

**MINUTES OF A MEETING OF THE
LICENSING AND APPEALS COMMITTEE
HELD ON MONDAY 5 NOVEMBER 2012 FROM 7:00PM TO 8:00PM**

Present:- Barrie Patman (Chairman), Michael Firmager, Mike Haines, Philip Houldsworth, Ken Miall, Sam Rahmouni, Malcolm Richards, Sue Smith and Dee Tomlin.

Also present:-

Susan Coulter, Senior Democratic Services Officer,

Mandy Dorman, Dog Warden,

Brian Leahy – Licensing Team Manager

Julia O'Brien, Principal Environmental Health Officer (Licensing); and

Jayne Squires, Licensing Officer

PART I

8. MINUTES

The Minutes of the meeting of the Licensing and Appeals Committee held on 3 September 2012 were confirmed as a correct record and signed by the Chairman.

9. APOLOGIES

Apologies for absence were submitted from Councillors Mike Gore, Chris Singleton and Wayne Smith.

10. DECLARATIONS OF INTEREST

Councillor Mike Haines declared a personal interest in Agenda Item 15, Home Boarding of Dogs – Additional Considerations as he is a user of a home boarding establishment in Oxfordshire.

11. PUBLIC QUESTION TIME

There were no Public questions.

12. MEMBER QUESTION TIME

There were no Member questions.

13. GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES

The Committee considered a report, set out on Agenda pages 4 to 34, which introduced a draft policy for consideration, together with the results from the consultation exercise undertaken during September and October 2012. The report presented the outcomes of the consultation exercise on the Gambling Act draft Statement of Principles previously agreed by Members on 3 September 2012 and remained unchanged as a result of the consultation.

RESOLVED: That the Statement of Principles, as presented in the Appendix to the report, be agreed and its adoption be recommended by resolution to the Council.

14. HOME BOARDING OF DOGS – ADDITIONAL CONSIDERATIONS

The Committee considered a report, set out on Agenda pages 35 to 44, which introduced the legal advice on matters that the Licensing and Appeals Committee Members wished clarification on before further considering the report in front of them at that time.

Please note: amendments were made to these minutes at the meeting held on 14 January 2013

The purpose of the original report was to ask the Licensing and Appeals Committee to review its resolution regarding the home boarding of dogs made in July 2011 to include situations where any dogs are boarded and agree to keep the fee structure as agreed at that meeting, with the addition as detailed in recommendation 1 of the report.

During the discussion of this item, the following points were made:

- The legal advice stated that the phrase “private dwelling” meant a home and therefore a home did come within the definition of an Animal Boarding Establishment;
- There can be no exemption for 2 dogs;
- When someone becomes a boarder, they have to be inspected by the Animal Warden and this means a cost is incurred by the Council;
- Fees are charged on a cost recovery basis so the Council does not make a profit;
- Some Members felt that there should be no charge for 1 or 2 dogs but there should be a charge for 3 or more dogs;
- The policy is about franchises who employ people and not about people who look after their friends’ dogs;
- Franchises pass the dogs onto someone else meaning that there is no continuity of care;
- The Council’s Dog Warden advised that more and more people were looking after dogs but they did not understand their behaviour and this caused problems. If the dogs attacked someone, a franchise would not accept responsibility;
- 3 to 16 dogs could be clearly identified as a business whereas 1 or 2 dogs would not;
- Why could the Council not allow people looking after 1 or two dogs to certify themselves and then the Council could inspect the premises at any time? If there was a problem, the Council could insist that the person applies for a full licence and pays the full fee;
- If a person is looking after dogs and being paid for doing so, then it is a business;
- The Dog Warden advised that 5 or 6 dogs were killed in the Borough over the course of a year due to people not having adequate experience of looking after them;
- While some Members wanted people to be entrepreneurs, at the same time they wanted to be certain that there would be no risk of dogs being mistreated; and
- The Principal Environmental Health Officer (Licensing) advised that if the business was not licensed, then officers did not have a power of entry.

It was proposed and duly seconded that the recommendations set out in the report be approved. On being put to the vote, there being 5 votes in favour and 4 votes against, the motion was carried.

RESOLVED: That:

- 1) the fee structure, be as previously agreed in July 2011, with addition of 1 and 2 dog fee added to the 3-6 capacity;
- 2) all home boarders be licensed regardless of the numbers of dogs boarded; and
- 3) the implementation date of 1st April 2013 (fee to be pro-rata) be agreed.

Councillor Sue Smith requested that her opposition to the proposals be minuted.

Members also discussed the fees to be charged. Appendix Two to the report proposed a fee structure for 3 to 6 dogs, 7 to 10 dogs and 11 to 50 dogs, both to grant the licences

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and for their renewal. It was proposed and duly seconded that the fees be as set out in Appendix Two to the report with addition of 1 and 2 dog fee added to the 3-6 capacity. On being put to the vote there being 6 votes in favour and three abstentions, the motion was carried.

RESOLVED: That the fees for the home boarding of dogs be as follows:

Animal Boarding	Capacity	2011/2012
Grant	1-6	£124.00
Renewal		£104.00
Grant	7-10	£200.00
Renewal		£150.00
Grant	11-50	£320.00
Renewal		£185.00

15. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY AMENDMENTS – ENGINE CAPACITY OF VEHICLE

The Committee considered a report set out on Agenda pages 45 to 52, which advised Members of the background in relation to drivers' representations that the engine capacity of vehicles allowed onto the fleet is lowered and as a consequence, a proposed amendment to the Hackney Carriage and Private Hire Licensing Policy was required. It was specifically requested for a Peugeot Partner 1.6 HD vehicle that had an engine capacity of 1560cc.

RESOLVED: That the Hackney Carriage and Private Hire Licensing Policy be amended to allow for the lowering of existing allowable engine capacity of vehicles to be brought onto the fleet, specifically a Peugeot Partner 1.6 HD vehicle that has an engine capacity of 1560cc.

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

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