

**MINUTES OF A MEETING OF THE LICENSING COMMITTEE  
HELD AT THE TOWN HALL, PETERBOROUGH ON 14 FEBRUARY 2013**

**Members Present:** Councillors Thacker (Chairman), Peach, Hiller, Nawaz, Kreling, Jamil, Miners and Harrington

**Officers Present:** Terri Martin, Regulatory Officer  
Gemma George, Senior Governance Officer

**1. Apologies for Absence**

Apologies were received from Councillors Serluca, Allen, Saltmarsh and Davidson.

Councillor Kreling and Councillor Harrington were in attendance as substitutes.

**2. Declarations of Interest**

There were no declarations of interest.

**3. Minutes of the Meeting held on 21 January 2012**

The minutes of the meeting held on 21 January 2012 were approved as a true and accurate record.

**4. Sex Establishment Application Fees**

The Committee received a report which requested it to determine and set the fees in relation to any applications for sex establishments, made during the 2013 / 2014 financial year.

It was a requirement of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 for the fees to be determined and set by the Licensing Committee.

Since the commencement of the EU Provision of Services Regulations 2009 (which took effect from 28/12/09) fees for applications could only cover the cost of administering the system without profit and could not include the costs of enforcement against unlicensed operators. These regulations also stipulated that fees for applications must be in two parts, one fee for the application cost and the second part to be paid after grant to cover the cost of investigating compliance of the licence once issued.

The fees set for 2012 to 2013 were £2,260 for renewal and initial grant applications and there had been no fee set for variations and transfers. In the interest of fairness and transparency, it was proposed that separate fees for each different type of application were set. The fees were proposed as below:

Type of application	Officer cost pre-grant	Ancillary cost	Hearing costs	Total pre-grant fee	Officer cost post grant fee	Total payable
Initial New grant	£570.00	£150.00	£1,500	£2,220	£280.00	£2,500
Renewal	£270.00	£150.00	N/A	£420.00	£280.00	£700.00
Transfer	£270.00	£150.00	N/A	£420.00	£280.00	£700.00
Variation	£170.00	£150.00	N/A	£320.00	£160.00	£480.00

The fees were based on a cost recovery basis to administer the system. It was highlighted that if hearings were required, and not included within the costings, such as contested renewal applications, the costs of these hearings could be added to revised fees for 2014 / 2015 to ensure no losses were made. It was further highlighted that the fees detailed were comparable to some of those set under the Gambling Act 2005.

#### **RESOLVED:**

The Committee determined and set the fees in relation to any applications for sex establishments made during the 2013 / 2014 financial year.

#### **Reasons for the decision:**

It was a requirement of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 for the fees to be determined and set by the Licensing Committee.

If the fees were not determined and set by the Committee at an appropriate level to cover the costs to administer the system it could leave the council subject to a judicial review.

#### **5. Animal Welfare – Animal Boarding Establishments Act 1963 – Introduction of Home Boarding Fees and Conditions**

The Committee received a report which requested its approval of a two tier system of licensing in relation to animal boarding to allow the distinction between commercial boarding and home boarding, with different conditions and fees being applicable.

The Animal Boarding Establishments Act 1963 regulated the keeping of boarding establishments for animals. No person should keep a boarding establishment for animals except under the authority of a licence granted by the local authority in accordance with the provisions of the Act. Within the Act the definition of 'animal' meant any dog or cat. Within the Act the definition of keeping a boarding establishment meant carrying on at premises of any nature (including a private dwelling) of a business of providing accommodation for other people's animals.

At the time, the Council licensed boarding establishments which offered animal boarding on a large scale commercial basis. The licenses issued had Chartered Institute of Environmental Health (CIEH) model standard conditions attached, which set out how the kennels and catteries should be constructed in terms of dimension, materials etc. hygiene, security and disease control.

It had come to the attention of the Licensing Department that some individuals were providing accommodation within their own homes for a fee on a regular basis. This was a licensable activity but at the time there were no appropriate conditions to allow these individuals to operate lawfully. The report proposed the adoption of a second set of conditions to regulate 'home boarding' which would allow those individuals to operate

within the legislation and be regulated by a set of model home boarding conditions for the welfare of the animals.

It was proposed that home boarding would only apply in relation to dogs. DEFRA (Department for Environment, Food and Rural Affairs) and the Feline Advisory Bureau stated that the home boarding of cats was not to be encouraged and therefore not recommended and were looking to outlaw this activity.

The recommendation to include home boarding into the licensing scheme was not just to ensure that the Council was licensing in accordance with the legislation but to also ensure that there were checks in place at premises to ensure the safety and welfare of the boarded dogs.

The 2012 / 2013 fees for animal boarding licences were £300.00 for a new application and £160.00 for a renewal. It was proposed that a separate fee for home boarding be set at £200.00 for a new application and £100.00 for a renewal. This fee had been derived on a cost recovery basis allowing for Officer time for administration and inspections to ensure compliance.

Members debated the report. Comments and responses to questions included:

- One of the conditions stipulated that only dogs from the same household could be boarded at any one time;
- If individuals specifically agreed for their dogs to be boarded with other individual's dogs, there would be an option to amend this condition, but only in certain circumstances and familiarisation sessions would be required.

Following debate and questions to Officers, Members commented that the fees were reasonable and the imposition of conditions was important to regulate the provision of home boarding going forward.

**RESOLVED:**

The Committee approved a two tier system of licensing in relation to animal boarding to allow the distinction between commercial boarding and home boarding, with different conditions and fees being applicable.

**Reasons for the decision:**

The decision was made to allow for the adoption of a second set of conditions to regulate 'home boarding' which would allow those individuals to operate within the legislation and be regulated by a set of model home boarding conditions for the welfare of the animals.

7.00pm – 7.15pm  
Chairman