

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

Tuesday, 2nd October, 2018

Present: Cllr Mrs J A Anderson (Chairman), Cllr D Keers (Vice-Chairman), Cllr O C Baldock, Cllr Mrs S M Barker, Cllr Mrs P A Bates, Cllr Mrs B A Brown, Cllr Mrs F A Kemp, Cllr S M King, Cllr H S Rogers, Cllr R V Roud and Cllr M Taylor

Apologies for absence were received from Councillors M C Base, M A Coffin and F G Tombolis

PART 1 - PUBLIC

LA 18/100 DECLARATIONS OF INTEREST

There were no declarations of interest in accordance with the Code of Conduct. However, in the interests of transparency Councillor Mrs Kemp advised that she occasionally bred dogs.

LA 18/101 MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing and Appeals Committee held on 19 June 2018 be approved as a correct record and signed by the Chairman.

LA 18/102 MINUTES OF PANEL

RESOLVED: That the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel held on 8, 15, and 22 June, 25 and 27 July, 3 August and 7 September be received and noted.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

LA 18/103 GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES FOR GAMBLING

Further to Minute LA 18/61, the report of the Director of Central Services and Monitoring Officer gave details of the outcome of consultation on the proposed Statement of Principles (Policy) for Gambling under the Gambling Act 2005 for the period January 2019 to January 2022. Members were advised that only one representation had been received from HM Revenue and Customs regarding a new address to use as a Responsible Authority.

RECOMMENDED: That the draft Statement of Principles for Gambling set out at the Annex to the report be approved.

***Referred to Council**

**DECISIONS TAKEN UNDER DELEGATED POWERS IN
ACCORDANCE WITH PART 3 OF THE CONSTITUTION
(RESPONSIBILITY FOR COUNCIL FUNCTIONS)**

LA 18/104 CHANGES TO ANIMAL LICENSING LEGISLATION - FEES

Further to Minute LA 18/62, the report of the Director of Central Services and Monitoring Officer gave details of new legislation which came into force on 1 October 2018 introducing an updated licensing system for five activities involving animals. A copy of the procedural guidance notes for local authorities was annexed to the report together with a supplementary report setting out proposed fees for each of the activities. Details were given of transitional arrangements, inspections and criteria for fee setting and determining the length of a licence and star rating.

Considerable discussion ensued and Members expressed concern about the implications of the new licensing regime for home boarders and occasional breeders, emphasising the need for an appropriate definition of “business” and suitable publicity to disseminate information.

In considering the proposed scale of fees, it was questioned whether enforcement costs would be adequately covered. The officers undertook to circulate the updated financial model used in setting fees and it was noted that there was an opportunity for fine-tuning at the next meeting in the context of the general review of licence fees and charges.

Finally, the Committee addressed the respective use of veterinary surgeons or suitably qualified officers as inspectors and agreed that the current practice of using a Vet for initial and renewal inspections depending on the particular animal activity be continued. It was recognised that inspections of home boarding and dog day care premises could be undertaken by qualified officers.

RESOLVED: That

- (1) the licence and inspection fees set out in the Annex to the supplementary report be approved; and
- (2) the Council continue to use a Vet for initial and renewal inspections depending on the animal activity being undertaken.

**LA 18/105 REMOVAL OF PROBATIONARY LICENCES FROM HACKNEY
CARRIAGE AND PRIVATE HIRE POLICY**

The report of the Director of Central Services and Monitoring Officer referred to the Committee’s decision to discontinue the Probationary Private Hire Licence (Minute LA 18/43 refers). A revised Hackney Carriage and Private Hire Policy with all references to Probationary Private Hire removed, together with a number of updates, was set out in

the annex to the report. It was proposed that this be subject to a further six week period of consultation from 5 October to 16 November.

RESOLVED: That the draft policy set out at Annex 1 to the report be approved for consultation (subject to removal of all references to probationary licences from the issued document).

LA 18/106 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.30 pm