

MINUTES OF LICENSING AND REGULATORY COMMITTEE

Wednesday, 6 February 2019
(7:00 - 7:45 pm)

Present: Cllr Moin Quadri (Chair), Cllr Lee Waker (Deputy Chair), Cllr Kashif Haroon, Cllr Amardeep Singh Jamu, Cllr Mohammed Khan, Cllr Giasuddin Miah, Cllr Adegboyega Oluwole and Cllr Glenda Paddle

Apologies: Cllr Toni Bankole and Cllr Peter Chand

1. Declaration of Members' Interests

There were no declarations of interest.

2. Minutes (6 February 2018)

The minutes of the meeting held on 6 February 2018 were confirmed as correct.

3. Sub-Committees - To receive the minutes of the Licensing Sub-Committee meetings

The Board noted the minutes of the Licensing Sub-Committee meetings held on:

- 13 February 2018;
- 12 March 2018;
- 31 July 2018;
- 26 September 2018;
- 28 November 2018; and
- 15 January 2019.

4. Animal Welfare - Changes to Licensing Legislation

The Service Manager, Public Protection (SMPP) outlined a report on The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, which came into force on 1 October 2018 and were intended to simplify the licensing framework for licensable activities involving animals. Under these Regulations the existing licensing schemes for the following activities had been repealed and replaced by a new single licensing scheme:

- Selling animals as pets;
- Providing or arranging for the provision of boarding for cats or dogs;
- Hiring out horses;
- Breeding dogs; and
- Keeping or training animals for exhibition.

The SMPP stated that as a local authority, the Council now had the power to vary, suspend or revoke a licence without having taken prior legal action, allowing it to act faster if there were animal welfare concerns. A risk rating process, based on a star grading of one to five stars, was now in place to determine if an operator was high or low risk.

In response to questions from the Committee, the Licensing Enforcement Officer, stated that:

- Under the new Regulations, all commercial sales required a licence, including those that took place online. The pet shops in this borough already held licenses, and these would continue in line with the new framework. Licenses for pet shops may cover a period of up to three years, if the licence holder had consistently demonstrated high standards;
- Individual breeders would need a licence if they bred three or more litters a year and sold any of them. The breeding of cats was not covered by the new framework;
- It would not be possible for the local authority to require an individual to register the sale of an animal. Dogs are subject to a requirement for them to be microchipped, but this gives details of ownership, not where the dog has been sourced from;
- Inspections to determine compliance with animal welfare standards were carried out by vets. Initial inspections would always be pre-arranged, but a further unannounced inspection would be carried out if concerns arose from the initial inspection. Inspections covered areas such as density, the numbers sold, mortality rates, hygiene and staff knowledge; and,
- The new framework did not cover general awareness raising in the community of matters such as animal welfare and the responsibilities of animal owners.

The Committee **noted** the report.

5. Special Treatment Regulations

The Service Manager, Public Protection (SMPP) outlined a report on the Special Treatment Regulations, to take effect from 1 April 2019. The Council, as the Licensing Authority, was responsible for the licensing of special treatments premises offering the following:

“massage, manicure, pedicure, nail extensions, facial, acupuncture, tattooing, body piercing, cosmetic piercing, chiropody, light, electric or other special treatment of a kind such as sunbeds, vapour, sauna or another bath.”

Persons wishing to provide special treatments at premises within the borough, must apply to the Council to be granted a licence to do so. The Council was empowered to make regulations prescribing standard conditions and restrictions which licences were to be subject to. It may also prescribe the information that must be provided by applicants for the grant, renewal, transfer or variation of a licence, the notices applicants must give, and its own procedures for determining applications. The regulations ensured that appropriate measures were taken to help ensure special treatments were provided without risk to the health and safety of the public and practitioners, and that premises offering special treatments did not cause public nuisance.

In response to questions from the Committee, officers stated that:

- There were approximately 80 premises offering special treatments in the borough and they were all licensed and inspected for compliance with their licensing conditions. If the Local Authority became aware of premises that were offering special treatments without a licence, it would take enforcement action against it;
- If a premises was operating two different businesses, one which involved activities which were licensable and one which did not, it was likely that a complaint would be made to the Council, who would then undertake an inspection of the premises and take enforcement action;
- Applicants of special treatment licenses must provide details of their practitioners and the qualifications they hold. The London Special Treatment Group suggested a minimum level of qualifications for special treatments, which was the standard the borough had adopted;
- It was currently not a condition of special treatment licences to have on display staff qualifications within the premises; however, it was a condition to have to display the licence;
- Special treatment licences must be renewed annually and generally, the riskier the treatment, the costlier the licensing fee;
- The regulations did not call for a routine inspection before the renewal of licences; however, if a complaint was to be made to the Local Authority about a given premises, an inspection would be carried out;
- Enforcement action could only be taken against premises who were providing treatments which fell under the scope of the regulations; and
- There was public consultation for every special treatment licence application. The local authority always consulted the police and fire brigade, and other responsible authorities on special treatment licence applications. No application for a special treatment licence had been before a Licensing Sub-Committee for determination as the applicants had always resolved the issues raised in objections by these bodies, removing the need for a hearing.

The Committee **noted** the report.

6. Applications and Appeals

The Committee noted the following licensing applications and appeals, dealt with by the Licensing Team since the last meeting:

- Temporary Event Notices (TENs) processed - 26
- Personal Licence - 58
- Premises Licence/ Transfer/ Vary Designated Premises Supervisors (DPS) - 38
- Special Treatment Licence Applications – 3
- Gambling Licence – 2
- Explosive Licence – 20
- Animal Licence - 6
- Other Applications received and processed - 10
- Review Hearing – 0

In response to a question, the Licensing Enforcement Officer stated that applications for TENs did not require public consultation. Objections could only be

made by the Environmental Health Officer or the Police. Applications to which there were objections would go before a Licensing Sub-Committee for determination, unless it was a “late” application. Late TEN applications could be made five working days before the date of the event and any objection to these would result in the application not being granted.

The Committee **noted** the activities undertaken by the Licensing Team since February 2018.