

LICENSING COMMITTEE
21 FEBRUARY 2024

Minutes of the Licensing Committee of Flintshire County Council held as a remote attendance meeting on Wednesday, 21 February 2024

PRESENT: Councillor Rosetta Dolphin (Chair)

Councillors: Glyn Banks, Marion Bateman, Geoff Collett, Rob Davies, Mared Eastwood, Richard Lloyd, Gina Maddison, Carolyn Preece and David Richardson

APOLOGIES: Councillors Linda Thomas and Ryan McKeown

ALSO PRESENT: Councillor Sam Swash, Councillor Alasdair Ibbotson, and Gill Murgatroyd (attended as observers)

Applicant

CONTRIBUTORS: Community and Business Protection Manager, Licensing Team Manager, Environmental Health Officers. Solicitor and Michael Rudd, Barrister.

IN ATTENDANCE: Democratic Services Officer

Prior to the start of the meeting the Chair welcomed and introduced Gill Murgatroyd, Independent Member of the Standards Committee, to the meeting as an observer.

7. DECLARATIONS OF INTEREST

None.

8. MINUTES

The minutes of the meeting held on 4 October 2023 were approved, as moved and seconded by Councillors Richard Lloyd and Geoff Collett.

RESOLVED:

That the minutes of 4 October 2023 be approved as a correct record.

9. MANDATORY LICENSING SCHEME FOR SPECIAL PROCEDURES

The Community and Business Protection Manager introduced the report To provide Members with an update regarding the forthcoming requirements for the Mandatory Licensing of Special Procedures. She provided background information and referred to the main considerations as detailed in the report.

The Community and Business Protection Manager referred to the consultation which had already been undertaken and advised that the next, and final consultation from 12 February 2024 until 8 April 2024. would give stakeholders the opportunity to review the draft regulations.

Officers responded to the questions raised by Councillor Gina Maddison and Councillor Carolyn Preece about the requirement that practitioners will need to demonstrate their competence to undertake procedures through obtaining the new regulated Level 2 award in Infection Prevention and Control for Special Procedure Practitioners.

Councillor Geoff Collett proposed that a written request be sent to the Welsh Government to ask that funding be provided to the Authority to assist with the cost of the new licensing scheme for 'Special Procedures'.

The recommendation in the report was moved by Councillor Carolyn Preece and seconded by Councillor Marion Bateman.

RESOLVED:

That the Committee notes the contents of the report and awaits further information and guidance from the Welsh Government.

10. RESIDENTIAL MOBILE HOME LICENSING HEARINGS PROCEDURE

The Community and Business Protection Manager presented a report for Members to consider and adopt the Residential Mobile Homes Licensing Hearings Procedure. She provided background information and referred to the main points as detailed in the report.

Councillor Richard Lloyd suggested that where appropriate a site visit be arranged prior to hearings for applications.

The Solicitor highlighted a duplication of text in paragraphs 25 and 26 of the Residential Mobile Home Licensing Hearings Procedure which was appended to the report. It was agreed that the duplication within paragraph 26 would be deleted.

The recommendation in the report was moved by Councillor Ted Palmer and seconded by Councillor Carolyn Preece.

RESOLVED:

That the procedure for Licensing Committee when considering applications arising from the Mobile Homes (Wales) Act 2013 be approved.

11. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - TO CONSIDER THE EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That the press and public be excluded from the meeting for the following item as this was considered to be exempt by virtue of Paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

The report contains details which identifies a particular individual. The public interest in withholding the information outweighs the public interest in disclosing it.

12. APPLICATION FOR A RESIDENTIAL MOBILE HOME SITE LICENCE

The Committee was asked to consider and determine an application for a Residential Mobile Home Site Licence. Members were also asked to consider whether any additional measures were necessary if the licence was granted.

RESOLVED

Having considered the application made on 21st September 2023 for a caravan site licence pursuant to the Mobile Homes (Wales) Act 2013 for land at Millstone Park, Hawarden Road, Penyffordd, Chester, CH4 0JF, the Committee unanimously resolved as follows:

1. To grant a caravan site licence pursuant to s.7 of the Mobile Homes (Wales) Act 2013 for a period of 5 years from the date of this decision;
2. That the licence should be granted pursuant to the following conditions:
 - a. That the maximum number of caravans that can be placed on the Site is 11;
 - b. The conditions set out in the Model Standards 2008 for Caravan Sites in Wales (July 2009);
 - c. An additional condition as follows:
 - i. Within 28 days the Licence holder to provide a detailed written document setting out a process for residents of the Site to report defects to the Site Manager, which is to include service standards, to both the Licensing Authority and all residents of the Site.
3. The Committee raised some concerns with regards to the current Fire Risk Assessment and matters raised by the North Wales Fire and Rescue Service in their letter dated 8th August 2023 and an Officer of the Council is required to attend the Site within three months of this decision to ensure that all of the concerns raised have been addressed and to ensure compliance with all conditions contained in the caravan site licence. The Site Manager and owner is reminded of the statutory powers available to the Licensing

Authority to issue a compliance notice for breach of condition and the power to revoke a licence where appropriate circumstances arise.

4. The Applicant is reminded of the statutory right of appeal contained at s.12 of the 2013 Act against conditions imposed upon a caravan site licence, which must be exercised within 28 days of the decision to grant a licence subject to conditions.

13. MEMBERS OF THE PRESS IN ATTENDANCE

None.

(The meeting started at 10.00 am and ended at 13.30 pm)

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Chair