

### **AGENDA ITEM NO. 3**

Minutes of a meeting of the Licensing Committee held in the Council Chamber, Nutholt Lane, Ely on Wednesday 9 April 2014 at 9.30am.

#### **P R E S E N T**

Councillor Michael Allan (Chairman)  
Councillor Allen Alderson  
Councillor Sue Austen  
Councillor Lavinia Edwards  
Councillor Tony Goodge  
Councillor Lindsey Harris  
Councillor Chris Morris  
Councillor Tony Parramint  
Councillor Sue Willows

#### **I N A T T E N D A N C E**

Julia Atkins – Senior Environmental Health Officer (Domestic)  
Lin Bagwell – Licensing Officer (Enforcement)  
Maggie Camp – Senior Legal Assistant  
Liz Knox – Head of Environmental Services  
Adrian Scaites-Stokes –Democratic Services Officer  
Members of the public - 2

#### **36. APOLOGIES**

Apologies were received from Councillors John Palmer and Andy Wright.

#### **37. DECLARATIONS OF INTEREST**

There were no interests declared.

#### **38. MINUTES**

It was resolved:

That the Minutes of the Licensing Committee meeting held on 12 February 2014 be confirmed as a correct record and be signed by the Chairman.

#### **39. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

##### **Consultation on the Scrap Metal Dealers Policy**

East Cambridgeshire District Council's Draft Statement of Policy and Guidelines for the Consideration of Scrap Metal Dealers Site and Collectors Licences was brought to Licensing Committee on 12<sup>th</sup> February 2014. Minor corrections were addressed and consultation with the Trade commenced. All current licenced scrap metals sites and collectors within East Cambs were contacted, in addition to the British Metals Recycling Association, to advise of the existence of the draft policy and how copies could be accessed.

Consultation on the Policy closed at 1600 hours on Monday 7<sup>th</sup> April and no comments were received. Therefore the Policy would now be adopted.

#### Scrap Metal Dealer Licences

We had not yet received a response from Richard Ottoway, Member of Parliament, or Councillor Mehboob Khan, Chair of Local Government Association's Safer and Stronger Community Board, regarding this issue raised by Licensing Committee, regarding the requirement under Section 2(5) of the Scrap Metal Dealers Act 2013 for persons carrying on a business as a mobile scrap metal collector to obtain a licence from each local authority area they collect in. As soon as a response was received Members would be informed.

#### Sub-Committee Hearing

Members were reminded that a Licensing Sub-Committee Hearing was due after this meeting. So Members not involved in the Hearing were asked to vacate the Chamber in reasonable time, to allow time to prepare for the Hearing.

#### Committee meeting 21<sup>st</sup> May 2014

The Committee were reminded that the Committee meeting originally scheduled for 21<sup>st</sup> May had been cancelled. The Head of Environmental Services offered to send round a list of the items for a potential June meeting.

#### 40. **MOBILE HOMES ACT 2013**

The Licensing Committee considered a report, (N259) previously circulated, proposing to implement the Mobile Homes Act 2013 and the Park Homes Fees Policy.

The Senior Environmental Health Officer (Domestic Team) advised the Committee of a couple of minor amendments to the report. Under paragraph 3.8 the words "agree to" should be inserted between "If the Council does not" and "adopt a Fees Policy", and the words "was brought to Committee" should replace the words "is implemented".

The Committee were advised that the Policy related to permanent mobile home sites. The new Act gave officers the powers to serve compliance notices on owners of those sites if they were deemed not up to standard. A fee was an option under the new Act and it was recommended to introduce reasonable fees through a Fees Policy. The district had nine sites each with more than five pitches. Some were large sites which tended to be well maintained. There were also some medium sized sites, which required more monitoring, and fifty eight smaller sites, usually occupied by single families.

The Council was working with the owners to help improve their sites. The owners could pass on the fees introduced to their tenants, but this was expected to be at a minimal level. For very small sites it was not deemed reasonable to charge inspection fees.

A consultation period of four weeks was proposed, as it would be for a targeted audience only and needed to be implemented quickly to comply with the legislation.

In response to Councillor Michael Allan's query it was revealed that mobile homes and caravans came under the same legislation.

Councillor Lindsey Harris wanted clarification over the length of time a single caravan could be stationed on land where a site licence would not be required. The Senior Environmental Health Officer (Domestic Team) would check the legislation to clarify this.

Councillor Tony Parramint questioned whether the Council owned sites, such as those for travellers, would be covered by this legislation. The Committee were advised that this was not the case.

Councillor Allen Alderson asked a number of questions relating to mobile home site tenants, their occupation during the year and the effect on payment of council tax. The Committee was informed that the Policy being considered only related to the sites themselves and was not directed at the tenants. The owner of the site would have to apply for a licence, to which the Policy referred, but payment of council tax by tenants was a different matter.

The Senior Environmental Health Officer (Domestic Team) further clarified, following Councillor Tony Goodge's query, that the policy only related to mobile home sites whether they had tenants or not.

It was also resolved:

- (i) That the new statutory local authority powers in the Mobile Homes Act 2013 be noted;
- (ii) That the terms of reference of the Licensing Committee be amended to include the new functions introduced by the Mobile Homes Act 2013;
- (iii) That a public consultation of 4 weeks on the draft Park Homes Fees Policy and the level of fees be agreed and that a report be brought back to Licensing Committee for consideration;
- (iv) That the Head of Environmental Services and relevant Environmental Services Officers be authorised to exercise the functions introduced by the Mobile Homes Act 2013.

#### 41. **MINUTES**

The minutes of the Taxi Licensing Sub-Committee of 12<sup>th</sup> February 2014 were noted.

42. **EXCLUSION OF THE PUBLIC INCLUDING REPRESENTATIVES OF THE PRESS**

It was resolved:

That the press and public be excluded during the consideration of the remaining items no. 8 because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item there would be disclosure to them of exempt information of Categories 1, 2 and 5 Part I Schedule 12A to the Local Government Act 1972 (as Amended).

43. **EXEMPT MINUTES**

The minutes of the Taxi Licensing Sub-Committee of 12<sup>th</sup> February 2014 were noted.

Councillor Tony Parramint, although not present at that meeting, was concerned about the way the Licensing Officer had been abused when dealing with this case. The Council not only had a duty to protect the public but Members also should protect Council officers. It was disappointing that the person in question, although not complying as that person should have, was still allowed to continue trading.

Councillor Tony Goodge did not think it was appropriate for any Member not at the meeting to make comments about it. The Sub-Committee had made its decision at that time and this should not be open to comments.

The meeting concluded at 9:55am.