

Minutes of the meeting of the Licensing Committee held on 17 September 2014 from 7.00 pm to 8.00 p.m.

Present: Christopher Hersey (Chairman)
Bruce Forbes (Vice-Chairman) – in the Chair

Mims Davies*
David Dorking*
Kathleen Dumbovic
Richard Goddard

Sue Hatton
Ginny Heard
Margaret Hersey
Jacqui Landriani*

Gary Marsh
John O'Brien*
Peter Reed
Mandy Thomas-Atkin*
Emily White

* Absent

4. SUBSTITUTES AT MEETINGS OF COMMITTEE – COUNCIL PROCEDURE RULE 4

The Committee noted that no substitutes had been appointed in accordance with Council Procedure Rule 4 – Substitutes at Meetings of Committees etc.

5. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Davies, Landriani and Thomas-Atkin.

6. DECLARATION OF INTERESTS

No Declarations of Interest were made.

7. MINUTES

The Minutes of the meetings of the Committee held on 12 March and 7 May 2014 were confirmed as a correct record and signed by the Chairman.

8. ORDER OF BUSINESS

The Chairman announced that agenda item 8., Dog Day Care Boarding Establishments would be considered after agenda item 6., Revised Animal Boarding Establishment (Home Boarding) Conditions. Agenda item 7 would follow on after that.

9. REVISED ANIMAL BOARDING ESTABLISHMENT (HOME BOARDING) CONDITIONS

The Committee received a report on revised licence conditions for animal boarding establishments known as 'home boarding' for dogs across the district.

Paul Thornton, the Council's Senior Licensing Officer introduced the report and explained that, when the Animal Establishments Act was first introduced in 1963 the Council introduced a set of conditions. Since then, there has been an increase in business and the definition of animal boarding has changed and it is proposed to revise the conditions to take account of home boarding.

He added that, currently, the Council licenses 28 boarding establishments, 11 of which are described as traditional kennels, the remainder are home boarding establishments. He clarified that these conditions apply to domestic premises, but that domestic premises with communal access would not be suitable to be licensed premises.

The Senior Licensing Officer referred Members to Appendix 1, the revised licence conditions for animal boarding establishments (home boarding), and took them through a number of amendments which needed to be made to the conditions.

In response to a Member who asked how the Council becomes aware that a business is being carried out, the Senior Licensing Officer advised Members that this could be by a number of ways which included advertising or by word of mouth. He also clarified that there is a charge for the licence.

The Member also asked what controls are in place regarding dog walkers that come into the Council's area from outside the district. The Senior Licensing Officer confirmed that dog walking is not a licensable activity and other legislation may need to be used to control the number of dogs that an individual can have at any one time.

In response to a question from a Member, the Senior Licensing Officer confirmed that that people who look after friends dogs without payment are not licensable.

Another Member asked how long the licence lasts for. She also spoke of concern regarding possible noise and asked whether it is possible to retract the licence.

The Senior Licensing Officer confirmed that the licence lasts for 12 months before it becomes renewable. The cost of the licence is £123. He added that, if there are any problems with noise, this can be addressed by the Environmental Protection Team which could lead to a fine of up to £20,000 and possible conviction.

In response to another question from the Member, the Senior Licensing Officer clarified that the size of the premises would have an impact on the number of dogs able to be boarded.

In response to a question from a Member, the Senior Licensing Officer confirmed that the licensed establishments are encouraged to dispose of waste in the correct bins rather than using landfill bins.

One Member said that he had never been asked to provide proof of vaccinations and asked whether this condition would be enforceable and questioned whether it should be removed from the conditions. The Head of Housing, Health and Building Control confirmed that this would be removed from the conditions and the remaining paragraphs renumbered.

RESOLVED

That the revised licence conditions, as amended, following comments made at the meeting, be approved for animal boarding establishments (home boarding) as set out in Appendix 1 to the report and be introduced from 1st October 2014.

10. DOG DAY CARE BOARDING ESTABLISHMENT CONDITIONS

The Committee received a report upon the adoption of a set of licence conditions for commercially run animal boarding establishments providing day care for dogs across the district.

Paul Thornton, the Council's Senior Licensing Officer explained that under Section 1 of the Animal Boarding Establishments Act 1963, the Council has the power to licence animal boarding establishments and it is proposed to revise the set of standard licence conditions to safeguard animal welfare and took Members through the proposed changes.

In response to a question from a Member as to how many of these establishments there are in Mid Sussex, the Senior Licensing Officer confirmed that there are only two, and that there is no boarding overnight.

As there were no further questions the Chairman took the Committee to the recommendation which was agreed, subject to the changes made at the meeting.

RESOLVED

That the licence conditions set out in Appendix 1 to the report, as amended following comments made at the meeting, be approved for animal boarding establishments for dog day care businesses and be introduced from 1st October 2014.

11. LICENCE CONDITIONS – DANGEROUS WILD ANIMALS

The Committee received a report on licensing conditions for Dangerous Wild Animals.

Paul Thornton, Senior Licensing Officer explained that, under Section 1 of the Dangerous Wild Animals Act 1976, people who wish to keep an animal on the defined list of dangerous wild animals are required to apply for a licence from the Council.

The Senior Licensing Officer explained that the licence is site and species specific and imposes strict conditions upon the keeper of the animal. Before issuing a licence, the Council must be satisfied that the keeping of any animal(s) is not contrary to the public interest by reasons of safety, nuisance or otherwise. The Council are also under an obligation to engage a vet to inspect the premises and act on their report during the determination process. He added that the reason for amending these conditions came about after a recent audit review.

In response to a question from a Member, the Senior Licensing Officer clarified that, where there are a number of animals housed, they are all listed on the one licence, not one licence per animal.

One Member asked who had the remit to revoke a licence. The Head of Housing, Environmental Health and Building Control confirmed that both she and the Business Unit Leader for Environmental Health and Building Control had authority to do this. The Assistant Solicitor to the Council advised the Committee that professionals would advise officers.

Another Member asked what would happen to any animal if the licence was revoked. The Senior Licensing Officer confirmed that the Council does have the power to remove and rehouse animals.

One Member asked what happens when an animal escapes. There appeared to be no mention in the draft conditions. The Head of Housing, Environmental Health and Building Control confirmed that this would be added to the conditions.

As there were no further speakers, the Chairman took the Committee to the recommendation which was agreed, subject to the changes discussed at the meeting.

RESOLVED

That the revised licence conditions for Dangerous Wild Animals, as set out in Appendix 1 to the report, including the amendments made at the meeting, be introduced from 1st October 2014.

12. LIQUOR LICENSING PANEL MINUTES

The Committee received and noted the minutes of the following meetings of the Liquor Licensing Panels held on:-

- (a) 17 March 2014;
- (b) 27 March 2014;
- (c) 2 May 2014; and
- (d) 28 August 2014.

RESOLVED

That the Minutes of the meetings of the Liquor Licensing Panels listed above be received and noted.

Chairman.