

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Licensing Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Thursday, 13 October 2016
commencing at 2:30 pm**

Present:

Chair	Councillor R E Garnham
Vice Chair	Councillor Mrs J Greening

and Councillors:

Mrs K J Berry, Mrs G F Blackwell, Mrs J E Day, A J Evans, Mrs P A Godwin, Mrs R M Hatton,
A S Reece, H A E Turbyfield and P N Workman

LIC.11 ANNOUNCEMENTS

11.1 The evacuation procedure, as noted on the Agenda, was taken as read.

LIC.12 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

12.1 Apologies for absence were received from Councillors G J Bocking, R Furolo, Mrs A Hollaway and M J Williams. There were no substitutions for the meeting.

LIC.13 DECLARATIONS OF INTEREST

13.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

13.2 The following declarations were made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
Mrs R M Hatton	Item 5 – Mobile Homes and Caravan Sites Licensing Policy	Owner of a Caravan Club site for five touring holiday caravans.	Would speak and vote.
H A E Turbyfield	Item 5 – Mobile Homes and Caravans Sites Licensing Policy	Owner of a Caravan Club site for five touring holiday caravans.	Would speak and vote.

13.3 There were no further declarations made on this occasion.

LIC.14 MINUTES

14.1 The Minutes of the Licensing Sub-Committee (Licensing Act 2003 and Gambling

Act 2005) meetings held on 16 June and 1 September 2016; and the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meetings held on 16 June and 1 September 2016, copies of which had been circulated, were approved as correct records and signed by the Chair.

- 14.2 The Minutes of the Licensing Committee meeting held on 16 June 2016 were also approved as a correct record and signed by the Chair, subject to an amendment to Minute No. LIC.4.1 to state that Councillor Mrs K J Berry had given her apologies for the meeting.

LIC.15 MOBILE HOMES AND CARAVAN SITES LICENSING POLICY

- 15.1 Attention was drawn to the report of the Licensing and Systems Officer, circulated at Pages No. 21-65, which proposed a draft Mobile Homes and Caravan Sites Licensing Policy. Members were asked to approve the draft policy for a 12 week consultation with the public and relevant parties.
- 15.2 Members were advised that Tewkesbury Borough Council had responsibility for regulating mobile homes and caravan sites under the provisions of the Caravan Sites and Control of Development Act 1960, Caravan Sites Act 1968 and the Mobile Homes Act 2013. The 1960 Act had now been amended by the Mobile Homes Act 2013 which was introduced to provide greater protection to permanent occupiers of mobile home sites. The powers included the ability for local authorities to charge fees for their licensing functions in respect of relevant protected sites i.e. sites that were wholly or partially residential. Under the 2013 Act, there was an expectation that Councils would inspect sites annually and use the additional powers to ensure compliance with relevant site licence conditions. In addition, Councils could serve enforcement notices and publish any site rules relating to a site. In 2008, the Council had adopted Model Standards for residential caravan sites and approved standard conditions for residential caravan sites, both of which were included as appendices to the draft policy, attached at Appendix A to the report. The Council had also authorised Officers to take steps to impose new conditions, if approved, on some or all existing licensed residential caravan sites, particularly those at risk of flooding. Those resolutions were annexed to the draft policy which brought together all three documents into a single policy that would be easier to monitor going forward. Members noted that some elements were only applicable to residential sites, and others only to holiday sites, but both were covered within the policy. Due to the nature of the Environmental Health staffing structure, the fees structure had been based on a generic Officer charge of £25 per hour. The Finance department had indicated that this may be reviewed and adjusted slightly and the Committee was asked to consider whether it would be happy for the Chair and Vice-Chair to review the rate in such circumstances, or whether it should be brought back to the Committee. The Chair suggested that, if Members were minded to approve the draft policy for consultation, it should be subject to the Finance Officer amending the Officer charge to up to £40 per hour.
- 15.3 During the debate which ensued, a Member drew attention to Page No. 35, Section 3 'Roads, Gateways and Overhead Cables', which stated that 'roads shall be designed to provide adequate access for emergency vehicles and routes within the site for such vehicles must be kept clear of obstruction at all times'. She had noticed that the residential caravan sites within Cheltenham were not always numbered in a logical way and this could create difficulties for emergency vehicles or in a flood situation when vulnerable people needed to be identified and assisted. She questioned whether owners could be asked to make sure that their caravans were clearly numbered, or at least that clear directions were available. The Licensing and Systems Officer explained that this section was part of the Model Standards set out by the Government and the legalities of making amendments would need to be explored; it might be possible to change the conditions, as opposed to the Model Standards, although they were only applicable to residential

sites. In response to a query as to whether maps of caravan locations were available for the Fire Services, Members were advised that there should be a notice board on each site with a map included. Another Member suggested that, whenever sites were inspected, Officers should check there was a site map in place and that the numbering was clearly understood. A Member expressed the view that the issue of numbering should be addressed at the planning stage and the Licensing and Systems Officer clarified that the Caravan Sites and Control of Development Act 1960 was enforced by planning rather than licensing so that would be the most appropriate solution. In response to a query, the Legal Adviser explained that applicants were required to comply with any conditions included within a planning permission and failure to do so could ultimately result in prosecution through the Magistrates' Court.

15.4 A Member pointed out that the diagram explaining the separation distances between caravans, set out at Page No. 46 of the report, was illegible and requested that it be made larger for the consultation. The Licensing and Systems Officer undertook to ensure that it was amended when the draft policy was published on the Council's website. The Member went on to raise concern that the reliability of the Environment Agency's flood maps had recently been called into question in another arena and, with regard to Page No. 63, Section 17 'Flooding', she queried whether the site owner could also consult with Tewkesbury Borough Council to establish whether the site was at risk from flooding. The Licensing and Systems Officer confirmed that this could be amended to require consultation with the Council's Flood Risk Management Engineer. A Member suggested that it would be beneficial for local Members to be made aware of any new caravan sites within their areas and it was agreed that Ward Members would be informed of any caravan site licence applications.

15.5 Having considered the information provided, and views expressed, it was

RESOLVED

1. That the draft Mobile Homes and Caravan Sites Licensing Policy be **APPROVED** for a 12 week consultation with the public and relevant parties, subject to the Finance department amending the Officer charge to up to £40 per hour and any other changes being brought back to the Chair and Vice-Chair for consideration, and the following minor amendments:
 - Page No. 46 – Diagram explaining the separation distances between caravans to be made larger.
 - Page No. 63, Section 17 'Flooding' – Paragraph 17.1 to be amended to require site owners to consult with both the Environment Agency and Tewkesbury Borough Council's Flood Risk Engineer to establish whether the site was at risk from flooding.
2. That Ward Members be informed of any caravan site licence applications in their areas.

LIC.16 SEPARATE BUSINESS

16.1 On a proposal from the Chair, it was

RESOLVED

That, under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items

on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

LIC.17 SEPARATE MINUTES

17.1 The separate Minutes of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meetings held on 16 June and 1 September 2016 were approved as correct records and signed by the Chair.

The meeting closed at 2:50 pm