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**TONBRIDGE & MALLING**  
**BOROUGH COUNCIL**

EXECUTIVE SERVICES

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**Chief Executive**

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2 October 2018

**LICENSING AND APPEALS COMMITTEE - TUESDAY, 2ND OCTOBER, 2018**

I am now able to enclose, for consideration at the Tuesday, 2nd October, 2018 meeting of the Licensing and Appeals Committee, the following reports that were unavailable when the agenda was printed.

**Agenda No    Item**

4.    **Minutes of Panel (Pages 3 - 6)**

Minutes of Panel of 7 September 2018

To receive the Minutes of the following meetings of the Licensing and Appeals Committee sitting as a Panel:

8 June, 15 June, 22 June, 25 July, 27 July and 3 August 2018

The Minutes of the meeting of the Panel held on 7 September 2018 are to follow.

6.    **Changes to Animal Licensing Legislation - Fees (Pages 7 - 12)**

Supplementary report of Director of Central Services

*The report details the new legislation covering five activities involving animals effective from 1 October 2018*

J E BEILBY  
Chief Executive

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### LICENSING AND APPEALS PANEL

Friday, 7th September, 2018

**Present:** Cllr Mrs F A Kemp (Chairman), Cllr M A Coffin and Cllr R V Roud

Together with representatives of the Licensing Authority, Mr S Thomas (Solicitor to the Applicant), Mr J Griffiths (Applicant and Designated Premises Supervisor), Mr P Thomason, Environmental Health Services (Responsible Authorities), Mr S Collings, Mr T McClinton, Mr C Williams, Mrs S Williams and Councillor M Base (interested parties).

### PART 1 - PUBLIC

#### **LA 18/97 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

### DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

#### **LA 18/98 APPLICATION FOR A NEW PREMISES LICENCE FOR LITTLE GEM, 19 HIGH STREET, AYLESFORD**

The Panel gave consideration to an application for a Premises Licence made by Mr John Griffiths, Director of Pace Asset Management Ltd, under Section 17 of the Licensing Act 2003 in respect of the premises known as Little Gem, 19 High Street, Aylesford. The application related to the Sale of Alcohol, Recorded Music and Late Night Refreshment.

Pace Asset Management Ltd was represented at the hearing by Stephen Thomas, Solicitor, who had indicated by letter prior to the hearing that the application for the sale of alcohol was amended to be from 12.00 to 23.00 hours Monday to Sunday with the exception of New Year's Eve when it would be until 01.00 hours on New Year's Day. The application for recorded music and late night refreshment was withdrawn.

The Panel gave careful consideration to the written report of the Director of Central Services and Monitoring Officer, the application set out at Annex 1 and the plan of the premises at Annex 2 to the report, and the written representations received during the statutory consultation period as set out at Annexes 3, 4 and 6. Following the amendment of the application, Mr P Thomason for the responsible authority for

Environmental Health, indicated that his objections to the application had been addressed and he no longer had any objections.

The Panel listened carefully to the representations made by Mr Thomas and one resident in support of the application and by Councillor M Base (representing himself) and three local residents who had objected to the application. The local residents were particularly concerned about the use of the forecourt for drinking and smoking and the amount of noise and disturbance that this might generate.

In reaching its decision the Panel took into consideration the guidance dated April 2018 issued by the Secretary of State under Section 182 of the Licensing Act 2003, and in particular Chapter 2 and the Prevention of Public nuisance, as well as the Council's Statement of Licensing Policy.

The Panel took account of all of the representations from local residents regarding noise and public nuisance and the modifications made to the application by Mr Thomas on behalf of Pace Asset Management.

The Panel was satisfied that the licensing objectives could be promoted by granting the licence in accordance with the amended application and subject to the mandatory conditions, the conditions consistent with the operating schedule, those conditions proposed by the applicant in the letter to the Licensing Authority dated 31 August 2018 and the conditions recommended by the Panel at the Hearing. The Panel concluded that, in order to promote the licensing objectives, particularly the prevention of public nuisance, the application could be approved and, therefore

**RESOLVED:** That the Premises Licence be granted subject to the mandatory conditions set out in the Licensing Act 2003, such conditions as are consistent with the operating schedule accompanying the application and to the following:-

Section J	<p><b>Supply of alcohol for consumption both on and off the premises</b></p> <p>Monday to Sunday from 12:00 hours until 23:00 hours and until 01:00 hours on New Year's Day</p>
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**Conditions:**

1. The use of the forecourt shall cease at 21:00 hours on all days including New Year's Eve.
2. During opening hours the front of the forecourt shall be delineated by some form of barrier.

3. All tables and chairs shall be removed from the forecourt at closing time.
4. No more than 8 persons shall use the forecourt at any time.
5. With the exception of ingress and egress, all doors and windows shall be kept closed after 21:00 hours (The Panel recommended that an automatic closing device be fitted to the front door).
6. No bottle bins shall be emptied between 21:00 hours and 08:00 hours.
7. All deliveries shall take place on weekdays between 08:00 hours and 17:00 hours.
8. Signage shall be put up requesting patrons to respect the rights of local residents.

**LA 18/99 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 12.45 pm  
having commenced at 10.00 am

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### LICENSING & APPEALS COMMITTEE

02 October 2018

#### Report of the Director of Central Services and Monitoring Officer

#### Part 1- Public

#### Delegated

### 1 CHANGES TO ANIMAL LICENSING LEGISLATION - FEES

#### 1.1 Executive Overview

- 1.1.1 This is a supplementary report to the Changes to Animal Licensing Legislation report published for the Licensing and Appeals Committee on the 2 October 2018.
- 1.1.2 This new legislation introduce an updated licensing system in England for five activities involving animals: selling animals as pets, providing for or arranging for the provision of boarding for cats or dogs (Home Boarding, Doggie Day Care, Cattery's and Kennels), hiring out horses, dog breeding and keeping or training animals for exhibition. The latter of which was previously administrated by Kent County Council.
- 1.1.3 The proposed fees for The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 are shown at **Annex 1**

#### 1.2 Legal Implications

- 1.2.1 As set out in the main report "Changes to Animal Licensing Legislation"

#### 1.3 Financial and Value for Money Considerations

- 1.3.1 Current annual licensing fees vary depending on the type of licence. In addition applicants are also charged for veterinary inspections. Under the new scheme local authorities may continue to charge reasonable fees associated with the grant, renewal or variation of a licence.

#### 1.4 Risk Assessment

- 1.4.1 The recommended fee levels have been calculated in order to ensure that the consideration and related inspection for a licence does not exceed reasonable costs.

## 1.5 Equality Impact Assessment

1.5.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## 1.6 Recommendations

1.6.1 The Committee is RECOMMENDED to:

- Agree the licence and Inspection fees as set out in **Annex 1**

Background papers:

Statutory instrument (2018 No.486)  
The Animal Welfare (Licensing of Activities Involving  
Animals) (England) Regulations 2018  
Regulation Guidance

contact:

Anthony Garnett  
Katie Shipman  
Leeann Leeds  
Melanie Henbest

Adrian Stanfield  
Central Services Director and Monitoring Officer



## Annex 1

### Animal Welfare Licensing – Fees and Charges

Come into force on 1 October 2018

<b>Fees for the activity of hiring out horses</b>		
Riding Establishment (New Applicant)	£365	New Applicant
Riding Establishment (Renewal )	£365	Renewal
Riding Establishment (Variation )	£365	Variation (Visit required)
Riding Establishment (Variation )	£25	Variation (Admin changes – No Visit required)
Riding Establishment (Rerating)	£365	Establishment that would like to have their rating reviewed.

<b>Fees for:</b>		
<ul style="list-style-type: none"> <li>• Selling animals as pets –</li> <li>• Boarding for Cats or Dogs –</li> <li>• Dog Breeding</li> <li>• Keeping training for Exhibition –</li> <li>• Day care for dogs</li> </ul>		
New Applicant	£365	New Applicant
Renewal	£365	Renewal
Variation (Visit required)	£365	Variation (Visit required)
Variation (Admin changes – No Visit required)	£25	Variation (Admin changes – No Visit required)
Rerating	£365	Establishment that would like to have their rating reviewed.

## Examples of current fees and changes versus proposed fees and charges

### Home Boarding - New applicant

Current	Proposed
£150 (plus Vets Fees)	£365 (plus Vets Fees)

	Current - £	Proposed
Year 1	150	£365
Year 2	50	
Year 3	50	
Total	£250	£365

### Animal Boarding - New applicant

Current	Proposed
£270 (plus Vets Fees)	£365 (plus Vets Fees)

	Current - £	Proposed
Year 1	270	£365
Year 2	270	
Year 3	270	
Total	£821	£365

### Breeding of Dogs - New applicant

Current	Proposed
£205 (plus Vets Fees)	£365 (plus Vets Fees)

	Current - £	Proposed
Year 1	205	£365
Year 2	205	
Year 3	205	

Total	£615	£365
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### Pet Shops - New applicant

Current	Proposed
£260 (plus Vets Fees)	£365 (plus Vets Fees)

	Current - £	Proposed
Year 1	260	£365
Year 2	260	
Year 3	260	
Total	£780	£365

### Riding Establishments - New applicant

Current	Proposed
£350 (plus Vets Fees)	£365 (plus Vets Fees)

	Current - £	Proposed
Year 1	350	£365
Year 2	350	
Year 3	350	
Total	£1050	£365