

Swindon Borough Council

Licensing Committee

Thursday, 27 September 2018

Committee Room 1, Civic Offices

At 5.30 p.m.

Conservative Councillors

Alan Bishop
Malcolm Davies
Nick Martin
Brian Mattock
(Vice-Chair)
Maureen Penny
Caryl Sydney-Smith
Rahul Tarar
Vera Tomlinson
(Chair)

Labour Councillors

John Ballman
Paul Dixon
Steph Exell
Imtiyaz Shaikh
Nadine Watts
Peter Watts

Committee Officer: Shaun Banks (Telephone: 01793 463606)

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(Telephone 01793 445500)

AGENDA

1. Apologies for Absence

2. Declarations of Interest

Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.

3. Minutes (Pages 3 - 4)

To receive the minutes of the meeting held on 14th June 2018.

4. Public Question Time

See explanatory note below. Please phone the Committee Officer whose name and number appears at the top of this agenda if you need further guidance.

5. Consultation for the introduction of a Tattoo Hygiene Rating System
(Report to follow)

6. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (Pages 5 - 8)

(Report to follow)

7. Request for Deviation from The Council's Street Trading Policy

(Report to Follow)

Date of Despatch: 25 September 2018

Key:

LM - Licensing Manager

Public Question Time - Swindon Borough Council remains committed to increasing its accountability to the public and to promoting active citizenship. 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from the public about the work of the Committee (except for confidential matters, and matters relating to planning and licensing applications). We will give priority to those who submit questions in writing at least two days before the meeting. Questions must be relevant, clear, and concise. You may not use Public Question Time as an opportunity to make speeches or statements.

Questions in writing should be sent to the Committee Officer whose contact details appear on the agenda above or to the Director of Law and Democratic Services, we will publish it, along with the answer, alongside the Minutes. The process associated with asking a public question is set out in the "Public Question Time at Council Meetings Protocol and Guidance" available on the Council's Website.

(<http://ww5.swindon.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13338&path=0>) or from the Committee Officer named above.

Access Arrangements – *The Venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Clerk above, as soon as possible prior to the date of the meeting.*

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

LICENSING COMMITTEE

THURSDAY, 14 JUNE 2018

PRESENT:- Councillors Vera Tomlinson (Chair), Abdul Amin, John Ballman, Alan Bishop, Malcolm Davies, Paul Dixon, Steph Exell, Nick Martin, Imtiyaz Shaikh, Caryl Sydney-Smith, Rahul Tarar, Nadine Watts and Peter Watts.

Apologies for absence were received from Councillors Brian Mattock and Maureen Penny.

6. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

7. Minutes

Resolved – That the minutes of the meetings held on 17th April and 18th May 2018, be confirmed and signed as a correct record.

8. Public Question Time

No public questions were received during the meeting.

9. Consideration to Introduce a Policy to Require CCTV within Hackney Carriage and Private Hire Vehicles

The Council's Licensing Manager submitted a report seeking approval to undertake a public consultation in respect of the use of CCTV in Private Hire and Hackney Carriage Vehicles.

Resolved – (1) That an eight week consultation public consultation be undertaken in respect of the introduction of a policy for the use of CCTV in Private Hire and Hackney Carriage Vehicles be approved.

(2) That, further to (1) above, the following proposals be included as part of the consultation:

(a) that all new vehicles licensed with the Council on or after 1st October 2018 be fitted with CCTV; and

(b) that all vehicles licensed with the Council at the time of implementation of this policy be fitted with CCTV on or before 1st October 2019, and

(c) the possibility of audio recordings, activated by either driver or passenger, be activated in emergency situations.

(3) That, it be agreed in principle, that the Council's Licensing Manager be given delegated authority to refuse any CCTV system that does not comply with data protection requirements and the Information Commissioner's Office 'CCTV Code of Practice' and to accept those that comply.

(4) That, further to (1) above, following the conclusion of the eight week consultation exercise the results, including any proposed amendments, be brought back to this Committee for consideration.

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

Licensing Committee

Date: 27th September 2018

Author: Licensing Manager

Wards: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 To provide members with an overview of the new legislation in respect of licensing of: selling animals as pets, boarding of dogs and cats, hiring of horses, breeding of dogs and keeping or training animals for exhibition.
- 1.2 The report is necessary to keep members abreast of new legislation

2. Recommendations

The Committee is recommended to:

- 2.1 To note the new legislative requirements.

3. Detail

Current position

- 3.1 Currently there are number of pieces of legislation covering different aspects of animal licensing. These are:
 - 3.1.1 Pet Animals Act 1951 – that is: trading of animals, usually in pet shops
 - 3.1.2 Animal Boarding Establishments Act 1963 – this covers the boarding of dogs and cats
 - 3.1.3 Performing Animals (Regulation) Act 1925 – A registration of those who train and exhibit animals
 - 3.1.4 Riding Establishments Act 1964 – that is: the hiring of horses, normally within a riding school
 - 3.1.5 Breeding of Dogs 1973, Breeding of Dogs Act 1991. Breeding and Sale of Dogs (Welfare) Act 1999 – covers breeding of dogs as a commercial activity
- 3.2 These will be largely repealed and replaced with new regulations, Animal Welfare Licensing of Activities Involving Animals England Regulations 2018 with only minor elements remaining in the original legislation. For example Pet Animals Act 1951 section 2 - it will still be an offence to sell animals as pets in a street, public place or in a market.

Further information on the subject of this report can be obtained from Kathryn Ashton, 01793 466113, KAshton@swindon.gov.uk.

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

Licensing Committee

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- 3.3 The new regulations only apply to England and will come into force on 1st October 2018.
- 3.4 The regulations are made under the current Animal Welfare Act 2006. The Council's Animal Licensing team are already authorised officers under this Act.
- 3.5 The main changes are:
- 3.5.1 A broader scope of activities will become licensable. Currently performing animals are only registered, this will now also require an inspection before a premises or person can be licensed. Another example is 'Selling Animals as Pets' in the course of a business, previously this was only for trading of animals but it now encompass a breeder selling large numbers of offspring or smaller amounts but for a high profit margin. The threshold for the breeding of dogs in order to be considered a business will also be lowered.
 - 3.5.2 The Regulations make it clearer that some activities must be licensed such as home boarding and day care. These were considered to be a licensable activity under the old Act but some local authorities had not been enforcing this. Swindon Borough Council has been licensing home boarders and day care premises for some considerable time with specific adopted model conditions so this is not expected to have a detrimental effect within the Borough.
 - 3.5.3 Licences may be issued for one, two or three years depending on a risk scoring matrix and compliance with standard and higher conditions
 - 3.5.4 Licensing officers must be suitably qualified to carry out inspections. This will mean that all inspecting officers must obtain a specific qualification by October 2021.
 - 3.5.5 Fees are currently being considered by the Lead Member
- 3.6 The Council currently has adopted a number of local model licence conditions for each activity as well as specific additional conditions for those wishing to sell puppies in pet shops. These will all be revoked by the legislation. In implementing new model conditions the Council will not be able to adopt any conditions to supplement those provided within the Regulations.
- 3.7 Due to the sweeping changes being made including how premises are inspected and more activities becoming licensable, this has already required extensive preparations by the Licensing department and it is anticipated that this work will be extremely labour intensive for the next few months at least.

Further information on the subject of this report can be obtained from Kathryn Ashton, 01793 466113, KAshton@swindon.gov.uk.

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- 3.8 It should however, increase revenue and ensure more compliance with animal welfare requirements as well as assurance for the public when buying an animal, hiring a horse, boarding their pet or attending a display.
- 3.9 Lengthy guidance for Local Authorities has only just been released by Defra and it is likely it will be subject to debate and review. Defra have advised they will also issue application forms for Local Authorities but this has not yet happened.

4. Alternative Options

- 4.1 None

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no direct financial implications arising from the report.
- 5.2 An operator who is aggrieved by a decision of the Council may appeal to the First-tier Tribunal

Legal and Human Rights Implications

- 5.2 This is statutory legislation

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 This will be covered by the current licensing section

Diversity Impact Assessment

- 5.4 DIA can be available by request

Risk Management

- 5.5 Not applicable

6. Consultees

- 6.1 The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

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

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8. Appendices

8.1 None