

# **PETERBOROUGH**



## **MINUTES OF A MEETING OF THE LICENSING COMMITTEE HELD AT THE TOWN HALL, PETERBOROUGH ON 19 NOVEMBER 2015**

**Members Present:** Councillors Hiller (Vice-Chair), Coles, Iqbal, Martin, Miners, Davidson, Stokes and Bisby

**Officers Present:** Peter Gell, Head of Regulatory Services  
Terri Martin, Regulatory Officer  
Kerry Leishman, Licensing Development Officer  
Colin Miles, Litigation Lawyer  
Pippa Turvey, Senior Democratic Services Officer

### **1. Apologies for Absence**

Apologies for absence were received from Councillors Thacker, Nawaz and Herdman. Councillors Stokes and Bisby were in attendance as substitutes.

### **2. Declarations of Interest**

There were no declarations of interest.

### **3. Minutes of the Meeting Held on:**

#### **3.1 3 September 2015**

The minutes of the meeting held on 3 September 2015 were approved as a true and accurate record.

#### **3.2 Minutes of the Sub-Committee Hearings Held Between August 2015 and October 2015**

The following minutes of the Sub-Committee hearings held between August 2015 and October 2015 were approved as true and accurate records:

- i) 16/10/15 – 3 Langford Buildings, Alexandra Road (New Premises Licence)

### **4. Statement of Licensing Policy – Licensing Act 2003**

The Committee received a report following consultation on the Council's Statement of Licensing Policy, as recommended by the Licensing Committee on 18 June 2015. The report sought for consideration of the representations and evidence received following the public consultation.

The Regulatory Officer presented the report and made the following key points:

- The Council was statutorily required to formulate a Statement of Licensing Policy and the current policy came into effect in 2011 and was amended in 2013.
- There had been some changes to the relevant legislation, which was reflected in the amended Policy before Committee.
- The amended Policy had been out to consultation between 6 July 2015 and 13 September 2015.

- The Committee attention was directed to data relating to Public Health (Appendix C to the report) and the Cumulative Impact Assessment Review (Appendix D to the report) as key documents.

The Committee queried whether the East Ward Councillors had been consulted with regard to a possible Cumulative Impact Area in East Ward. The Head of Regulatory Services advised that the Residents Association and Ward Councillors had been involved and it was understood that they supported the introduction of such a scheme.

Following further discussion in relation to the parameters of a Cumulative Impact Area, the Head of Regulatory Services advised that such a scheme would not address any existing problems. Statutory guidance required that all other methods should be utilised prior to the introduction of a Cumulative Impact Area. The Head of Regulatory Services felt that there was compelling evidence to retain the current 'Op-Can-Do', whilst there was not sufficient evidence to extend the Cumulative Impact Area.

The Committee discussed the significance of health data, the level of Designated Public Place Orders and the level of police involvement in the area.

**RESOLVED** that the Licensing Committee:

- i) Noted the contents of the report and responses received to the consultation;
- ii) Determined that the current Cumulative Impact Area covering 'Op-Can-Do' be retained;
- iii) Determined that sufficient evidence was not available to implement a Cumulative Impact Area in East Ward; and
- iv) Recommended adoption of the final Statement of Licensing Policy to Council.

## **5. Statement of Principles – Gambling Act 2005**

The Committee received a report which outlined amendments to the Statement of Principles and sought agreement to recommend the Statement to Council.

The Licensing Development Officer presented the report and made the following key points:

- The Gambling Commission was responsible for operating licences and personal licences.
- The Local Authority was responsible for premises licences.
- At current there were 27 premises licenced for gambling in the Peterborough area.
- The Statement before the Committee was the 4<sup>th</sup> edition.
- The changes made following the review were minor in nature.

**RESOLVED** that the Licensing Committee:

- i) Approved the revised Statement of Principles and; and
- ii) Recommended that the Statement of Principles be adopted by Council.

## **6. Taxi Licensing Fees**

The Committee received a report which sought approval for the new schedule of fees and charges for taxi licensing and to delegate authority to Officers to set taxi licensing

fees. The report further sought agreement for operators to have the option of a 1 year or 5 year licence.

The Head of Regulatory Services presented the report and made the following key points:

- Committee were requested to set the fees prior to the change in licensing period.
- The Council was unable to make a profit from such fees.
- Following consultation with operators no feedback had been received, which was considered positive.
- Communication had been made with the trade to talk them through the changes.
- The choice provided to operators to opt for a 1 or 5 year licence aimed to assist smaller operators.
- Fees were currently approved by Committee, however it was proposed that this be delegated to officers, or officers in consultation with the Chairman.

The Committee queried why no profit could be made from taxi licensing. The Head of Regulatory Services advised that this was laid out in legislation. Any surplus income resulting from the fees required reinvestment into taxi services. The Committee further discussed the ramifications of vehicles licenced by other authorities operating in the Peterborough area. The Head of Regulatory Services explained that current legislation allowed for greater freedom of movement, and that this did cause problems. The Council ensured that issues encountered were raised with neighbouring authorities.

**RESOLVED** that the Licensing Committee:

- i) Approve the new schedule of fees and charges proposed for taxi licensing;
- ii) Agree to a proposal to amend the Council's Constitution to enable taxi licensing fees to be set by Officers; and
- iii) Agree that Operators will have the option of a 1 year or 5 year licence.

## **7. New Model Licence Conditions for Dog Breeding Establishments**

The Committee received a report which sought approval to replace the existing conditions applicable for licensed dog breeding establishments, with the more comprehensive updated set of model conditions from the Chartered Institute of Environmental Health, and to adopt the new model conditions for licensed breeding establishments for dogs.

The Regulatory Officer presented the report and advised that the model conditions had been updated following the Animal Welfare Act, and were considered to be best practice.

The Committee discussed the report and questioned how regularly inspections were undertaken. The Committee further queried how a commercial dog breeding establishment was differentiated from a hobby breeder.

The Regulatory Officer explained that inspections took place every year. Inspections also took place following any complaints received. The categorisation of breeders was dependant the number of litters born per year. Two litters of puppies a year were permitted for pets to be retained by the owners. It was further clarified that no licensed dog breeding establishments were expected to go out of business as a result of the new conditions.

**RESOLVED** that the Licensing Committee adopt the new Model Conditions for Licensed Dog Breeding Establishments.

#### **8. New Model Licence Conditions for Licensed Pet Shops**

The Committee received a report which sought approval to replace the existing conditions applicable for licensed pet shops with the more comprehensive updated set of model conditions from the Chartered Institute of Environmental Health, and to adopt the new model conditions for licensed Pet Shops.

The Regulatory Officer presented the report and made the following key points:

- The model conditions and guidance had been updated.
- Pages had been added in relation to specific animals (e.g. birds).
- It was advised that these conditions could be appealed at the magistrates court.

The Committee discussed whether the Council had any powers to stop Pet Shops from selling cats and dogs. The Regulatory Officer explained while there were not any known Pet Shops in Peterborough selling cats and dogs, it could be possible to remove the ability to sell cats and dogs from the schedule.

**RESOLVED** that the Licensing Committee adopt the new Model Conditions for Licensed Pet Shops.

#### **9. New Model Licence Conditions for Cat Boarding Establishments**

The Committee received a report which sought approval to replace the existing conditions applicable for licensed cat boarding establishments (catteries), with the more comprehensive updated set of model conditions from the Chartered Institute of Environmental Health, and to adopt the new model conditions to licensed cat boarding establishments.

The Regulatory Officer presented the report and made the following key points:

- The current conditions were adopted in 1995.
- The Welfare of Cats (Breeding and Sale) Bill was going through Parliament at the current time, which could require a new regime to be put in place.

**RESOLVED** that the Licensing Committee adopt the new Model Conditions for Licensed Cat Boarding Establishments (Catteries).

Chairman  
7.00pm – 8:02pm