officer time that would be involved in processing such a licence.

The Head of Environmental and Operational Services highlighted that the Council could exercise control of premises through conditions attached to a licence. The applicant could appeal against conditions to the Magistrates Court. Once a licence had been granted the Council could prosecute through the Magistrates Court if the premise did not comply with the conditions on the licence.

A Member raised concern with regards to a pet shop in Sundridge and asked how often the Council inspected premises. The Head of Environmental and Operational Services explained that inspections usually took place annually, when the licence was due for renewal, however, if complaints were received the Council would investigate with additional inspections. It was highlighted that the Council had no power to restrict pet shops from selling dogs which were bred from 'puppy farms' as this was not illegal. Although, if animals were being kept in unsuitable conditions, which could affect the animals welfare, the Council could work with the RSPCA and/or an independent Vet to resolve this. In future, it may be possible for conditions to be attached to Pet Shop Licences which would state that shop owners would have to keep an audit trail for all puppies they sold, which could be traced back to the breeding bitch. Currently conditions only extended to the last purchase.

A Member queried the use of performing snakes at Lullingstone and it was confirmed that the Council were unaware of the event, but would review any future events to ascertain whether registration would be necessary.

Following a query, the Committee was informed that Zoo Licences were granted for six years. Inspections took place annually, with a vet from the Department for Environment, Food and Rural Affairs (DEFRA), who had powers to impose conditions on the licence.

A Member highlighted that fees to keep Dangerous, Exotic and Wild Animals were higher for private owners than those for pet shops. The Assistant Environmental Health Manager informed the Committee that this reflected the amount of officer time and involvement that was needed to address public health issues when such animals were kept in people's homes.

Following a query the Head of Environmental and Operational Services agreed to investigate if the Council could request that they be notified when a pet shop sells a dangerous, exotic or wild animal that would then require a licence to be issued

Resolved: a) That the proposed fees in respect to animal welfare licences be adopted with effect from 1 April 2010; and

b) Fees be reviewed annually and any increases be effective from 1 April each year.

16. SETTING OF TAXI LICENSING FEES (Report No. 5)

The Licensing Partnership Manager introduced this item and highlighted that the annual fees needed to be self-financing. Analysis had been produced showing the disparity in fees across the licensing partnership and it was hoped that this gap could be reduced over the next few years, whilst still maintaining individual Council's powers to set their own fees. It was also highlighted that Driver's licences (Private

Hire and Hackney Carriage) were renewed on a tri-annual basis and there are less renewing in the next twelve months.

Following a query, it was explained that the number of vehicle licences in the District stayed relatively constant, with little fluctuation. It was also explained that, although there were different restrictions within the Taxi Policy for the age of vehicles depending on whether they are for renewal or a new licence, vehicles could not be any older than ten years. However, wedding vehicles were exempt from this regulation.

Resolved: That the proposed variations to fees and associated costs for licences in respect of hackney carriage drivers and vehicles and private hire drivers, vehicles and operators be adopted from 1 April 2010.

17. SETTING OF GAMBLING ACT 2005 FEES (Report No. 6)

The Committee was informed that the fees had been set using the LACORS model, which ensured fees were justified against officer time. The Council was confident that the proposed levels were sufficiently robust if the fee level was ever challenged by judicial review. It was also highlighted that, as well as the eight betting shops currently licensed, the Council still had to set fees for establishments it did not have in the District.

Following a query, it was explained that the annual £80 increase for betting shops was justified as it was necessary to cover the increase in costs to the Council. The Assistant Licensing Partnership Manager also explained that the shops were largely self-regulating and it would be difficult for the Council to justify a higher increase.

Resolved: That the proposed Gambling Act 2005 fees for 2010/11 as set out in the Appendix of the report be approved.

18. DETERMINATION OF SEX ESTABLISHMENT APPLICATIONS AND FEES
(Report No. 7)

The Licensing Partnership Manager explained that although there were no sex establishments in the District, the Council had proposed nominal increases to fees. The current level of fee was significantly less than those set by Tunbridge Wells Borough Council and Maidstone Borough Council, who did licence such premises. The Committee was informed that the fees had been set using the LACORS model, which ensured fees were justified against officer time taken to process and issue an application .

Following a query, it was explained that the Council did not wish to set higher fees as it could not justify greater increases. Nor could fee levels be used to deter applications or serve as a revenue source.

Resolved: That, subject to an annual review, the fee for the grant, transfer or annual renewal of a licence for sex establishments be set at £2,340.

THE MEETING WAS CONCLUDED AT 6:25 P.M.

Chairman

