



Minutes of a meeting of the Licensing Committee held in the Council Chamber at The Grange, Nutholt Lane, Ely on Wednesday, 4th October 2021 at 9:30am.

PRESENT

Cllr Julia Huffer (Chairman)
Cllr Jo Webber (Vice-Chairman)
Cllr Sue Austen
Cllr Lavinia Edwards
Cllr Simon Harries
Cllr Bill Hunt (as a Substitute Member)
Cllr Mark Inskip
Cllr Alec Jones
Cllr Alan Sharp
Cllr Lisa Stubbs (as a Substitute Member)
Cllr John Trapp (as a Substitute Member)

OFFICERS

Stewart Broome – Senior Licensing Officer
Maggie Camp – Legal Services Manager and Monitoring Officer
Liz Knox – Environmental Services Manager
Tracy Couper – Democratic Services Manager
Angela Tyrrell – Senior Legal Assistant
Russell Wignall – Legal Assistant

5. **APOLOGIES**

Apologies were received from Councillors Christine Ambrose-Smith, David Ambrose-Smith, and Gareth Wilson.

6. **DECLARATIONS OF INTEREST**

No declarations of interests were made.

7. **MINUTES**

The Minutes of the meeting of the Committee held on 11 November 2020 were received. A Member queried whether the Minutes of the meeting of the Committee held after the Annual Council meeting on 29 April 2021 also should have been included on the Agenda and the Democratic Services Manager confirmed that this should have been the case.

It was resolved:

That the Minutes of the Licensing Committee meeting held on 11th November 2020 be confirmed as a correct record and be signed by the Chairman.

8. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made no announcements.

9. **GAMBLING ACT 2005 STATEMENT OF LICENSING PRINCIPLES – THREE YEAR REVIEW**

The Committee considered a report, W68 previously circulated, that contained the revised version of the Council's Gambling Act 2005 - Statement of Principles for Licensing.

The Senior Licensing Officer informed the Committee that formal consultation on the draft Statement of Licensing Principles took place between 15 July and 27 August 2021. No consultee responses were received.

A Member highlighted a correction required to paragraph 27.2 of the Statement of Principles to refer to the Disclosure and Barring Service (DBS) rather than the Criminal Records Bureau (CRB). In response to a further question by a Member, the Senior Licensing Officer explained the various consultees listed in Annex A.

It was resolved to RECOMMEND TO COUNCIL:

That Council approve the Gambling Act 2005 - Statement of Principles for Licensing for adoption to come into effect on 31 January 2022 following a period of publication to be not less than 28 days.

10. **THE MOBILE HOMES (REQUIREMENT FOR MANAGER OF SITE TO BE FIT AND PROPER PERSON) (ENGLAND) REGULATIONS 2020**

The Committee considered a report, W69 previously circulated, containing the draft Determination Policy and draft Fee Policy for implementation of The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.

The Environmental Services Manager stated that there were 10 sites in the East Cambridgeshire area and explained the background to the legislation and draft Policies. This was a statutory process, but the Council had discretion on whether or not to charge an administration fee and this could only be set to include reasonable costs. A fee of £230 was proposed, which was considered reasonable.

Members welcomed the new legislative process which they considered important to ensure site managers were fit and proper persons, in the light of complaints from residents regarding the management of sites in the past. Members asked about the process for assessing applications and the possible revocation process. The Environmental Services Manager stated that the officers involved had extensive experience in these areas and also could gain good practice guidance and advice from the national forum on this issue that they were members of. In response to other questions by Members, the Environmental Services Manager agreed to confirm whether revocation would be a matter delegated to officers or for a Licensing Sub-Committee to determine and whether

site managers had an obligation to advise the Council immediately of any changes in circumstances, such as convictions.

Members commented that the Council needed to be proactive in ensuring good management of sites, since there had been cases of improper practices in the past and residents had feared or experienced harassment for reporting these. In response, the Environmental Services Manager confirmed that such complaints were dealt with on an anonymous basis, although owners/managers may make their own assumptions as to where these had originated.

Questions were raised regarding the issue of ownership/management by persons resident outside of the UK referred to in 3.1(b) of the Determination Policy, and it was confirmed that this could be a reason for failure of the fit and proper person test, if it was considered that the site could not be managed effectively. In response to a further question by a Member, the Environmental Services Manager stated that the Council could step in to manage a site, if it was not being effectively managed.

Members requested that an update report on implementation of the Regulations and Policies be submitted to the Committee in 6 months time.

It was resolved:

1. That the new statutory local authority powers in The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 be noted.
2. That approval be given to the adoption of:
 - i) The East Cambridgeshire District Council Fit and Proper Person Determination Policy for Mobile Homes and Caravan Sites 2021; and
 - ii) The East Cambridgeshire District Council Fit and Proper Person Fee Policy for Mobile Home and Caravan Sites 2021; and
 - iii) Both policies take effect from 4th October 2021.
3. That the terms of reference of the Licensing Committee be amended to include the new functions introduced by The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.
4. That authority be delegated to the Monitoring Officer to make the necessary changes to the Constitution to give authority to the Environmental Services Manager to exercise the functions introduced by The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.
5. That an update report on implementation of the Regulations and Policies be submitted to the Committee in 6 months.

11. **SENIOR LICENSING OFFICER UPDATE**

The Committee considered a verbal report that updated Members on the work of officers within the Licensing Department.

The Senior Licensing Officer reported that there had been a 3-4% reduction in the number of Taxi Drivers as a result of the pandemic.

12. **FORWARD AGENDA PLAN**

The Committee considered its Forward Agenda Plan.

The Senior Licensing Officer stated that the following items would be submitted to the November meeting of the Committee, in addition to those already on the Agenda Plan and the Minutes of the of the meetings of Committee held after the Annual Council meeting on 29 April 2021 and this meeting:

- Annual Fees Review
- Street Trading Policy Review

The meeting concluded at 10:10am.

Chairman:.....

Date: 10 November 2021