

LICENSING COMMITTEE

Councillor David Goodwin (Chairman)

* The Deputy Mayor, Councillor Dennis Booth (Vice-Chairman)

Councillor Tim Anderson
* Councillor Gillian Harwood
* Councillor Nigel Manning
* Councillor Ted Mayne
* Councillor Ann McShee
* Councillor Bob McShee
* Councillor Masuk Miah

* The Mayor, Councillor Marsha Moseley
Councillor Maddy Redpath
Councillor Will Salmon
Councillor James Steel
* Councillor Keith Witham
Councillor Catherine Young

*Present

L1 APOLOGIES FOR ABSENCE

Apologies were received from the following Councillors Tim Anderson, David Goodwin, Maddy Redpath, Will Salmon, James Steel and Catherine Young.

L2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

Councillor Keith Witham declared a non-disclosable pecuniary interest in item 5.2 'Fit and Proper Testing for Managers of Licenced Caravan Sites' owing to the fact that he was a resident on one of the borough's licenced caravan sites which was covered by the relevant legislation.

L3 MINUTES

The minutes of the Licensing Committee held on 29 September 2021 were approved and signed by the Chairman.

L4 ANNOUNCEMENTS

The Chairman had no announcements to make.

L5 GAMBLING ACT 2005: STATEMENT OF PRINCIPLES 2022-25

The Committee received a report from Chris Woodhatch, Licensing Food and Safety Lead. The Committee noted that the current statement was due to expire and an updated draft was approved for public consultation by the Licensing Committee on 26 May 2021. The consultation was held between 5 July – 1 October 2021 and no material comments were made.

The Committee having considered the report;

RESOLVED to recommend that Full Council approved the draft Gambling Act 2005 Statement of Principles 2022-25 at its meeting on 7 December 2021.

L6 FIT AND PROPER TESTING FOR MANAGERS OF LICENCED CARAVAN SITES

The Committee received a report from Sean Grady, Private Sector Housing and Pollution Lead. The Committee noted that the new legislation required relevant and responsible persons of caravan sites and those sites that required a licence, to operate lawfully to be fit and proper. The mobile homes requirement was for a manager to be a fit and proper person and those regulations 2020, required those managing or in control of relevant protected sites to make an application for inclusion on the fit and proper register. The regulations also required the Council to assess fit and proper applications, to publish and maintain a public register and

publish a fees policy which was found in Appendix 1. This justified the costs charged for fit and proper applications and provided the overall policy to process the applications and make decisions upon them. Within Schedule 1, the fit and proper fee calculation could be observed along with the variation to the Annual Caravan Site licensing fees. The Register was completed and published on the Council's website and already listed the sites that needed applications. The Council had created a procedure to assess applications and recorded them on its database, the policy and procedure was based upon the policy as found in appendix 1 and would enable a consistent approach to application assessments and decisions, working in line with the government guidance, subject-specific training, access to specialist forums, legislation, consultation with local authorities, its own policy and subject-specific study groups which would enable the Council to approach those assessments in a balanced manner against other authorities across England and Surrey.

Fit and proper regulations required a fee to be made with the application and was mandatory. The fit and proper regulations give the Council choice to charge an additional fee in relation to fit and proper applications as the annual fee was to only be charged in response to additional enforcement time spent on sites that were not complying with for example conditions imposed on their application. The fit and proper annual fee would not be charged to sites until a full review of the fees in twelve months-time and obviously a better understanding of the situation at that time in terms of enforcement and compliance. Those sites would generally only be charged that fee in accordance with the conditions on their licence. Schedule 1 table 1 referred to the general site licence fee that was paid yearly by all sites with a caravan licence and this fee was not in relation to fit and proper managers specifically and required revision to account for the frequency of visits.

The Committee noted comments made that these Fit and Proper Testing for Managers of Licenced Caravan sites had been long awaited since 2013 and followed a long series of changes in legislation going back to 1983. The question was raised that if there was an application from a person to be a Fit and Proper Manager of a licenced caravan site, that person may have a completely unblemished background, but what investigations would be made by officers into the owners of the sites. Given that there might be site owners who could be less scrupulous than others who put forward a nominee who in fact would have little power but was the named person. The Committee was interested to know how this process would be managed. In addition, the referral to caravan sites was sometimes misleading, when frequently retired people would move into static caravan sites which were more akin to bungalows than caravans but yet the legislation would apply to such properties too.

Sean Grady, Private Sector Housing and Pollution Lead confirmed that the Mobile Homes Act went back to 1963 and was a broad piece of legislation. In relation to who we would include on the register and who we would expect to apply, guidance would be followed, and the most appropriate person selected. It could be both a manager and an owner and judging from the applications received so far, more people were listed than needed, so the most appropriate person was selected according to what officers already know about the site as well as looking at the management plans and the management structures. The applicant as well as anyone named on the licence would have to complete a DBS check. If anyone managing the site had been left off the application that would amount to falsification of information and further enforcement action could be taken.

The Committee asked that if a licence holder had a conviction subsequent to obtaining a licence what was the procedure? Sea Grady, Private Sector Housing and Pollution Lead confirmed that the licence holder would be duty bound to inform the Licensing Authority. Licence holders could only reapply every 5 years in relation to their DBS and therefore if they failed to report a conviction it would again amount to falsification and enforcement action could be taken. If the Council had to at any point take over the management of a site, they could reclaim those costs directly.

The Committee having discussed the report;

RESOLVED that the Executive are recommended to approve a proposed charging structure for Fit and Proper applications at its meeting on 4 January 2022. In addition, the Licensing Committee approved the following:

- Caravan Licensing Fees Policy;
- Amended Annual Caravan Site Licensing Fee;
- Fit & Proper Application Fee for Inclusion in the Register and;
- Annual Fit & Proper Fee.

L7 LICENSING COMMITTEE WORK PROGRAMME

The Committee noted its work programme.

The meeting finished at 7.20 pm

Signed

Chairman

Date