

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE MEETING OF THE LICENSING AND
REGULATORY COMMITTEE – 27 SEPTEMBER 2012

SUBMITTED TO THE COUNCIL MEETING – 16 OCTOBER 2012

(To be read in conjunction with the Agenda for the Meeting)

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| * Cllr Elizabeth Cable (Chairman) | Cllr Lynn Graffham |
| * Cllr Simon Inchbald (Vice-Chairman) | Cllr Peter Isherwood |
| Cllr Gillian Beel | * Cllr Carole King |
| Cllr Maurice Byham | * Cllr Bryn Morgan |
| * Cllr Patricia Ellis | * Cllr Brett Vorley |
| * Cllr Jenny Else | * Cllr Andrew Wilson |

*Present

Cllr Nick Williams attended as a substitute

14. MINUTES (Agenda Item 1)

The Minutes of the Meeting held on 31 May 2012 were confirmed and signed.

15. APOLOGIES FOR ABSENCE (Agenda Item 2)

Apologies for absence were received from Cllr Gillian Beel, Maurice Byham, Lynn Graffham and Peter Isherwood. Cllr Nick Williams attended as a substitute.

16. DISCLOSURE OF INTERESTS (Agenda Item 3)

There were no interests declared under this heading.

PART I – RECOMMENDATIONS TO THE COUNCIL

There were no matters falling within this category.

PARTS II - MATTERS OF REPORT

There were no matters falling within this category.

Background Papers

The background papers relating to the following items in Part III are as specified in the Agenda for the meeting of the Licensing and Regulatory Committee.

PART III – Brief summaries of other matters dealt with

17. UPDATE ON APPLICATION FOR HOUSE-TO-HOUSE COLLECTIONS LICENCES – INTERSECOND LTD ('DO NOT DELAY' BREAST CANCER PREVENTION PROGRAMME AND MERCY SHIPS UK) (Agenda Item 6)

17.1 The Committee received an update regarding two applications made by Intersecond Ltd for house-to-house collection licences that were previously considered by the Licensing and Regulatory Committee on 31 May 2012. The applications had been deferred pending the receipt of further information requested from Intersecond, including their latest certified and audited accounts, details of their charitable collections and copies of invoices relating to their costs.

17.2 Prior to considering the report, at 10.06 a.m. it was

RESOLVED that, pursuant to Procedure Rule 20 and in accordance with Section 100B(5) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in paragraph 3 of the revised Part 1 of Schedule 12A to the Act, namely:-

Information relating to the financial or business affairs of any particular person (including the authority holding that information).

(Cllr Morgan asked that his vote against the motion to exclude the Press and Public be recorded.)

17.3 The Committee remained in closed session to discuss the financial information provided by the applicant and at 11.20 a.m. the Committee moved back into open when it was

RESOLVED that, having asked for supplementary information from the applicants on three occasions and on the basis of the documentation and figures submitted, the Committee was not satisfied that the percentage of the collection being applied to charitable purposes was adequate and therefore agreed that

1. the application from Intersecond Ltd for a licence to raise funds for 'Do Not Delay' be REFUSED; and
2. the application from Intersecond Ltd for a licence to raise funds for 'Mercy Ships' be REFUSED.

The reasons for the decision were that Under Section 3 of the 1939 Act, a licensing authority may refuse to grant a licence if it appears to the authority that

- (a) The total amount likely to be applied for charitable purposes as the result of the collection (including any amount already so applied) is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received); and
- (b) Remuneration which is excessive in relation to the total amount aforesaid is likely to be, or has been, retained or received out of the proceeds of the collection by any person.

The Licensing and Regulatory Committee agreed that both (a) and (b) above applied to the decisions for refusing the applications for both 'Do Not Delay' and 'Mercy Ships'.

18. ENVIRONMENTAL HEALTH LICENSING PROCEDURES – INFORMATION PAPER (Agenda Item 7)

The Committee was advised of updates concerning the Scheme of Delegation and revised procedures relating to the Environmental Health Licensing function.

RESOLVED that the report be noted.

19. REVIEW OF THE HOME BOARDING OF DOGS UNDER THE ANIMAL BOARDING ESTABLISHMENTS ACT 1963 (AS AMENDED ANIMAL WELFARE ACT 2006) (Agenda Item 8)

- 19.1 The Committee considered a report proposing conditions for domestic premises boarding dogs which require a licence from the local authority. The Committee recognised that a licence was only necessary when remuneration was paid to people home-boarding dogs.
- 19.2 The Committee expressed concern about the number of dogs allowed at a home at any one time and particularly the need to minimise the potential impact on neighbouring properties. It was noted that the number of dogs permitted to board could vary depending on the size of the property and amount of outside space available. The suggestion of a maximum of four dogs at a premises, to include any resident animals, was made with the provision for any applications involving a greater number than four to be determined in accordance with the guidelines and a judgement made on the suitability and size of the property.
- 19.3 The Committee had been presented with a set of model conditions prepared by LACORS (Local Authorities Coordinators of Regulatory Services) which were considered to be too detailed and prescriptive and it was agreed that a much more straightforward set of guidelines should be drafted.

RESOLVED that

1. the Head of Environmental Services be authorised, in consultation with the Chairman and Vice-Chairman of the Committee, to agree the simplified wording of the guidelines at Annexe 1 to the report;
 2. the Council adopts a policy that where officers grant, renew or vary home boarding licences for dogs, they do so with reference to the revised guidelines referred to above;
 3. the maximum number of dogs to be kept at any home at any one time to be four, including resident animals, subject to any applications for variation being referred to the Head of Environmental Services, in consultation with the Chairman and Vice-Chairman of the Committee, to depend on the appropriateness of the property to accommodate more than four dogs;
 4. where an authorised officer considers a home boarding licence for dogs should not be granted subject to the conditions referred to in 1. above, the application be referred to the Licensing and Regulatory Committee for determination; and
 5. the application and annual renewal fee in respect of applications for home animal boarding licences be determined by the Head of Environmental Services, in consultation with the Chairman and Vice-Chairman of the Committee, that reflects the true cost of administering the scheme.
20. CONSULTATION – REVIEW OF WAVERLEY’S STATEMENT OF GAMBLING POLICY (Agenda Item 9)

The Committee was advised of the timetable for reviewing the Statement of Gambling Policy that has been in place for the last three years. The Committee

RESOLVED to endorse the programme for consultation on the Statement of Gambling Policy as set out in the agenda pages.

21. MINUTES OF THE MEETINGS OF THE LICENSING ACT 2003 SUB-COMMITTEES (Agenda Item 10)

RESOLVED that the Minutes of the Meetings of the Licensing Act 2003 Sub-Committee C held on 21 May and Sub-Committee A held on 30 August 2012 be noted.

The meeting commenced at 10.00 a.m. and concluded at 11.52 a.m.

Chairman