



Minutes of the meeting of the **General Licensing Committee** held in Committee Room 2, East Pallant House on Monday 1 November 2021 at 9.40 am

Members Present: Mr G McAra (Chairman), Mr A Moss (Vice-Chairman), Mrs T Bangert, Miss H Barrie, Mr J Elliott, Mr C Page, Mr A Sutton and Mrs S Taylor

Members not present: Mr G Evans and Mr H Potter

In attendance by invitation:

Officers present: Mr L Foord (Divisional Manager for Communications, Licensing & Events), Miss K Davis (Democratic Services Officer) and Ms G Di Lauro (Litigation and Licensing Lawyer)

49 **Chairman's Announcements**

Apologies were received from Mr Evans and Mr Potter.

50 **Minutes**

RESOLVED

That the minutes of the meeting held on 24 June 2021 be approved and signed by the Chairman as a correct record.

51 **Urgent Items**

There were no urgent items.

52 **Declarations of Interests**

There were no declarations of interest.

53 **Public Question Time**

There were no public questions.

54 **Proposed Fees Policy and Determination Policy under the Caravan Sites & Control of Development Act 1960 - 'Fit & Proper Person' test**

The Committee considered this report.

Mr Foord outlined the report detailing new regulatory requirements for the Licensing Authority in respect of operators of certain sites and permanent residential park home sites operated on a commercial basis under the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 and the proposed fee and supporting policies required by the Council to implement the regulations.

The report detailed the Council's proposed Fit and Proper Persons Determination Policy in respect of the fit and proper person test function and proposed Fees Policy. Research was being undertaken to identify the sites, which could result in more than 20 being affected by the new regulations although this number might change depending on what is established.

He informed members that the report would be recommended by the General Licensing Committee to Cabinet for approval.

Replying to members, Mr Foord explained that the fees set out in appendix B were based on the tasks required to be carried out by the Licensing Authority. With regards to increasing the fees to take into account inflation, the Council had discretion in setting the fees and any amendments would be required to be agreed by the General Licensing Committee. Once the policies were agreed details would be publicised on the Council's website. Officers would write to the affected sites in the District to make them aware of the new regulations and to provide guidance. He agreed that each site could be looked at on a case by case basis and if there was any doubt whether or not a site was captured by the regulations then officers would engage with them directly. An article could also be placed in the Council's Initiatives magazine so that the residents of these sites were also aware of the requirements. With regards to what constituted a permanent residential site, Mr Foord advised that any residents living in a caravan primarily as their permanent residence would satisfy the criteria for a permanent residential site under the new regulations and that the caravan site license is only issued on the permitted use for the land under planning legislation.

Mr Foord responded to concern raised about instances where occupants of a caravan were not complying with the terms of their site licence conditions regarding out of season occupancy. He explained that this type of accommodation often provided homes for vulnerable and elderly individuals who were potentially exposed to harassment or bullying tactics by the management. Officers would need to properly investigate these complex arrangements to ensure these sites were operated openly, honestly and without occupants fearing retaliation if they raised an issue. The legislation gave the Local Authority powers to appoint a person to run a site where officers did not believe that the current operator/manager was a fit and proper person to do so, but only with the owner's consent. With regards to issues such as modern day slavery, officers work closely with the relevant authorities, including the Police.

Ms Di Lauro explained that some of the regulations, in particular in respect of dealing with offences and the allocation of licences, had only recently come into force on 1 October 2021 and officers would need time to assess the contents concerning the enforcement action available to them. Ms Di Lauro advised that the

Committee was able to propose a higher fee than that proposed but should it be adopted there would need to be reasonable justification in terms of officer time and expenses.

Mr Foord confirmed that the legislation did not include caravan holiday parks. Where the planning permission granted was for a holiday site the caravan site licence granted must mirror the planning permission. Therefore, should enforcement action be taken i.e. in respect of permanent occupancy at a licensed holiday park this would rest with the Planning Authority.

Members were of the opinion that the 'Conduct Fit and Proper Person Assessment' costing in the fees tables was set too low. They expressed concern that the officer time allocated, of 1.5 hours (£52.00), was a very conservative figure and that in reality the officer time taken to carry out the assessment would most likely take up twice that amount of time.

Mr Foord explained how the 'Conduct Fit and Proper Person Assessment' had been reached. He also confirmed that the legislation did not allow the Licensing Authority to charge a fee for the carrying out of enforcement action. He advised that based on the views expressed by the Committee he would be willing to re-visit the amount of officer time expected to carry out the assessment to see if there was any justification for increasing this fee. A member pointed out that the fees did not include costings for possible site visits and the travel costs.

Mrs Taylor, in her role as Cabinet member for Planning, undertook to speak to the Planning Enforcement Team concerning the steps they were able to take to enforce a potential breach of planning permission granted to caravan sites (in terms of out of season occupancy) across the District and would circulate the Team's response to this Committee in due course. Mr Sutton, in his role as Cabinet member for Housing, Communications, Licensing and Events, advised that he would work with Mrs Taylor on this matter.

The Committee acknowledged the impact on existing staffing resources that this additional work was likely to have on the Licensing Team.

Ms Di Lauro provided advice concerning an applicant's right of appeal following a refusal of a licence and revocation of a licence.

At the conclusion of the discussion the Committee asked Mr Foord to revisit the costs to assess if it was appropriate to double the officer time to 3.0 hours and fee to £104.00 for the 'Conduct Fit and Proper Person Assessment'. Mr Foord was also asked to assess whether the inclusion of an additional task, for 'Officer travel time and site inspection(s)' and officer time allocated as 3.0 hours and fee to £104.00 was feasible.

The meeting was adjourned from 10.35 to 10.45 to enable Mr Foord to undertake a review of the amendments to the fees structure suggested by the Committee.

Mr Foord, having reviewed the figures and suggested that the following would be appropriate:

- Increase the 'Conduct Fit and Proper Person Assessment' for the Licensing Technician's officer time taken from 1.5 hours to 3.0 hours and to increase the fee from £52 to £104
- Addition of a new section 'Officer travel time and site inspection(s)' with the Licensing Technician's officer time taking 3.0 hours and a fee of £104.

The overall total figure now proposed per Fit and Proper Person Test application had increased to £450.

The Committee agreed to amend the proposed fees structure as set out above.

Recommended to Cabinet

That the General Licensing Committee recommends to Cabinet the Fees Policy, Determination Policy and proposed fee for the 'Fit & Proper Person' test introduced under The Mobile Homes (Requirements for Manager of Site to be Fit & Proper Person) (England) Regulations 2020.

55 Consideration of any late items as follows:

There were no late items.

The meeting ended at 10.45 am

CHAIRMAN

Date: