



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Minutes of a meeting of the Licensing Committee held in the Council Chamber, Nutholt Lane, Ely on Wednesday, 17th June 2015 at 9.30am.

P R E S E N T

Councillor Elaine Griffin-Singh (Chairman)
Councillor Sue Austen
Councillor Mike Bradley
Councillor Vince Campbell
Councillor Paul Cox
Councillor Neil Hitchin
Councillor Julia Huffer
Councillor Chris Morris
Councillor Mike Rouse

OFFICERS

Lin Bagwell – Licensing Officer (Enforcement)
Stewart Broome – Senior Licensing Officer
Maggie Camp – Solicitor
Tracy Couper – Principal Democratic Services Officer
Liz Knox – Environmental Services Manager
Adrian Scaites-Stokes – Democratic Services Officer

3. APOLOGIES

Apologies were received from Councillors Christine Ambrose Smith and Carol Sennitt.

4. DECLARATIONS OF INTEREST

Councillor Mike Rouse declared a personal interest due to the location of the Conservative Group offices, as did Councillors Mike Bradley, Chris Morris, Julia Huffer, Neil Hitchin and Elaine Griffin-Singh.

5. MINUTES

It was resolved:

That the Minutes of the Licensing Committee meeting held on 21st January 2015 be confirmed as a correct record and be signed by the Chairman.

6. **CHAIRMAN'S ANNOUNCEMENTS**

- The Chairman emphasised the importance of this Committee, as it could have a very significant impact on people's livelihoods and businesses. Members were reminded to study any relevant papers prior to meetings.
- Members that received papers from the Council in white envelopes were reminded to recycle those envelopes.
- An extra urgent item was added to the agenda, to discuss the start times of Licensing meetings.

The Chairman then handed over to the Environmental Services Manager, who introduced a new member of staff, Stewart Broome, the new Principal Licensing Officer. This appointment was in response to the new staff structure in licensing and to look at commercial aspects of the service.

7. **BOARDING ESTABLISHMENTS ACT 1963 – PROPOSED AMENDMENTS TO HOME BOARDING OF DOGS LICENSING CONDITIONS**

The Committee considered a report, (Q10) previously circulated, which detailed proposed amendments to conditions for home boarding of dogs.

The Licensing Officer had looked at the provisions of the Act to consider proposed changes to the Council's existing policies with regard reducing age requirements relating to the home boarding and walking of dogs. It was recommended that a twelve week consultation on the proposed changes, as specified in paragraph 3.10 of the report, be undertaken. The results of the consultation would be reported back to this Committee to decide.

In January 2010 the Licensing Committee had approved an annual scheme for the home boarding of dogs. Some concerns had been raised at that time and, consequently, the Council had imposed stricter conditions than the national scheme including age limits on children in homes which boarded dogs and for people being allowed to walk dogs.

In January 2015 the Council was approached by a member of the public who wished to obtain a home boarding licence, but who was concerned about the Council's conditions which were stricter than other local authorities. The Council was asked to look at its conditions with a view to amending them. Other local authorities were surveyed and, in line with the responses received, it was proposed to amend conditions 5.8.3 and 5.8.4. The adoption of these changes, which would be in line with national policies, would reduce age requirements and would encourage more business.

Councillor Elaine Griffin-Singh asked whether there was a duty on the Council to consult on this matter. The Solicitor explained that this was a Government requirement.

Councillor Mike Rouse thought the report was very thorough and was happy to move the recommendation for approval. This was duly seconded.

Councillor Vince Campbell asked a number of questions relating to where the home-boarded dogs would be kept, whether there was a maximum number allowed, expressed concerns about 5-year-olds being around dogs, the health of the dogs and whether a licence could be provided for a 16-year-old.

In response, the Licensing Officer explained that dogs could be boarded within a household and the maximum number would depend on the size of the house. Each application would be dealt with on a case-by-case basis and would be carefully monitored. Thorough checks were undertaken and vets did inspections where necessary. The other local authorities had not reported any incidents involving dogs and 5-year-olds, so it was not expected to be a problem. Any dog that was liable to bite would not be allowed to board by the business involved. It was known that some dogs, which had been home-boarded, had medical conditions but this did not mean that they were liable to misbehave. Dogs from different families had to meet others to ensure that they would fit it without any trouble.

The Senior Licensing Officer noted that a local authority could restrict what the business could do but not what their customers could. The licence holder had to be a 'fit and proper' person to hold the licence and had a responsibility to isolate certain dogs if required. There was no age limit on this person, so a 16-year-old could gain a licence, though the vast majority of licence holders were home owners. This was all covered in the Council's conditions.

Councillor Mike Bradley supported the proposals but thought there ought to be a maximum limit on the number of dogs that could be home boarded, as larger numbers ought to be kept in kennels.

The Senior Licensing Officer reckoned a cap on numbers could be seen as restricting businesses, so could not be recommended. However, this was not a problem at the moment.

Councillor Julia Huffer questioned why the Council had to do a consultation as, if it was satisfied with the proposed changes, it could just make those changes. If the consultation went ahead, how would it be conducted? As some people wanted to start their business as soon as possible, could the consultation period be reduced?

The Committee was informed that there was no statutory obligation to undertake a consultation but it was good practice to do so. The consultation would be conducted through the Council's website, via the Council offices and local libraries, and by writing to the normal kennels and home boarders. There was the potential to reduce the consultation time but other time would be needed to analyse the results and report back to this Committee.

Councillor Julia Huffer then proposed an amendment, that the consultation period be for six weeks instead of twelve. This was duly seconded. The

amendment was then put to the Committee and agreed unanimously. The motion as amended was then put to the Committee and agreed unanimously.

It was resolved:

- (i) That a six week consultation be carried out on the proposed amendments to the Council's home boarding of dogs licensing conditions set out in paragraph 3.10 within the district and with relevant organisations;
- (ii) That the results of the consultation exercise be brought back to a future Licensing Committee meeting for Member decision regarding the proposed amendments.

8. **LICENSING SUB-COMMITTEES**

The Committee considered a report, (Q11) previously circulated, which outlined proposals for future Licensing Sub-Committees.

The Principal Democratic Officer advised the Committee that in the past Licensing Sub-Committees, consisting of three Members with one Reserve, had been selected on a rotational basis to deal with hearings. This had resulted in a challenge to achieve consistency due to Members only attending hearings irregularly. Following the recent elections, this rotational system would no longer work as there was now only one opposition Member available to serve. Therefore this meant that a fixed sub-committee was a reasonable solution. The proposal was to have a sub-committee consisting of five fixed Members, with a quorum of three. This would allow those Members to build up their skills and experience and would make the administration much better.

Also in the past, applications with difficult issues went to a hearing but so did other matters where things were more clear-cut and which should not have required a hearing to decide. It was proposed that officers be given delegated authority to make decisions on applications and whether they should go before Members at a hearing.

The Committee agreed to the system for the new Licensing Sub-Committee and appointed Councillors Chris Morris, Julia Huffer, Carol Sennitt, Vince Campbell and Sue Austen as its members.

The Committee also agreed to amend the officer delegations as regards decisions on licences.

It was resolved:

- (i) That the Terms of reference for the Licensing Sub-Committee be revised as attached at Appendix 1 on the basis of a fixed membership of 5 (4 Conservatives and 1 Lib Dem) with a quorum of 3 and that Councillors Sue Austen, Vince Campbell, Julia Huffer, Chris Morris and Carol Sennitt be appointed to that Sub-Committee.

- (ii) That full Council be requested to authorise the Principal Solicitor and Monitoring Officer to make the necessary amendments to the Officer Delegations in the Terms of Reference for the Licensing Committee within the Constitution, to enable the Environmental Services Manager or Director Regulatory Services to grant, refuse, renew, suspend or revoke licences, unless the Environmental Services Manager or Director Regulatory Services, in consultation with the Chairman of the Committee, decide that the matter should be referred to a Licensing Sub-Committee for determination.

9. **FORWARD AGENDA PLAN**

The Committee considered its Forward Agenda Plan. The Environmental Services Manager advised the Committee that an extra item for the next meeting, on the Licensing Act, had been added and the agenda plan would be looked at with the Senior Licensing Officer, to populate it.

It was resolved:

That the Forward Agenda Plan, as amended, be noted.

10. **EXCLUSION OF THE PUBLIC INCLUDING REPRESENTATIVES OF THE PRESS**

It was resolved:

That the press and public be excluded during the consideration of the remaining item no. 9 because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item there would be disclosure to them of exempt information of Categories 1 and 2 Part I Schedule 12A to the Local Government Act 1972 (as Amended).

11. **TAXI LICENSING SUB-COMMITTEE – EXEMPT MINUTES**

The Committee received the Exempt record of the meetings of the Taxi Licensing Sub-Committees held on 15th April 2015. The Exempt records were noted.

12. **START TIMES FOR LICENSING COMMITTEE MEETINGS**

The Chairman allowed an additional urgent item of business, to consider the start times for future Licensing Committee meetings. Councillor Chris Morris proposed that the current 9:30am start time did not warrant changing and so should remain as it was. This was duly seconded by Councillor Julia Huffer and unanimously agreed.

The meeting closed at 10.19am.