

**MINUTES OF A MEETING OF THE  
LICENSING AND APPEALS COMMITTEE  
HELD ON MONDAY 3 SEPTEMBER 2012 FROM 7:00PM TO 8:00PM**

*Present:- Barrie Patman (Chairman), Chris Bowring (Vice Chairman), Michael Firmager, Mike Gore, Philip Houldsworth, Abdul Loyes, Ken Miall, Malcolm Richards, Sue Smith and Wayne Smith.*

**PART I**

**1. MINUTES**

Councillor Bowring referred to the second bullet point at the top of page 4 of the minutes and advised that Members had not received an answer regarding where the Council would appear in the National League Tables Averages, which was published in Private Hire and Taxi Monthly, if a 5% increase be implemented as opposed to a 10% increase.

Julia O'Brien undertook to find out the information and advise Members accordingly.

The Minutes of the meeting of the Committee held on 5 March 2012 were confirmed as a correct record and signed by the Chairman.

**2. APOLOGIES**

Apologies for absence were submitted by Mike Haines, Sam Rahmouni and Chris Singleton.

**3. DECLARATIONS OF INTEREST**

No declarations of interest were submitted.

**4. PUBLIC QUESTION TIME**

There were no Public questions.

**5. MEMBER QUESTION TIME**

There were no Member questions.

**6. GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES REVIEW**

The Committee considered a report, which set out the Statement of Gambling Principles for consideration, prior to consultation.

Members were advised that under the Gambling Act 2005, the Council is required to review and consult upon its 'Statement of Gambling Principles' every three years from the date of adoption. The present Statement of Gambling Principles was published on 31 January 2010 and therefore must undergo a review and be re-published on or before 31 January 2013.

The statement must be produced following consultation with those bodies and persons set out in subsection (3) of section 349. This includes the Chief Officer of Police, persons who represent the interests of persons carrying on gambling businesses in the area and persons who represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions

under the Act. The Statement of Principles ('the Statement') will last for a maximum of three years and can be reviewed and revised by the authority at any time.

Members pointed out some typographical errors in the document as follows:

- Paragraph 5a) on page 16 - delete the first "to be";
- The paragraph after paragraph 5a) on page 16 - delete the apostrophe in "MP's"; and
- Reference to the Council as a "District" in paragraph 4 on page 29, be amended to "Borough".

With regard to the table on page 20, a Member asked why a Sub-Committee of the Licensing Committee was required to cancel club gaming / club machine permits. Julia O'Brien advised that this was set out in the legislation and undertook to investigate the reason and advise Members accordingly.

**RESOLVED:** That, subject to the above amendments, the content of the draft Statement of Gambling Principles be confirmed, prior to the statutory consultation exercise.

## **7. HOME BOARDING OF DOGS – ADDITIONAL CONSIDERATIONS**

At the Licensing and Appeals Committee meeting held on 4 July 2011, Members considered a report regarding adopting a set of Licensing Conditions for the Home Boarding of Dogs, together with an operative date for these to be applied and a fee schedule for the activities. Members made the following resolution:

- 1) agree the various recommendations as set out in Appendix 1 to the report subject to the amendments agreed by members;
- 2) agree to apply the licence conditions with effect from 1 April 2012;
- 3) adopt the fee schedule as set out in Appendix 2 to the report; and
- 4) agree that licensing only be required when more than two dogs are boarded at the same time.

Application forms were sent out to known Home Boarders at the beginning of 2012 and officers then received representations on two points regarding the original Members' resolution:

- 1 the proposed fee structure; and
- 2 the non requirement of boarders having less than 2 dogs to be licensed.

The Committee received a new report at this meeting, which asked them to consider and review the representations made in light of its original resolution regarding home boarding licensing.

Some Members were concerned that the recommendation to add 1 and 2 dog fees to the 3-6 capacity was too bureaucratic. The Chairman pointed out that the fees would only be applicable to people running a business. If people looked after a friend's dog, then they would not incur the fee.

Councillor Miall reminded Members that at the original meeting to consider this matter, the Committee was advised that the Council was required by law to implement the policy, however, how it did that was the Council's own choice.

Members were concerned about the legality of charging for 1 or 2 dogs. Members were also unsure about what they were being asked to implement. The Chairman therefore suggested that in order that the issue could be clarified, the report be deferred until the next meeting of the Committee and that legal advice be sought on the Council's responsibilities.

**RESOLVED:** That:-

- 1) the report be deferred until the next meeting of the Committee on 5 November 2012;  
and
- 2) legal advice be sought and presented to the next meeting to clarify what the Council's responsibilities are in respect of this matter.

*These are the Minutes of a meeting of the Licensing and Appeals Committee.*

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