

# Public Document Pack

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## MID DEVON DISTRICT COUNCIL

### REGULATORY COMMITTEE

**A MEETING** of the **REGULATORY COMMITTEE** will be held in the Exe Room of Phoenix House, Tiverton on Tuesday, 9 October 2018 at 11.30 am (or on the rising of the Licensing Committee which will commence at 11.00am)

#### **STEPHEN WALFORD**

Chief Executive  
1 October 2018

**Councillors:** K Busch, A Bush, R J Chesterton, Mrs F J Colthorpe, D R Coren, Mrs G Doe, S G Flaws, T G Hughes, D J Knowles, L D Taylor and R Wright

### A G E N D A

#### **MEMBES ARE REMINDED OF THE NEED TO MAKE DECLARATIONS OF INTEREST PRIOR TO ANY DISCUSSION WHICH MAY TAKE PLACE**

- 1 **ELECTION OF CHAIRMAN (CHAIRMAN OF THE COUNCIL, P J HEAL, IN THE CHAIR)**  
To elect a Chairman of the Regulatory Committee for the Municipal Year 2018/19.
- 2 **ELECTION OF VICE CHAIRMAN**  
To elect a Vice Chairman of the Regulatory Committee for the Municipal Year 2018/19.
- 3 **APOLOGIES AND SUBSTITUTE MEMBERS**  
To receive any apologies for absence and notices of appointment of Substitute Members (if any).
- 4 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**  
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.
- 5 **PUBLIC QUESTION TIME**  
To receive any questions relating to items on the Agenda from members of the public and replies thereto.
- 6 **MINUTES (Pages 3 - 6)**  
Members to consider whether to approve the minutes as a correct record of the meeting held on 8 December 2017.

## 7 **ENFORCEMENT UPDATE**

To receive a verbal update from the Lead Licensing Officer.

**The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. The reports within this agenda have been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.**

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access to the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Carole Oliphant on:

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **REGULATORY COMMITTEE** held on 8 December 2017 at 10.00 am

### **Present**

#### **Councillors**

Mrs F J Colthorpe, D R Coren, P H D Hare-Scott, Mrs G Doe, S G Flaws, L D Taylor and R Wright

### **Apologies**

#### **Councillors**

R J Chesterton, T G Hughes and D J Knowles

### **Present**

#### **Officers**

Thomas Keating (Lead Licensing Officer), Maria De Leburne (Solicitor) and Sarah Lees (Member Services Officer)

## 1 **ELECTION OF CHAIRMAN (THE VICE CHAIRMAN OF THE COUNCIL, CLLR R EVANS, IN THE CHAIR)**

**RESOLVED** that Cllr D R Coren be elected Chairman of the Committee for the municipal year 2017/18.

## 2 **ELECTION OF VICE CHAIRMAN**

**RESOLVED** that Cllr Mrs J Doe be elected Vice Chairman of the Committee for the municipal year 2017/18.

## 3 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Councillors R J Chesterton, T G Hughes and D J Knowles.

## 4 **PUBLIC QUESTION TIME**

There were no members of the public present.

## 5 **MINUTES**

The minutes from the meeting held on 21 March 2017 were confirmed as a true and accurate record and **SIGNED** by the Chairman.

## 6 **ENFORCEMENT UPDATE (00:05:56)**

The Lead Licensing Officer provided the Committee with the following update:

- The Licensing Authority had been successful in prosecuting an unlicensed dog breeder in October 2017. The offence had taken place in Poughill and had involved the illegal breeding of bull dogs. Due to the amount of money being charged for the sale of each puppy and the number of litters planned there had been the potential for the unlicensed breeder to earn just under £80k. A fine of £538 had been issued.
- There was nothing to report regarding enforcement in the taxi area.

## 7 FEES FOR ANIMAL RELATED APPLICATIONS AND CHANGES TO THE LICENSING PROCESS (00:09:59)

The Committee had before it a report \* from the Lead Licensing Officer recommending the adoption of applicable fees as set out in the report and recommending the amendment and clarification of the licensing process for dog boarding establishments.

The contents of the report were outlined with particular reference to the following:

- There was a range of licensing fees, some were set nationally and others could be set locally. The onus was on the Licensing Authority to work out its costs and charge an appropriate amount to recover these.
- Fees could be charged in relation to the boarding of cats and dogs, pet shops, riding establishments, dangerous wild animals and dog breeders. Some of these activities required a vet inspection especially those which were considered high risk, for example, riding establishments and the keeping of dangerous animals.
- The Committee were shown a spreadsheet illustrating the costs incurred at each stage of the licensing process. This included the fee charged for the licence itself and the on-going annual administration costs.
- Mid Devon's fees were compared with other local Licensing Authorities. The comment was made that Mid Devon's fees appeared to be considerably higher than some other authorities. It was explained that a Licensing Officer's hourly rate was calculated at £30 and that an animal license was never issued without a visit which usually took a minimum of two hours. The Authority was not allowed to make a profit in setting its fees only to recover their actual costs.
- There was an exemption for 'hobby' breeders who bred small numbers of litters which from next year would be reduced from 5 to 3 per year.
- The Licensing team were informed about dog breeding cases through websites which advertised the sale of puppies, through the RSPCA and neighbours who had suspicions about an unusual amount of dog breeding activity in their local area.

It was **RESOLVED** that:

- a) The fees as set out within the report be introduced from 1 January 2018;
- b) Future applications for dog home boarding licenses may be referred to a Sub Committee for a decision when an officer believes that the total number of dogs onsite is unreasonable, unsuitable and/or inappropriate;
- c) Delegated authority be given to Licensing officers to decide whether or not a dog home boarding premises requires a vet inspection prior to the grant of a licence. This discretion to only apply when the application is to board 3 dogs or less from the same household and there is no more than 1 resident dog.

(Proposed by Cllr Mrs F J Colthorpe and seconded by Cllr S G Flaws)

Note: \* Report previously circulated; copy attached to the signed minutes.

## 8 FEES FOR 'BEAUTY' REGISTRATIONS (00:33:06)

The Committee had before it a report \* from the Lead Licensing Officer recommending the adoption of registration fees as set out in the report.

The contents of the report were outlined with the following brief discussion taking place:

- These fees could be set locally but hadn't been reviewed since 2011.
- It was not clear whether the previously set fee related to a personal registration or to the premises where the activity was taking place therefore the proposed fees sought to provide some clarity.
- Examples of what other councils charged were provided within the report for comparison.
- If there was a suspicion of malpractice the Environmental Health team would inspect the premises.
- It was expected that when a premises closed down or ceased trading the associated license would be surrendered to the Licensing Authority but this did not always happen.

**RESOLVED** that the fees as set out within the report be approved and that they be introduced immediately.

(Proposed by Cllr P H D Hare-Scott and seconded by Cllr S G Flaws)

Note: \* Report previously circulated; copy attached to the signed minutes.

(The meeting ended at 10.42 am)

**CHAIRMAN**

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