

# Public Document Pack

## JOHN WARD

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A meeting of the **General Licensing Committee** will be held in the Committee Rooms, East Pallant House on **Wednesday 8 June 2022 at 9.30 am**

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

## AGENDA

### 1 **Chair's Announcements**

Any apologies for absence that have been received will be noted at this point.

### 2 **Minutes** (Pages 1 - 4)

The Committee is requested to approve as a correct record the minutes of the General Licensing Committee meeting held on 1 November 2021.

### 3 **Urgent Items**

The Chair will announce any urgent items that due to special circumstances are to be dealt with under the agenda item below relating to Late Items.

### 4 **Declarations of Interests**

Details of members' personal interests arising from their membership of parish councils or West Sussex County Council or from their being Chichester District Council or West Sussex County Council appointees to outside organisations or members of outside bodies or from being employees of such organisations or bodies.

Such interests are hereby disclosed by each member in respect of agenda items where the Council or outside body concerned has been consulted in respect of that particular item or application.

Declarations of disclosable pecuniary interests, personal interests and prejudicial interests are to be made by members of the Committee in respect of matters on the agenda or this meeting.

### 5 **Public Question Time**

In accordance with Chichester District Council's scheme for public question time the Committee will receive any questions which have been submitted by members of the public in writing by noon two working days before the meeting. Each questioner will be given up to three minutes to ask their question. The total time allocated for public question time is 15 minutes subject to the Chair's discretion to extend that period.

### 6 **Review of Skin Piercers Registration Policy, Fees and Charges** (Pages 5 - 7)

The Committee is requested to consider the report and make the following

resolution:

That the General Licensing Committee approves the revised skin piercers policy, fees and charges.

**7 Consideration of any late items as follows:**

- a) Items added to the agenda papers and made available for public inspection.
- b) Items which the Chair has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting.

**8 Exclusion of the press and public**

There are no restricted items for consideration by the General Licensing Committee at this meeting.

NOTES

- 1) The press and public may be excluded from the meeting during any item of business wherever it is likely that there would be disclosure of 'exempt information' as defined in section 100A of and Schedule 12A to the Local Government Act 1972.
- 2) The press and public may view the report appendices which are not included with their copy of the agenda on the Council's website at Chichester District Council - Minutes, agendas and reports unless they contain exempt information.
- 3) Subject to Covid-19 Risk Assessments members of the public are advised of the following;
  - a. Where public meetings are being held at East Pallant House in order to best manage the space available members of the public are in the first instance asked to listen to the meeting online via the council's committee pages.
  - b. Where a member of the public has registered a question they will be invited to attend the meeting and will be allocated a seat in the public gallery.
  - c. You are advised not to attend any face to face meeting if you have symptoms of Covid.
- 4) Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the Chair of the meeting of their intentions before the meeting starts. The use of mobile devices for access to social media is permitted, but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. [Standing Order 11.3 of Chichester District Council's Constitution]



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

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CHAIRMAN

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Date:

**Chichester District Council**

**GENERAL LICENSING COMMITTEE**

**8 June 2022**

**Review of Skin Piercers Registration Policy, Fees and Charges**

**1. Contacts**

**Report Author:**

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**2. Recommendation**

**2.1 That General Licensing Committee approves the revised skin piercers policy, fees and charges.**

**3. Background**

3.1 Under Part III of the Local Government (Miscellaneous Provisions) Act 1982 and the Local Government Act 2003, businesses and practitioners undertaking the practice of acupuncture, tattooing, ear piercing, electrolysis, semi-permanent skin colouring and cosmetic piercing are required to register with the Council.

3.2 The Council adopted model bylaws for the above processes in February 2007. The purposes of which were to secure:

- a) The cleanliness of the premises and fittings in such premises;
- b) The cleanliness of the person so registered and persons assisting persons so registered in their practice and;
- c) The cleansing and, so far as is appropriate, the sterilization of instruments, materials and equipment used in connection with the registered practices.

3.3 Currently Chichester charge a single fee of £87 for the registration of both the premises and practitioners in one single registration. The current fee structure is not compliant with the legislation which requires both the premises and person to be registered separately.

3.4 The current fee structure also does not suit the way these businesses operate and does not readily enable registration of individual practitioners who may move practices frequently, who rent rooms within a premises as independent self-employed practitioners, or practitioners who operate in multiple locations or visit people's homes.

3.5 It is also inconsistent with the approach adopted by our neighbouring authorities across Sussex. All other authorities charge a separate fee for (a) the business and (b) practitioners.

#### **4. Outcomes to be Achieved**

4.1 That proposed fees are deemed to be fair and reasonable, based on the “Open for business: LA Guidance” on locally set fees and which achieve recovery of the Council’s costs in administering and delivery of these discretionary services which are valued by local businesses.

#### **5. Proposal**

5.1 That the revised fee structure is introduced on 1 July 2022 which ensures the Skin Piercer registration scheme achieves cost recovery and will increase by inflation annually.

5.2 The proposal is to charge as below:

Premises registration	£180 per premises
Personal registration	£70 per person/practitioner
Administrative charge	£25

5.3 When an application is made, the registration cannot be withheld and once issued can only be removed by a Magistrate.

5.4 The fees and charges proposed are consistent with other Local Authority charges across West Sussex and take into account officer inspection time, travel time and administrative time.

5.5 Once registered there is no provision in the legislation to charge annually for a premises or person to re-register on a regular basis which is consistent with other registration processes across other Local Authorities. Compliance checks of premises will subsequently be carried out based on risk and following up any complaints or intelligence received. This work is reflected in the proposed fee.

#### **6. Alternatives Considered**

6.1 That fees remain in the current format and at the current level. This however does not comply with the current legislation and the full cost of administering the regulations would not be recovered resulting in the deficit being borne by the Council. It also prevents the separate registration of the premises and the practitioner which is a disadvantage to local practitioners.

#### **7. Resource and Legal Implications**

7.1 Skin Piercing Registration will continue to be administered from the existing staff resources within the Health Protection team.

7.2 There are no further legal implications.

#### **8. Consultation**

8.1 This matter was reported to Cabinet at its meeting on 1 March 2022 where it was resolved that Cabinet recommends the revised skin piercers registration fees and charges 2022-23 for approval by the General Licensing Committee.



- 8.2 All skin piercers currently registered with the Council have been advised by letter of the anticipated change to the registration fees and charges from 1 July 2022. On approval of the proposed fees, those currently registered will be given until 1 September 2022 to renew their registration with the Council at no additional charge as the Council has no authority to recharge businesses and practitioners already registered. The new charges will apply to new registrations from 1 July 2022.
- 8.3 All documentation, registration forms and the Council's website pages relating to skin piercers are in the process of being updated.

## 9. Community Impact and Corporate Risks

- 9.1 The proposed changes are to bring the fees in line with the purpose of the legislation and to ensure that both skin piercer premises and those trading as mobile skin piercers (i.e. have no fixed premises) are captured within the registration scheme. The change in charges may be a challenge for regulated businesses but ensuring all types of skin piercers are included within the scheme should be seen as a positive move and it will assist in ensuring a level playing field for all businesses.
- 9.2 Failure to approve suitable fee levels for all registrations will result in the Council's costs in administering the regime not being recovered.

## 10. Other Implications

Are there any implications for the following?		
	Yes	No
<b>Crime and Disorder</b> The change to the fees will ensure that those mobile skin piercers who do not have a premises to trade from are still captured by the registration scheme and are therefore regulated.	<b>X</b>	
<b>Biodiversity and Climate Change Mitigation</b>		<b>X</b>
<b>Human Rights and Equality Impact</b>		<b>X</b>
<b>Safeguarding and Early Help</b>		<b>X</b>
<b>General Data Protection Regulations (GDPR)</b>		<b>X</b>
<b>Health and Wellbeing</b>		<b>X</b>
<b>Other</b> (please specify)		<b>X</b>

## 11. Appendices

- 11.1 None

## 12. Background Papers

- 12.1 None

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