

Licensing Committee

2 NOVEMBER 2015

PRESENT: Councillor J Brandis (Chairman); Councillors A Huxley, S Lambert, G Powell, S Renshell and B Russel

APOLOGIES: Councillors M Hawke, P Cooper, T Mills and Sir Beville Stanier Bt

1. TEMPORARY CHANGES TO MEMBERSHIP

There were none.

2. MINUTES

RESOLVED –

That the Minutes of the meeting held on 7 September 2015 be approved as a correct record.

3. REVIEW OF FEES IN RESPECT TO LICENSES FOR ANIMAL RELATED PREMISES

The Council were responsible for licensing a number of animal related businesses, including catteries, riding establishments, pet shops, businesses which involved the breeding of dogs, the keeping of 'dangerous wild animals' and zoos. The licensing authority were allowed to set fees for each based on the cost recovery of delivering the service when issuing licences.

Fees had not been reviewed for a number of years and had only risen in line with inflation, which had been negligible. The current fee list had been attached as an appendix to the report.

In recent years licensing services had increasingly sought the assistance of vets whilst carrying out inspections and had, in some cases, had to pick up the financial burden this incurred. Resources had also been committed to a small number of problem premises.

Licensing services had undertaken a review of fees for all animal related licenses, and the proposed fees had also been attached as an appendix to the report. Fee calculations had taken into account each stage of the licensing process, from receipt and processing to inspection and issue, including routine visits. The use of vets had been reduced wherever possible. However, in some cases the law required a veterinary inspection on initial application and occasionally on renewal. Where a vet inspection was not required on renewal, the renewal fee reflected the reduction in cost to the Council. Dangerous Wild Animal and Zoo licences did not include vet fees, as their fees varied considerably dependent on the species and establishment. It was intended that the applicant pays the council's fee and in addition pays the cost of the veterinary inspection.

All premises license holders had been consulted and their responses relating to the fees were also attached as an appendix to the report.

The most notable change related to riding establishments. The present fee varied dependent on the number of horses; £275 plus £15 per horse/pony.

It was proposed that new riding establishments be charged £495 (including vets fees) and renewals be £395 (including vets fees) regardless of the number of horses or ponies kept.

However, the representation from Horses Helping People demonstrated an inherent unfairness to small establishments. Currently 18 such establishments were licensed by the council and under the new fee structure 5 would pay more than they currently did.

It was proposed that the new fee structure be implemented from 1 January 2016 with the exception of those relating to riding establishments. Almost all animal related licenses started from 1 January and ended on 31 December with the exception of riding establishments which lasted for 12 months from the date of issue and Dangerous Wild Animal and Zoo licences. Given the concerns relating to riding establishments, it was proposed to look at an alternative fee structure for them and bring this back to committee at later date.

RESOLVED –

1. That Members noted the review of fees relating to licences for animal related businesses and agreed the proposed fee structure as set out in the appendix to the report, with the exception of those fees relating to riding establishments; and
2. That a further report regarding fees for riding establishments be brought back to committee at a later date.

4. REVIEW OF FEES FOR SEX ESTABLISHMENT LICENSEES

At the meeting of full Council held on 1 December 2010, members agreed to adopt Schedule 3 to the Local Government (Miscellaneous Provisions) Act 291982 as amended by Section 27 of the Policing and Crime Act 2009 with effect from 1 September 2011. At that meeting the Licensing Committee were given delegated powers to determine applications for Sex Entertainment Venues Licences, formulate a policy, set fees and standard conditions and all other functions arising from the adoption of Schedule 3.

The Council already had the power to licence sex shops and sex cinemas. The decision brought Sex Entertainment Venues (e.g. lap dancing clubs) within the description of sex establishments.

The sex establishment policy, fees and standard conditions were agreed by the Licensing Committee in July 2011.

Since then only one establishment, Mirage in Aylesbury, had been affected by the new system. This operated as a nightclub at weekends and as a lap dancing club for a couple of days during the week. No other applications for sex establishments had been received since September 2011.

Although Aylesbury Vale District Council's Sex Establishment Licensing Policy, conditions and procedures remained fit for purpose, given recent senior court judgements and 4 years experience in implementing the regime it had been felt necessary to review the fees structure.

Fees could be limited only to cost recovery in respect of processing and determining of an application and any subsequent costs that arose. Unsuccessful applicants could also obtain a refund.

Prior to the current regime of processing applications for sex establishments, it had been assumed that applications would be significantly contested, which would result in considerable administrative time, the need for hearings to decide an application and possibly further appeal. Arising from all this a fee of £2020 had been arrived at to cover all costs.

As any applications for Sex Establishments could draw particular attention and scrutiny, it had been proposed to continue to charge the full fee for all new, transfer and variation applications. In relation to the existing premises it had been felt unfair to levy the full cost of a hearing in a renewal of a licence, however, the right was reserved to obtain this balance should a hearing be required.

It was proposed that any new, transfer or variation to a licence, if uncontested, would receive a proportionate, partial refund. An unsuccessful application would receive a smaller refund equal to the costs of compliance inspections.

The proposed fees list for 2016 had been attached to the report as an appendix.

RESOLVED –

That Members agreed the Licensing fees for Sex Establishment Venue Licenses as set out in the appendix to the report.