

LICENSING COMMITTEE

Minutes of the Meeting held on 11 March 2014 at 4.30 pm

Present:

Councillor D J Sanders Chairman
Councillor H J W Davies
Councillor E May
Councillor D J Westcott
Councillor A P Hadley
Councillor L W Smith

Also in Attendance:

Councillor K H Turner

Officers in Attendance:

Environmental Health and Licensing Manager (E Lake)
Licensing Officer (N Sambells)
Mendip Legal Representative (L Dolan)
Meeting Administrator (S Wilsher)

LEP14 Apologies for Absence

Apologies for absence were received from Cllrs M O A Dewdney, S Y Goss, P N Grierson and R P Lillis

LEP15 Minutes

(Minutes of the Meeting of the Licensing Committee held on 26 November 2013 – circulated with the Agenda).

RESOLVED that subject to “The Committee reconvened to consider the remainder of the report relating to the complaint, and the remaining items on the agenda” being moved from the middle of LEP11 on page 6 to the end of LEP11 at the top of page 7, the minutes of the Licensing Committee held on 26 November 2013, be confirmed as a correct record.

LEP16 Declarations of Interest

Members present at the meeting declared the following personal interests in their capacity as a Member of a County, Parish or Town Council:

Name	Minute No	Member of	Action Taken
Councillor H J W Davies	All	Somerset County Council	Spoke and voted

LEP17 Public Participation

No members of the public had requested to speak on any item on the agenda.

LEP18 Update on the Statement of Licensing Policy for West Somerset Council 2014-17

(Report No. WSC 36/14, circulated with the Agenda).

The purpose of the report was to request that Members review the responses to the consultation and approve the Statement of Licensing Policy 2014-2017.

The Environmental Health and Licensing Manager presented the report and advised that legislation required licensing authorities to review the Licensing Policy every three years rather than every five. Alterations and general updating were required. From 1 October 2013 a three-month consultation period on the Council's statement of Licensing Policy had commenced. Twelve responses had been received. A sub-committee of five Members had met on 4 February 2014 and reviewed all comments received. The draft policy had been amended accordingly and the Licensing Committee were requested to refer the revised draft statement to Council for approval.

During the discussion the following points were raised:

- Detailed reasons were expected in premises' operating schedules for seeking to allow any new entry to the premises after 1am (report no. 2.1.4) to prevent public nuisance.
- There were no set opening hours for licensed premises. Each premises applied for the operating hours that they wished for their own business.
- Businesses were required to pay their fees in a 'timely manner'. This meant that once a reminder letter was sent by the Licensing Authority the business had 28 days in which to pay the fees for their licensed premises.

RESOLVED (1) That Licensing Committee review the responses to the consultation and the amended Statement of Licensing Policy.

RESOLVED (2) That the Statement of Licensing Policy 2014-17 and the associated consultation report be recommended to Council for adoption.

LEP19 Update on Introduction of New Legislation and Review of Licensing Policies

(Report No. WSC 37/14, circulated with the Agenda).

The purpose of the report was to update Members on the implementation of the Mobile Homes Act 2013 and associated regulations, and on the schedule of reviews of licensing policies and workload of the licensing team.

The Environmental Health and Licensing Manager presented the report and advised that the Mobile Homes Act 2013 aimed to improve standards in the industry and the community, and introduced the power to charge fees. It was proposed that a fee structure was developed during the coming year, in accordance with fee guidance and in line with the cost of this licensing regime, for implementation from April 2015.

During the discussion the following points were raised:

- The Mobile Homes Act 2013 was aimed at residential rather than holiday caravan sites.
- It was known that there were two licensed permanent multiple residential caravan sites and seven permanent single residential sites in West Somerset.
- Residential sites meant that residents could live there for 12 months of the year.
- All caravan sites in West Somerset would be reviewed during 2014.
- Caravan sites could have more than one licence – may have both a residential licence and a holiday licence.
- West Somerset Licensing Authority would work with Taunton Deane Borough Council as they have more experience/knowledge in this area. The fee structure would be based on Taunton Deane's fee construction model used in the introduction of the Scrap Metal Dealers Act 2013.
- Planning permission would be required for sites to change from a 10-month occupancy condition to a 12-month occupancy.
- Breaches of time conditions would usually only come to light if a complaint was received.
- The impact of the Hinkley Point development would be looked at as part of the review.
- The 'Site Rules' of each site were required to be kept by the Licensing Authority.

With regard to the workload of officers, the Environmental Health and Licensing Manager reported that the delivery of licensing functions continued by the Environmental Health and Licensing Team, working closely with Taunton Deane Borough Council, particularly where new legislation/regulations were introduced.

RESOLVED (1) That the recent introduction of the Mobile Homes Act 2013 and associated regulations such as the Mobile Homes (Site Rules) (England) Regulations 2014 and the introduction of a fee policy for West Somerset Council be noted.

RESOLVED (2) That the schedule of review of licensing policies in appendix 1 and the workload tables in the appendix 2 of this report be noted.

The meeting closed at 5.06 pm.