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MID DEVON DISTRICT COUNCIL

REGULATORY COMMITTEE

A MEETING of the **REGULATORY COMMITTEE** will be held in the Phoenix Chamber, Phoenix House, Tiverton, on Thursday 15 October 2015 on the rising of the preceding Licensing Committee which commences at 10.00am

KEVIN FINAN
Chief Executive
7 October 2015

Councillors: Mrs E M Andrews, K Busch, R J Chesterton, Mrs F J Colthorpe, D R Coren, N V Davey, Mrs G Doe, J M Downes, C J Eginton, P H D Hare-Scott, T G Hughes, Mrs B M Hull, D J Knowles, J L Smith and L D Taylor

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 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of Substitute Members (if any).
- 2 **PUBLIC QUESTION TIME**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.
- 3 **MINUTES** (*Pages 3 - 6*)
To approve the minutes of 3 September 2015 (copy attached).
- 4 **FEES REPORT 2015 - ANIMAL RELATED** (*Pages 7 - 16*)
To receive a report from the Head of Human Resources and Development recommending the adoption of licence fees as set out in the report.

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 Sarah Lees on:

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **REGULATORY COMMITTEE** held on 3 September 2015 at 10.25am

Present

Councillors

Mrs E M Andrews, Mrs F J Colthorpe, D R Coren, N V Davey, Mrs G Doe, C J Eginton, T G Hughes, D J Knowles, J Smith and L Taylor

Apologies

Councillors

K Busch, R J Chesterton, P H D Hare-Scott and Mrs B M Hull

Present

Officers

Simon Newcombe (Public Health and Professional Services Manager), Simon Johnson (Legal Services Manager), Thomas Keating (Lead Licensing Officer) and Sarah Lees (Member Services Officer)

1 **ELECTION OF CHAIRMAN (THE VICE CHAIRMAN OF THE COUNCIL, CLLR T G HUGHES, IN THE CHAIR) (00:25:23)**

RESOLVED that Cllr D R Coren be elected Chairman of the Committee for the Municipal Year 2015/16.

Cllr D R Coren then took the Chair.

2 **ELECTION OF VICE CHAIRMAN (00:28:00)**

RESOLVED that Cllr Mrs J Doe be elected Vice Chairman of the Committee for the Municipal Year 2015/16.

3 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllrs K I Busch, Mrs B M Hull, R J Chesterton and P H D Hare-Scott.

4 **PUBLIC QUESTION TIME**

There were no members of the public present.

5 **MINUTES**

The Minutes of the meeting held on 18 December 2014 were approved as a correct record and **SIGNED** by the Chairman.

6 **HACKNEY CARRIAGE AND PRIVATE HIRE FEES AND CHANGES FOLLOWING THE INTRODUCTION OF THE DEREGULATION ACT (00:30:00)**

The Committee had before it a report * from the Head of Human Resources and Development outlining the amendments made by the Deregulation Act 2015 which had led to a review of the current Private Hire / Hackney Carriage fees.

The Lead Licensing Officer outlined the contents of the report stating that the new Act contained 2 provisions that affected taxi and private hire licensing with effect from 1 October 2015. The first provision was that hackney carriage and private hire driver's licences should be issued for 3 years and private hire operators for 5 years, unless there were reasons for not doing so. This authority currently allowed both drivers and operators to apply for a 1 year or a 3 year licence. As a result of this, this authority would need to introduce a 5 year private hire operator's licence along with an appropriate fee. This requirement had led to the licensing department reviewing all of the fees in this area.

The Committee were shown the spreadsheet which calculated all the fees and charges in this area. The processes necessary for each application were set out on separate tabs within the spreadsheet which also included all on costs. The document would need to be reviewed on a regular basis in the light of any future legislative changes.

Discussion took place regarding:

- A monitoring and compliance tab which took account of enforcement officer time in determining overall fees.
- The Licensing Authority employed 'Stop Notices' when necessary and these were seen as a very effective tool.
- Criminal records checks were made for new taxi drivers, if issues were found affecting whether or not a licence should be issued then these would be referred to a hearing for Members to determine an applicant's suitability.
- Some concern was expressed that Mid Devon's fees seemed lower than neighbouring authorities. However, it was explained that the template used to calculate fees was based on two separate templates, developed by the Wales Licensing Technical Panel and also Taunton Deane following a challenge to their fees. Both of these were available for use on the Institute of Licensing website. It cannot be assumed other authorities have correct fees and differences may result from things like the size of departments and the time spent on taxis. It was important for the authority to guard against future challenges but assurance was provided that all necessary costs were included.
- The report compared the 'old' charges with the 'new' and showed a 2% difference. Figures could now be adjusted in the future far more easily using the new templates.
- The fees would be reviewed on an annual basis.

RESOLVED that:

- i. Changes brought about by the Deregulation Act 2015 be noted and that the amendments set out in this report in relation to the duration of licenses be approved.
- ii. The fees set out in the report be approved and that they be introduced as soon as possible, in compliance with the requirements to advertise / consider objections.

- iii. The £5 discount currently offered when renewal applications were submitted early be removed.
- iv. If there were objections to the taxi fares when they were advertised then delegated authority be given to the Public Health and Professional Services manager, in conjunction with the Chair of the Regulatory Committee, to consider the objection(s) and set a further date, not later than two months after the first specified date on which the variation will come into force, with or without modification.

(Proposed by Cllr D J Knowles and seconded by Cllr Mrs E M Andrews)

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

7 **MOBILE HOMES ACT (00:55:48)**

The Committee had before it, and **NOTED**, a report * from the Head of Human Resources and Development informing it of the provisions of the Mobile Homes Act 2013 and updating it on the current work being carried out. A thorough review regarding fees in this area would be undertaken with a report coming to Committee sometime early in the new year.

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

(The meeting ended at 11.00 am)

CHAIRMAN

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REGULATORY COMMITTEE
15 October 2015

REPORT OF THE HEAD OF HUMAN RESOURCES AND DEVELOPMENT

FEES FOR ANIMAL RELATED APPLICATIONS

REASON FOR REPORT

1. To recommend the adoption of licence fees set out in this report.

RECOMMENDATIONS

1. That the Regulatory Committee approves one of the following options with regards to licence fees set out in this report:

Option A: The fees reflecting the true projected cost of the function are implemented in full immediately

Option B: The fees reflecting the true projected cost of the function are introduced over a two year period. The fees can then be reviewed in 2016 to ensure the projections are accurate with a view to recovering any deficit.

RELATIONSHIP TO CORPORATE PLAN

1. None

FINANCIAL, LEGAL AND RISK ASSESSMENT IMPLICATIONS

Any financial, legal and/or risk assessment implications are set out below:

Financial	Licence fees should be set at a level to recover the cost to the Council
Legal	Various statutes empower the Council to set fees for licences and the Council must be compliant with relevant legislation.
Risk Assessment	To set the fees too high risks the Council being challenged by those licensed, while to set the fees too low would mean that the Council tax payer is subsidising local businesses

CONSULTATION CARRIED OUT WITH:

- | |
|---------------------------------------------------------------------------|
| 1. The Council's Accountancy Team to determine the costs of the function. |
|---------------------------------------------------------------------------|

1.0 INTRODUCTION

- 1.1 The Council is responsible for licensing a number of animal related activities and in doing so has a responsibility to ensure the welfare of animals involved in these activities, along with the safety of the wider public (i.e. ensuring dangerous wild animals do not escape or attack members of the public).

Licence types

- 1.2 As a brief overview, the Council is responsible for the following regimes.
- 1.3 Animal Boarding: Allows people to provide accommodation for other peoples cats and dogs. This includes kennels, catteries, home boarders and dog day crèches.
- 1.4 Dangerous Wild Animals: Allows someone to keep an animal considered to be wild, dangerous or exotic. There is a prescribed list of relevant animals which includes wild cats, primates, wild dogs, retiles and spiders.
- 1.5 Dog Breeding: Allows someone to carry on the business of breeding dogs for sale.
- 1.6 Pet shops: Allows a premises to sell animals as pets.
- 1.7 Riding Establishments: Allows horses to be kept for the purpose of being let out on hire for riding or used in providing instruction in riding (in return for payment).
- 1.8 Zoos: Enables wild animals to be displayed to the public for at least 7 days per year.
- 1.9 Each of these licensing schemes allows the licensing authority to attach appropriate conditions to the licence. Lists of standard conditions have been adopted by this authority for some of the above, although it should be noted that that this does not limit the Councils discretion to attach further conditions or omit standard conditions from a particular licence, should the circumstances justify it.
- 1.10 In accordance with legislation, veterinary surgeons / practitioners inspect both new and renewal applications for riding establishments, dangerous wild animals and zoos. Dog breeding facilities require a vet inspection on initial application but not necessarily on renewal. In 2014 this authority decided that veterinary surgeons / practitioners should also inspect premises where new applications had been made for animal boarding and pet shops. Vet inspections are not necessarily required for renewal applications but can take place should they be needed i.e. because of an animal welfare concern.
- 1.11 Applicants are recharged for the above vet inspections and this is in addition to the application fee.

2.0 LICENSING FEES

2.1 The proposed new fees are set out in Annex 1.

2.2 The fees have been calculated using a cost matrix which follows two templates available on the Institute of Licensing Website. These were produced by the Wales Licensing technical Panel (in relation to Hackney Carriage and Private Hire fees but the same principles apply to animal fees) and Taunton Deane Borough Council (in relation to animal fees). The matrix seeks to set out all of the relevant information and produces a final chargeable fee for each application. The matrix itself is a lengthy document and as such, some general points of interest are noted below:

- The hourly cost for each officer incorporates associated on-costs
- It contains a breakdown of all chargeable elements of each individual application via a number of different tabs
- An 'administration' tab outlines the general time and costs allocated year on year to maintenance of the regime (not specific to the processing of an application as such). This includes things like general admin, updating web pages, staff training and policy development. This tab also includes a breakdown of the total number of anticipated applications.
- Each individual application process then has its own tab which tracks the time it takes from initial enquiry to issue of that particular licence. This includes the time spent making an inspection. Where possible, those processes within different applications that are similar or match have been allocated the same amount of time.

2.3 If Members of the Committee wish to see the full cost matrix please contact the licensing team who will forward it to you. Furthermore, if it is helpful, a run through can be provided at the meeting. It should be noted that the template is the same used for setting hackney carriage / private hire related fees.

2.4 Charges must be reasonable and proportionate to the cost of the processes associated with the specific licensing regime and cannot be used as an economic deterrent or to raise funds in general. If the proposed fee structure results in a surplus or loss for the year there can / will be an appropriate reduction or increase of fees in the following years.

2.5 Reviewing the relevant income and opposing costs of staff time (for the periods available) from 2010 – 2014, shows that a likely deficit has been accrued for all animal related functions. Although it is legitimate to recover deficits by increasing fees, it is felt that as a new cost matrix has been introduced, it is best to propose fees based on projected costs in the future. This in itself has resulted in all fees increasing and gives the authority a chance to monitor how accurate the new cost matrix is and if necessary make adjustments in the future.

2.6 There have also been some changes to inspection related work for animal applications in the previous 2 years which has contributed to projected increases in fees. Firstly, the Council adopted new Chartered Institute of Environmental Health Model Conditions for certain applications to ensure standards are continually improved. These have led to an increase in pre-application enquiries and also lengthier inspections. Secondly, the inspections are now solely completed by members of the licensing team as opposed to Environmental Health Officers.

2.6 To give an indication as to the overall difference in income that would occur as a result of introducing the new fees we can compare projected income using the current fees against the proposed fees. We predict receiving 30 applications in total (a specific breakdown of the applications is on the 'Administration' tab of the cost matrix) resulting in a total income of £3,162 based on the current fees. The proposed fees would generate an income of £4,916.

2.7 As with all fee setting models it is important to note that the figures need to be reviewed regularly to ensure they are current and relevant. Time monitoring activities and all costings will be reviewed on an annual basis and presented to the committee.

2.8 Annex 2 gives a comparison of the new proposed fees with some of our neighbouring authorities. As with all comparisons in terms of fees, this is for information only and should not be taken as indicative of 'right or wrong' fees.

3.0 RECOMMENDATIONS

3.1 Even though the proposed costs do not take in to account any deficits, there are still some relatively high increases in fees when compared against existing fees. As a result, members are provided with two options for consideration:

Option A: To apply the complete proposed fees in their entirety.

Option B: To stagger the increase in fees over the next two years. The fees can then be reviewed in 2016, with a view to recovering the deficit from year one, if this is applicable.

3.2 The difference in fees for options A and B are set out in Annex 1.

6.0 TIMESCALE

6.1 There is no statutory duty on the Council to consult when setting or revising the fees specified in this report. The proposed new fees would come in to effect immediately.

Contact for any more information	Tom Keating (4618) Simon Newcombe (4615)
Background Papers	Various licensing legislation

File Reference	Licensing Fees/Fees/2015
Circulation of the Report	Regulatory Committee

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ANNEX 1: ANIMAL RELATED FEES – CURRENT AND PROPOSED

Application Type	Current Fee + Vet fee where applicable	Proposed Fee (option A) + Vet fee where applicable	Proposed Fee (Option B - Year 1 / Year 2) + Vet fee where applicable
Animal Boarding – New (incl. day care)	£120	£221 (+84%)	£171 / £221
Animal Boarding – Renewal (incl. day care)	£120	£156 (+30%)	£138 / £156
Home Boarding - New	£60	£156 (+160%)	£108 / 156
Home Boarding - Renewal	£60	£118 (+97%)	£89 / 118
Dangerous Wild Animal - New	£95	£221 (+133%)	£158 / £221
Dangerous Wild Animal - Renewal	£95	£156 (+64%)	£126 / £156
Dog Breeding - New	£114	£221 (+94%)	£168 / £221
Dog Breeding - Renewal	£114	£156 (+37%)	£135 / £156
Pet Shop - New	£95	£221 (+133%)	£158 / £221
Pet Shop - Renewal	£95	£156 (+64%)	£126 / £156
Riding Establishment - New	£85	£221 (+160%)	£153 / £221
Riding Establishment - Renewal	£85	£156 (+84%)	£121 / £156
Zoo - New	At Cost	£392	£392
Zoo - Renewal	At Cost	£338	£338

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ANNEX 2: COMPARISON OF FEES

	EDDC	Taunton	WDDC	Teignbridge	South Hams	MDDC Proposed
Boarding - New	£110.00	£300.00	£123.00	£60 / £200	£129.00	£221
Boarding - Renewal	£100.00	£283.00	£123.00	£60 / £200	£129.00	£156
Home Boarding - New	£80.00	£300.00	£110.00	£60.00	£120.00	£156
Home Boarding - Renewal	£80.00	£283.00	£110.00	£60.00	£120.00	£118
Breeding - New	£100.00	£300.00	£157.00	£104 / £166.40	£167.00	£221
Breeding - Renewal	£90.00	£283.00	£157.00	£104 / £166.40	£167.00	£156
DWA - New	£100.00	£300.00	£394.00	£92.00	£198.00	£221
DWA - Renewal	£100.00	£283.00	£394.00	£92.00	£198.00	£156
Pet Shop - New	£100.00	£315.00	£121.00	£92.00	£120.00	£221
Pet Shop - Renewal	£100.00	£297.00	£121.00	£92.00	£120.00	£156
Riding - New	£180.00	£310.00	£168.00	£57 / £114	£185.00	£221
Riding - Renewal	£180.00	£292.00	£168.00	£57 / £114	£185.00	£156
Zoo - New	£300.00	£315.00	£818.00	£139.00	£770.00	£392
Zoo - Renewal	£200.00	£297.00	£717.00	£139.00	£680.00	£338

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