

## CHILTERN DISTRICT COUNCIL

### MINUTES of the Meeting of the LICENSING & REGULATION COMMITTEE held on 1 MAY 2014

**PRESENT:** Councillor M Vivis - Vice Chairman

Councillors: Mrs J A Burton  
D J Lacey  
D G Meacock  
M Prince  
H A Trevette  
J F Warder  
A P Williams

**APOLOGIES FOR ABSENCE** were received from Councillors P N Shepherd, N L Brown, G K Harris, P M Jones, J J Rush, C H Spruytenburg and N Stewert

#### 16 MINUTES

The Minutes of the meeting held on 13 February 2014, copies of which had been previously circulated, were agreed by the Committee and signed by the Chairman as a correct record.

#### 17 DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 18 MOBILE HOMES FEES POLICY

A report regarding the Mobile Homes Act 2013 was presented to the Committee at the meeting held on 13 February 2012. The Council had agreed that no fees would be charged in the first year. However, since that decision further guidance and clarification had been received which impacted on the appropriate timescales for setting and charging fees. As such, the Committee were asked to consider and adopt the draft Fees Policy for Mobile Homes Sites.

It was clarified that the annual fee for site licences was due annually on 1 June, but was due on 1 September for the first year only. The first paragraph of section 5 (Existing Site Licences) of the policy would be amended to make this clear.

It was suggested that the policy be reviewed each year to ensure that the licensing fees were reasonable. It was noted that once the fees had been set operators could only increase them in line with inflation. The Council could also recover the following year any loss incurred in the current year arising from administering the process. It was requested that this be emphasised in

the policy. The intension was to have a harmonised policy for both Chiltern and South Bucks District Councils.

In response to a suggestion, proposing an alternative charging structure based on the number of mobile home sites, it was noted that the Council could not charge a fee for sites with fewer than 5 pitches, or sites that were not run as businesses. This was in line with guidance. There were only a small number of sites with fewer than 5 pitches and the cost of administration was not significant.

There was concern that some groups may feel victimised as a result of the charging structure. It was advised that site owners would be asked for feedback on the proposed fees. The intention of the legislation was to ensure that sites were managed properly to protect pitch owners and prevent rogue site owners.

### **RESOLVED –**

- 1. That the updated guidance regarding local authority powers to charge administration and monitoring fees in respect of the Mobile Homes Act 2013 be noted.**
- 2. That the comments from the four week consultation of the draft Mobile Homes Fees Policy be noted by the Head of Health and Housing and Chairman of the Committee prior to the Policy being finalised.**
- 3. That the draft Mobile Homes Fees Policy be amended, as detailed above, prior to the consultation.**

## **19 ANNUAL LICENSING AND ENFORCEMENT REPORT 2014**

The Committee received the annual licensing and enforcement report which provided a summary of licencing and enforcement activities for the period 1 April 2013 to 31 March 2014.

In response to a question it was confirmed that the Council had a Street Trading Policy. This restricted the number of street collectors that could operate in a given locality. The Committee requested a briefing note to be circulated to Members to provide further information on street trading.

A number of Members asked for clarification on the medical checks in place for taxi drivers. Applicants renewing or applying for a new taxi licence were required to undertake the same medical checks used a class 1 HGV licence. This included a stress test and checks for a range of illnesses including diabetes and heart problems. The Council could refuse licences as a result of information received from medical reports. Currently applicants could nominate their own GP to perform a medical. It was suggested that in future

the Council should appoint an independent GP to perform medical checks on applicants.

It was noted that the Scrap Metals Act which provided new powers to check records had been implemented successfully. The Council would work with the relevant agencies to reduce metal theft.

**RESOLVED –**

- 1. That the Annual Licensing and Enforcement Report 2014 be noted.**
- 2. That a report on medical checks for applications for taxi licences be considered at a future meeting.**

**20 CONSULTATION ON SECONDARY LEGISLATION FOR THE SETTING OF FEES LOCALLY IN CONNECTION WITH THE LICENSING ACT 2003**

The Government had consulted Councils on proposals regarding the introduction of some locally set licensing fees. The consultation closed on 10 April 2014. Due to the timing of the consultation officers had submitted a response and this was considered by the Committee. The Council's response recommended that fees should be based on factors which increased the administrative costs associated with licensing rather than a premise's level of business rates. This included factors such as alcohol and late night opening hours. It was considered that licensing fees should cover the administration costs only. The Council did not current recover the costs associated with licensing premises.

There was a discussion and during which the following key points were made:

- That increasing licensing fees would make it harder for businesses to operate.
- That licensing fees should take into account the level of administrative work associated with particular premises.
- That licensing fees should be linked to business income rather than business rates.

**RESOLVED –**

**That the consultation response be noted.**

**The meeting ended at 7.19 pm**