

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Licensing Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Thursday, 14 October 2021 commencing at
2:30 pm**

Present:

Chair	Councillor G J Bocking
Vice Chair	Councillor E J MacTiernan

and Councillors:

K Berliner, G F Blackwell, P A Godwin, D W Gray, J W Murphy, P W Ockelton, R J G Smith,
M G Sztymiak and M J Williams

LIC.9 ANNOUNCEMENTS

9.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

LIC.10 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

10.1 Apologies for absence were received from Councillors C Reid and C Softley. There were no substitutions for the meeting.

LIC.11 DECLARATIONS OF INTEREST

11.1 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.

11.2 There were no declarations of interest made on this occasion.

LIC.12 MINUTES

12.1 The Minutes of the meeting held on 15 July 2021, copies of which had been circulated, were approved as a correct record and signed by the Chair.

LIC.13 MOBILE HOMES AND CARAVAN SITES LICENSING POLICY 2021-24

13.1 Attention was drawn to the report of the Interim Environmental Health Manager, circulated at Pages No. 4-46, which attached the revised Mobile Homes and Caravan Sites Licensing Policy 2021-24. Members were asked to approve the policy.

13.2 The Interim Environmental Health Manager explained that legislative changes to the regulations required mobile home and caravan site owners or managers to be assessed as fit and proper persons and the Council's Mobile Homes and Caravan Sites Licensing Policy had been updated to reflect that. The draft revised policy had been considered by the Licensing Committee at its meeting on 18 February 2021 where it had been approved for public consultation. The consultation had ended on 13 October 2021 and no responses had been received. Members were

now asked to approve the policy as set out at Appendix 1 to the report.

- 13.3 A Member sought clarification of the definition of a fit and proper person in this context and was advised that applicants would be assessed in the same way as taxi and private hire drivers. A Disclosure and Barring Service (DBS) check would be required to ensure the applicant had no relevant convictions or claims against them and Officers would check the records held by the Council to see if any issues had been raised in relation to the applicant at any sites. A Member noted that the Council was required to set up and maintain a register of fit and proper persons to manage sites within its area and he questioned whether that was publicly available. He also drew attention to Page No. 13, Paragraph 32 of the policy, which stated that enforcement charges would be based on an hourly rate reflecting the costs of enforcement, plus any additional costs incurred, and he asked whether there was an established national hourly rate. In response, the Interim Environmental Health Manager clarified that licensing fees were always based on Officer time. Whilst the register had not yet been published, it was in the process of being set-up and would be available online.
- 13.4 A Member drew attention to Page No. 11, Paragraph 16 of the policy, which stated that a site could not be licensed unless planning permission had been granted. He indicated that he was aware of a site within his Ward, which was partially in Tewkesbury Borough and partially in Gloucester City, where parcels of land with caravans and mobile homes located on them were being sold off and he asked how the policy would come into play in that situation. The Interim Environmental Health Manager explained that it was a pre-requisite for a caravan site like that to have planning permission; however, Officers were aware of a number of sites which did not have planning permission or did not have a site licence. Once the policy had been approved, it was intended to put in place a programme to deal with those sites, as soon as resources allowed. With regard to Page No. 12, Paragraph 22 of the policy, the Member noted that all sites would be risk rated as high, medium or low risk and he queried whether high risk would apply to sites within the flood plain or whether the risk rating applied only to the management of the site. In response, the Interim Environmental Health Manager advised there were a number of aspects to the risk rating such as health and safety, fire risk etc.; flood plain was not something which was specifically considered in terms of this policy. The Member indicated that he was happy to support the policy but felt that it was dangerous for caravan sites to be located within Flood Zone 3 and he was aware of a site in Walham which was within that zone so he asked that consideration be given to that with the policy potentially being brought back for amendment on that basis.
- 13.5 A Member noted that Page No. 30, Paragraph 57 of the policy, required a “suitably qualified person for the purpose of carrying out work on electrical installations and appliances, including maintenance and inspections, includes a professionally qualified electrical engineer, a member of the Electrical Contractors Association, a contractor approved by the National Inspection Council for Electrical Installations Contracting, or a qualified person acting on behalf of the above”. He raised concern that the wrong terminology had been used in terms of the “qualified electrical engineer” and felt it should instead say “qualified electrical technician”. In response, the Interim Environmental Health Manager explained that this had been drafted based on standard requirements under the Electrical Installation Certificate (EIC) regulations; however, she would be happy to check that the wording was appropriate and make any changes as necessary.

13.6 It was subsequently

RESOLVED

1. That the revised Mobile Homes and Caravan Sites Licensing Policy 2021-24 be **APPROVED** subject to an amendment to Page No. 30, Paragraph 57 to change “qualified electrical engineer” to “qualified electrical technician” if that was found to be the appropriate wording.
2. That consideration be given to taking flood risk into account when assessing the risk rating of caravan and mobile home sites and that the policy be brought back to the Committee for further amendment on that basis if necessary.

LIC.14 COMMON LICENSING STANDARDS FOR TAXI AND PRIVATE HIRE LICENSING

- 14.1 The report of the Interim Licensing Team Leader, circulated at Pages No. 47-73, advised the Committee on the outcomes of the consultation on the Gloucestershire Common Licensing Standards for Taxi and Private Hire Licensing. Members were asked to adopt the common standards, as outlined at Appendix 1 to the report.
- 14.2 Members were reminded that the Department for Transport had published its statutory Taxi and Private Hire Vehicle Standards in July 2020 with a strong focus on protecting all passengers and users of taxi and private hire transport services. The statutory guidance made clear that the government expected the recommendations to be implemented unless there was a compelling local reason not to do so. In light of that, the licensing authorities across Gloucestershire had collectively undertaken a review of their hackney carriage and private hire licensing policies and procedures and had drawn up a set of proposed common licensing standards for the county based on the national guidance. This would mean there was no incentive for drivers to apply to one particular authority for a licence over another; the same fit and proper standard would apply irrespective of where drivers applied for their licence. It was noted that consultation had been undertaken in April 2021 and no responses had been received, therefore it was not proposed to make any changes to the proposed standards attached at Appendix 1 which Members were asked to adopt.
- 14.3 A Member queried whether there were any significant changes for Tewkesbury Borough Council and the Interim Licensing Team Leader confirmed that the previous policy had not been very long so the proposed common standards extended the document by around 30 pages. The statutory guidance had changed a number of things and the most significant changes included Tewkesbury Borough Council signing up to the national refusal database – this was an additional check which ensured that drivers applying to Tewkesbury Borough Council had not previously been refused a licence elsewhere - and a new English language requirement. A Member questioned whether the common standards had been adopted by the other Gloucestershire authorities and was informed that Tewkesbury Borough Council would be the last to adopt. A Member thanked everyone who had taken part in this piece of work as it was something Members of the Licensing Committee had wanted for some time and she was pleased there was now a robust document which could be relied upon.
- 14.4 It was
- RESOLVED** That the Gloucestershire Common Licensing Standards for Taxi and Private Hire Licensing be **ADOPTED**, as outlined at Appendix 1 to the report.

LIC.15 UPDATE ON THE LICENSING FUNCTION AND PROGRESS OF THE SERVICE REVIEW

- 15.1 Attention was drawn to the report of the Interim Environmental Health Manager, circulated at Pages No. 74-77, which provided an update on the progress of the service review which aimed to deliver an effective and responsive licensing service. Members were asked to consider the general update on the licensing function and the progress of the service review.
- 15.2 The Interim Environmental Health Manager advised that the Interim Licensing Team Leader had been with Tewkesbury Borough Council for three months which had made a huge difference to the progress of the licensing service review; there was still a long way to go but things were improving. There continued to be issues with long term sickness within the team and there would shortly be a vacancy arising for a permanent member of staff. The Interim Licensing Team Leader would be leaving at the end of the month a new Licensing Operations and Development Team Leader would be joining the authority on a fixed term one year contract from the end of November. It was noted that the review was now being monitored by the Corporate Programme Board to ensure progress was monitored regularly and any issues identified and resolved quickly.
- 15.3 A Member drew attention to Page No. 75, Paragraph 2.3 of the report which stated that requests for temporary events remained high and she asked how long Temporary Event Notices (TENs) were valid for. The Interim Environmental Health Manager confirmed that TENs related to a specific event and could apply for a number of occasions within a 12 month period depending on whether the venue was already a licensed premises. She explained that the number of occasions had been increased by the government recently to give more opportunities for people to hold events following the easing of COVID-19 restrictions. Another Member raised concern that the Licensing section was under-resourced and he felt this needed to be considered in order to feed into the budget for next year; even without the issues brought about by the pandemic it seemed that the department had been struggling. This view was shared by another Member who felt that the Licensing section had quite clearly been under-resourced for some time. He noted from the report that an Officer had been seconded from another authority and he asked which one that was. He raised concern that the introduction of online applications would involve a lot of administrative work which would put more pressure onto existing staff. He drew attention to Page No. 76, Paragraph 2.7 of the report, which stated that a shared service with another Council would be investigated as part of the review and he suggested that another authority may already have an IT system in place which could be utilised and he asked if that had been given any thought. In response, the Interim Environmental Health Manager advised that the secondment referenced in the report was the current Interim Licensing Team Leader who was from Cheltenham Borough Council which had already implemented online applications. She explained that every licensing authority was required to have its own system to be able to process licences so, in a shared service arrangement, there would be an option as to whether to retain a system in-house or to adopt the other authority's system but it would still be necessary to have an internal system and it was not possible to automatically use another authority's system. In terms of the delay in the delivery of online applications, she explained that the Licensing team had been working with the Business Transformation team and a series of meetings had been arranged to deliver this project; however, a number of issues had been identified with the back office system which would cause problems when moving online. The Interim Licensing Team Leader had been working to improve the back office to ensure the correct files were in place so there was a straightforward link to online applications which would prevent further delays later on.

15.4

It was

RESOLVED

That the update on the licensing function and the progress of the service review be **NOTED**.

The meeting closed at 3:00 pm