
DACORUM BOROUGH COUNCIL

LICENSING AND HEALTH AND SAFETY ENFORCEMENT COMMITTEE

28 JULY 2015

Present –

MEMBERS:

Councillors Mrs P Hearn (Chairman), S Adshead, Barnes, Mrs Bassadone, Conway, Howard, Link, Mills, Peter, R Sutton, Taylor and Whitman

OFFICERS:

R Hill	Licensing Team Leader
C Gaunt	Solicitor
T Coston	Member Support Officer

OTHER PERSONS:

Dawn Morrish Public Health, Hertfordshire County Council

The meeting began at 7.30 pm

1. MINUTES

The minutes of the meeting held on 3 February 2015 were confirmed by the Members present and then signed by the Chairman.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor Fantham.

3. DECLARATIONS OF INTERESTS

There were no declarations of interest.

4. PUBLIC PARTICIPATION

There was no public participation.

5. PUBLIC HEALTH IN LICENSING

Dawn Morrish from Hertfordshire County Council attended the meeting and gave a presentation to the committee to provide information on Public Health in licensing. The presentation covered the following topics:

- Public Health objectives for Alcohol
- Costs to society
- Public Health and Licensing
- Alcohol consumption in Dacorum for adults aged 16 years and over

- Public Health concerns in Dacorum
- Public Health contribution
- Alcohol related hospital admissions
- An example of local information – The Cardiff Model
- Violent crime attributed to alcohol in Hertfordshire
- Total number of applications in Hertfordshire
- Your links in Public Health

Councillor Conway asked where the data was collected from. D Morrish explained that each piece of data comes from the relevant source and is analysed, Public Health are then provided with that information.

Councillor Link asked if anything was being done in schools to make younger children aware of the dangers of alcohol. D Morrish advised they had no power with Academies but they can advise Schools of any information they needed and advise of any upcoming campaigns. She said they were working on a new project in colleges to talk to parents about the dangers of alcohol which she said can be a tricky subject to approach.

Councillor P Hearn asked if Youth Connexions had any involvement. D Morrish said they had a substance misuse team which works specifically with young people, however they were planning a review to look at the bigger picture. This will include what people are doing and what works, which is all evidence based.

Councillor Barnes asked how high risk/alcohol dependent individuals were identified and what help is available to them. D Morrish explained that there were various sources, such as from GP's and self-referrals or if they were in trouble with the Police and/or going through the court system, etc. She advised that there were many county-wide voluntary sector schemes that are available to help, for example The Living Room.

D Morrish advised that this information was passed on from hospital receptionists on a voluntary basis but she hoped that at some stage the sharing of data would become a standard procedure for all A&E departments.

R Hill advised that as Dacorum is on the edge of Hertfordshire some individuals could be taken to Buckinghamshire or Bedfordshire hospitals, whose data is not routinely shared with Hertfordshire Public Health.

As there were no further questions the committee thanked Dawn for her presentation and she left the meeting.

6. REVIEW OF LICENSING POLICIES FOR ALCOHOL, ENTERTAINMENT AND GAMBLING LICENCES

R Hill advised that he had emailed the members in the morning with copies of the draft Statement of Licensing Policy for alcohol, entertainment and late night refreshment, and the draft Statement of Principles for betting, gaming and lotteries, and he apologised for the lateness of this email. He advised that members were only asked to consider these as a first stage before seeking public consultation, and he then highlighted the major changes in the draft policies. He said they would be using several methods of publicising the consultation such as social media, information on the council's website and press releases. He advised that the consultation would be for an 8 week period and he would then bring the final version of both policies to this committee in October and to Full Council in November for approval.

Agreed:

That officers commence consultation with responsible authorities, representatives of licence-holders and other persons on the proposed revisions to the Council's Statement of Licensing Policy under the Licensing Act 2003, and the Statement of Principles under the Gambling Act 2005, and report the results to a future meeting of the committee.

7. FILM CLASSIFICATION GUIDELINES

R Hill explained that the need for this report came after a cinema in the Borough had requested to vary their licence to allow mother and baby screenings of age-restricted films. He asked that members approve a set of interim guidelines which will be included in a revised Statement of Licensing Policy which is due to be published next year.

Agreed:

1. That the Committee delegate to the Assistant Director (Chief Executive's Unit, the Group Manager (Legal Governance), and the Team Leader (Licensing) the power to make recommendations and notifications on behalf of the licensing authority in respect of the admission of children to films, under section 20 of the Licensing Act 2003.
2. That the Committee approve the interim guidelines in section 2 of this report for use by officers when exercising the above power, until superseded by the publication of the Council's Statement of Licensing Policy (2016-2021).

8. ANIMAL BOARDING ESTABLISHMENT LICENCE CONDITIONS

R Hill gave the following verbal report to the committee:

"The Council is responsible for licensing animal boarding establishments, which are defined in legislation as businesses which provide accommodation for dogs or cats owned by other people. The premises for which licences may be required are not stipulated, and may include purpose-built premises, private dwellings, converted industrial units, or open spaces. The Act does not define the timings during which the provision of accommodation is licensable. It can therefore be argued that a licence will be required by businesses providing accommodation either overnight or at any other time.

"For many years, licensed businesses consisted of traditional kennels and catteries, caring for animals for a period of time while their owners were away, however, in recent years, the market has diversified and a host of new business types have come to the fore.

"The first major new business model was home boarding, where a smaller number of animals are cared for within the business proprietor's own home as if they were their own pets. The Council has licensed these types of business for several years, and has previously adopted specific standard conditions applying to such businesses. In some cases, franchise models have sprung up, whereby host families are affiliated with a national provider who places a dog in to their care. In such cases, the host families will need to be licensed.

"Recently, officers have noticed a significant increase in the number of dogs proposed to be accommodated at single premises, particularly where those premises consist of a large detached house. On several occasions now, the authority has been

asked to licence such premises for the accommodation of 10 or more dogs. A number of these applications have been brought to the Sub-Committee for determination; as such a large number of dogs would require the variation of some of the standard conditions, for example permitting the simultaneous boarding of dogs from more than one household.

“The second new business model is one of daycare. While a traditional boarding establishment will automatically offer daytime care as part of a prolonged stay, there are now businesses which only offer daytime care of dogs or cats, while their owners are at work, with no overnight accommodation – the animals are collected or delivered home at the end of each day. These are frequently referred to as doggy daycare centres, or cat creches.

“Because no overnight accommodation is offered at such premises, many of the standard conditions which the Council applies to licences are not relevant – for example, businesses will not generally provide significant amounts of bedding and sleeping areas, as the animals are expected to be active during the day.

“We are also aware of one business within the borough which provides day care in an outdoors, rural setting, with dogs free to roam around a large enclosed field. Again, the standard conditions would be unsuitable for such a business model, which has no permanent buildings on the site.

“Finally, we are now starting to receive enquiries from home day carers. These are again requesting permission for larger numbers of dogs than would typically be permitted for overnight home boarding, as they are not providing sleeping accommodation for the dogs.

“Until now, the authority has managed to exercise its functions using a small number of sets of standard conditions. However with the increased diversification of business models, it is becoming increasingly difficult to pigeonhole businesses and apply a single set of conditions.

“The current scheme of delegation only allows officers to grant a licence subject to the Council’s standard conditions, and any variation from these requires referral to a Sub-Committee. This often means a lengthy delay in determining an application, increased uncertainty for the business, and generally is an inefficient way to consider applications.

“Officers are therefore requesting that the scheme of delegation be amended in order that senior officers may grant a licence with amendments to the standard conditions, and also that they may set and amend as applicable the schedules of standard conditions.

“In any case where officers are not satisfied that a variation from standard conditions would be appropriate, or where any other concerns about the suitability of the applicant or premises arise, cases would continue to be referred to the Sub-Committee for determination.

“The standard conditions adopted previously by the Council are based upon model conditions drawn up by the Chartered Institute of Environmental Health in 1995. A working group has been reviewing current practices and veterinary advice with a view to updating the model conditions and updated guidance is expected to be published next year. The Committee has already revised other sets of standard conditions for

animal licences in accordance with updated CIEH models, and it is envisaged that we will do the same as and when the new model conditions are published.”

Councillor Mrs Bassadone asked how many animals they were proposing as she often sees people walking across fields with a large amount of dogs at one time. R Hill advised that these conditions only related to dogs on private property, not on public land. He said in one case they had 40-60 dogs on site at one time.

Councillor Mrs Bassadone queried the minimum amount of dogs in a property at one time. R Hill advised that the legislation does not stipulate an amount; it just says one or more.

Councillor Mrs Bassadone asked what a neighbour should do if they had concerns. R Hill suggested they contact Planning, Environmental Health and/or Licensing as they all work together.

Agreed:

That the Committee delegate authority to impose and vary animal boarding establishment licence conditions to the Assistant Director (Chief Executives Unit), the Group Manager (Legal Governance) and the Team Leader (Licensing).

9. LICENSING SUB-COMMITTEE PROCEDURES

R Hill explained that the purpose of this report was to standardise procedures so there was less variation between the Licensing of Alcohol and Gambling Sub-Committee and the Licensing and Health and Safety Enforcement Committee. He said there had always been a presumption that the Alcohol and Gambling Sub-Committee would be debated in public but that has now been removed to give members more freedom and allow them to determine an application and compose their reasons in private.

Agreed:

That the revised procedures be adopted for use by the Licensing, Health and Safety and Enforcement Sub-Committee and the Licensing of Alcohol and Gambling Sub-Committee.

10. DEREGULATION ACT 2015 – PRIVATE HIRE SERVICES

R Hill advised that new changes in legislation had made this report necessary and it is focused on the changes to taxi and private hire licensing. He summarised that the main changes to the Act were:

1. To standardise the licence duration for hackney carriage and private hire driver's licences to three years, and private hire operator's licences to five years.
2. To allow unlicensed persons to drive off-duty private hire vehicles for social, domestic and pleasure purposes.
3. To allow sub-contracting of private hire bookings between licenced private hire operators across council boundaries.

R Hill explained that the officers were not particularly happy with these new legislative requirements; however they have to respect them and make the necessary changes. He highlighted that it would cause an increase in fees and administration work.

Councillor Mrs Bassadone asked that if she ordered a taxi which came from another area, would she pay Dacorum's rates. R Hill explained that it related to private hire vehicles rather

than hackney carriage so fares were set by the operator who originally accepted the booking, and it was possible to agree a fare on the phone with them.

Agreed:

The Committee approved the following changes to licensing procedures, with effect from the 1st October 2015:

1. That the option of applying for a 1 year hackney carriage driver, private hire driver, or dual driver licence be withdrawn;
2. That use of the DBS Update service will be permitted for driver, in place of the requirement to obtain a new DBS Enhanced Disclosure certificate (the original disclosure certificate must state the applicants occupation as either a taxi driver, private hire driver or similar, and must be an enhanced disclosure. Where an update cannot be obtained, a new enhanced disclosure must be supplied);
3. That the standard duration of private hire operator's licences granted shall increase to 5 years;
4. That the fee payable for a private hire operator's licence for applications be set for the period 1st October 2015 to 31st March 2016 at:
 - i. £378, for operators with 1-3 private hire vehicles
 - ii. £636, for operators with 4+ private hire vehicles.

The meeting ended at 8.32 pm