

Minutes of the Meeting of the Licensing Committee held on 3 October 2018 at 7.00 pm

Present: Councillors Ben Maney (Chair), Tony Fish (Vice-Chair), Qaisar Abbas, Leslie Gamester, Graham Hamilton, David Potter, Elizabeth Rigby and Joycelyn Redsell

Apologies: Councillors Gary Collins, Garry Hague, Steve Liddiard, Sue Shinnick and Pauline Tolson

In attendance: Paul Adams, Principal Licensing Officer
Simon Scrowther, Legal Representative
Kallum Davies, Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

1. Minutes

The Minutes of the Licensing Committee meeting held on 14 February 2018 were approved as a true and correct record.

2. Items of Urgent Business

There were no items of urgent business.

3. Declaration of Interests

Councillor Elizabeth Rigby declared a non-pecuniary interest in relation to item 5 on the agenda, in that she was a Veterinarian by occupation.

4. Changes to Animal Welfare Licensing

Paul Adams, Principal Licensing Officer introduced the report which highlighted changes brought about by Central Government, and had taken effect on 1 October 2018.

When the Chair invited questions, Councillor Redsell asked why the report indicated there had been only one Riding School in Thurrock, when she had personally been aware of at least three. The Officer stated that only those where riding services were offered required a licence, so stables would not be included. The Officer further invited Councillor Redsell to make those she believed to be omitted known to him.

Councillor Redsell asked what Thurrock Council considered to be a Dangerous Animal. The Officer stated that there is a Schedule of strict

definitions and Thurrock applies this criterion only to what is listed on the Schedule.

Councillor Hamilton asked if Donkey rides such as at the Orsett Show would now require a licence. The Officer stated that these would now be licenced but that it would be the place at which the animals were based which would need the licence and not the site on which they operate.

Councillor Hamilton asked what the allowed timeframe would be in which an organisation would be required to obtain a licence. The Officer stated that this was prescribed by the guidance accompanying the legislation.

Councillor Gamester asked if the fees presented would include the cost of any undeclared inspection during the term of the licence. The Officer stated that if further inspection was required then this would be charged separately.

Councillor Rigby asked if "Animal Boarding" would include home boarding. The Officer stated that it would, in addition to dog "Day-Care".

Councillor Rigby asked if there was a number of litters per year that would differentiate between breeders and private individuals. The Officer stated that only professional breeders would need a licence, but there was no set number of litters. Councillor Rigby further asked what the penalty would be for failing to obtain a licence. The Officer advised he would find this out and advise the Councillor directly.

Councillor Abbas asked why an appellant would need to pay an inspection fee if their appeal was upheld. The Officer Stated that the appeal was free but there was a fee for another inspection where required, adding that if the appeal was upheld, the fee would be refunded.

Councillor Abbas asked if the fees would increase on year. The Officer stated that Thurrock would retain the ability to adjust its fees as required so long as it remained on a cost recovery basis.

Councillor Gamester asked if residents whom took in stray cats with a view to rehoming them would require licensing. The Officer stated they would not as they were not buying and selling the animals.

Councillor Redsell asked if this change in Law would prevent instances of pets being sold in car parks and other unscrupulous means. The Officer stated that it would not, but that there was separate legislation under consideration in this regard.

Councillor Hamilton asked if the breeding of cats was considered under the breeding legislation. The Officer advised that it did not apply to cats other than for the boarding of cats.

The Chair asked if the new approach was based solely on animal welfare. The Officer said that it would be 95% welfare focused, with some

consideration to waste disposal etc. The Chair then asked if any consideration would be given to the appropriateness of premises. The Officer advised that this would not be the case beyond a mandatory minimum space per dog, but that this would be covered by existing Planning Legislation. Simon Scrowther added that existing tools around appropriateness of premises would not be diminished.

The Chair then enquired if the star rating would be made public, as with food hygiene ratings. The officer advised that publishing this was a requirement of the new guidance. The Chair further asked if there was an option for more than one visit per year if it was felt necessary. The Officer stated that one per year was the minimum for yearly licenses, and one per three years for five star businesses who had been granted a three year licence. The Officer added that there was an option to conduct more if required.

Lastly the Chair asked if the Council had discretion in what conditions it could impose upon a license. The Officer stated that the conditions available to the Council were prescriptive and there was no discretion in this regard.

RESOLVED

1. The Licensing Committee recommend to Full Council:

- **To set the fees and charges with respect to the Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018 as set out in table 1 of Appendix 1 for the period of 1 October 2018.**
- **Approved the procedure for determining an appeal against a risk rating following the inspection/renewal of an operator as set out in Appendix 3.**

2. Noted the Scheme of Delegation as set out in table 2 of Appendix 2.

5. Film Classification Report

The Legal Representative, Simon Scrowther, left the meeting at 7.44pm.

The Officer Paul Adams, Principal Licensing Officer introduced the report and explained that it had come about due to a rare occurrence of the Local Authority needing to exercise its powers in respect of film licensing. The Officer stated that in twelve years the authority had done this on only two occasions, and as such there was no formally documented process.

The Chair opened to questions and Councillor Fish stated that he understood the reason for Film Licensing was essentially for Child Protection. With that in mind the Councillor asked if the guidance from the British Board for Film Classification (BBFC) included a list of “activities” in films which children should not see. The Officer stated that there was such a list but it was not determined by the activities depicted alone, rather a combination of the nature, severity and frequency of the depiction.

Councillor Potter asked if these regulations extended to the public displaying of TV shows. The Officer stated that it would apply to anything pre-recorded, but not to live TV.

Councillor Gamester enquired what separated Art Exhibits from licensable exhibitions as he was aware of some Art Exhibitions which bordered on the obscene. The Officer stated that there was separate legislation in this regard.

Councillor Hamilton stated he was concerned that the advent of personal devices such as phones and tablets threatened to undermine the efforts of licensing as technology progressed.

The Chair stated that it had been his belief the Prevent strategy would play a part in this field, as extremist content could now be made and displayed readily. The Officer advised that all Licensing Officers in Thurrock had received training on the Prevent Strategy and were aware of their duties in this respect.

RESOLVED

The Licensing Committee agreed to the procedure for the classification of films as set out in Appendix 1.

6. Applications Received Report

The Chair asked if Members noted the contents of the Applications Received Report.

RESOLVED

The Licensing Committee noted the contents of the report.

The meeting finished at 8.00 pm

Approved as a true and correct record

CHAIR

DATE

Any queries regarding these Minutes, please contact
Democratic Services at Direct.Democracy@thurrock.gov.uk