

Minutes of the meeting of the **General Licensing Committee** held in the Council Chamber, East Pallant House, East Pallant, Chichester on Wednesday 22 October 2014 at 9.30 a.m.

Members (15) (1 vacancy)

Mr J Ridd (Chairman)
Mr H Potter (Vice-Chairman)

Mr G A F Barrett
Mr P Budge
Mr J C P Connor
Mrs N Graves

Mr G V McAra
Mr S J Oakley
Mrs C Purnell
Anne Scicluna

Present (10)

Apologies

Mr T M E Dunn
Ms B Tinson

Officers Present for all or Specific Items

Mr N Bennett, Litigation Solicitor
Mr L Foord, Licensing Manager
Mr A Barson, Licensing Technician
Mrs K Jeram, Member Services Officer

7. Minutes

Resolved

that the Minutes of the General Licensing Committee meetings held on 11 June 2014 be approved and signed by the Chairman as a correct record.

8. Declarations of Interest

There were no declarations of interest in respect of items on the Agenda for the meeting.

9. Public Question Time

No public questions had been submitted.

10. Proposed Fees Policy for ‘Relevant Protected Sites’ under the Mobile Homes Act 2013

The Committee considered this report and an example of the fees proposed by a number of West Sussex local authorities that was circulated at the meeting (Copy attached to the official Minutes).

Mr Barson outlined the report which set out the amendments to the Caravan Sites and Control of Development Act 1960 as amended by the Mobile Homes Act 2013, which came into force on 1 April 2014. The amendments included powers for local authorities to charge fees, to cover their administration costs, for their licensing functions in respect of ‘Relevant Protected Sites’. The protected sites related to residential sites and not holiday sites. He advised that officers had joined the Pan Sussex officer group to find a consistent approach for the calculation of the fees and that the preferred approach was to base the fee on site size bandings based on the number of units per site. He referred to the fee calculations in appendix 1 to the report and advised that a local authority could not make a profit. The fees would be reviewed by officers and reported to the Committee after one year, and every three years thereafter, to ensure that costs were being recovered and that a profit was not being made. It was noted that the fees would not cover the costs of enforcement action. He referred to the requirement for site owners to deposit site rules with the local authority. The proposed implementation date of the new fee structure is 30 November 2014. The annual fee will be due on 31 January 2015 for existing sites and on the anniversary of grant for any new sites. The proposed fees policy will be published and site owners advised of the impending changes.

Officers responded to members’ questions. Mr Barson explained that with regard to the fairness of the proposed fees the guidance provided by the Department for Local Communities had set out a number of options and it was felt that the banding system would be the most appropriate and easiest way to segment the fees. There were certain fixed costs for each application such as travelling to the site to carry out an inspection and he advised that when carrying out a site inspection, officers would not necessarily inspect every single caravan. Mr Foord explained that the Council did not currently have an inspection regime in place. However, as a result of the new requirements officers would have to look carefully at how inspections would be resourced in future and he undertook to keep the Committee informed of the resource implications. Mr Barson advised that he would have to look into the issues that would be considered by the General Licensing Sub-Committee but appeals regarding site licence conditions would now be decided by the Residential Property Tribunal instead of the Magistrates Court. Officers confirmed the situation regarding West Sussex County Council operated sites and Gypsy and Traveller sites.

RESOLVED

- (a) That the proposed fees policy in respect of ‘Relevant Protected Sites’ set out within appendix A attached to the report be agreed; and
- (b) That officers in conjunction with the Head of Service be authorised to amend the calculation fees in response to the surplus or deficit. Any change to the fees policy itself must be approved by the General Licensing Committee.

11. Proposed Procedure for Immediate Suspension or Revocation of Drivers Licences

The Committee considered this report (Copy attached to the official Minutes).

Mr Foord reminded members of the Committee's decision at its previous meeting to recommend to Council the amendment of the Scheme of Delegation in the Council's Constitution with regard to decisions relating to immediate suspension or revocation of hackney carriage and private hire drivers' licences, following amendments to the Road Safety Act 2006.

He reported that Council, at its meeting on 23 July 2014, had approved the amendment to the Scheme of Delegation, following which officers had produced a procedure note, as detailed in Appendix A, setting out the key personnel involved in the process and the steps to be taken when considering issues that arose concerning licensed drivers.

A member commented that her view was that if there was *any doubt* concerning a driver's conduct their licence should be revoked, and if following investigation the driver was proved to be innocent, then they would be able to reapply for their licence. In response, Mr Foord advised that there were differing legal views as to whether Council's should seek a drivers' version of events, with some views being that a driver should be given the opportunity to have their say, whilst others were of the view that if someone was charged by the Police that should be enough to considering the revocation of a licence.

Mr Bennett provided an example of an alleged incident involving a licensed driver. He provided a timeline of the evolving information provided to officers from the Police to demonstrate how difficult it was for them to make decisions on whether a driver remained a fit and proper person. Mr Bennett emphasised that the information received could change on a daily sometimes almost hourly basis. He sought members' comments to see how they formed a view on hearing the initial evidence and if they changed their view on hearing the changing evidence based on the duty to protect the public. Mr Bennett made it clear that in the case of the Council revoking a licence before the conclusion of a criminal investigation is was not a form of pre-judgement and would therefore not prejudice such a case.

With regard to the delegation to the Chairman and Vice-Chairman, Mr Bennett advised that the Constitution included a provision that in their absence another General Licensing Committee member would be given authority to suspend or revoke a licence. It was agreed that the following note would be added to the proposed procedure "for clarification and as agreed by the General Licensing Committee by agreement of the Chairman another member may be nominated for such periods of absence"

RESOLVED

That the adoption of the proposed procedure set out within Appendix A to this report in respect of determining whether to suspend or revoke a drivers' licence with immediate effect as provided for under the powers given by the Road Safety Act 2006 be noted and agreed.

(The meeting ended at 11.05 am)

Chairman

Date