

## **LICENSING COMMITTEE**

**13 MAY 2015**

Minutes of the meeting of the Licensing Committee of Flintshire County Council held at Delyn Committee Room, County Hall, Mold CH7 6NA on Wednesday, 13 May 2015

**PRESENT: Councillor Tony Sharps (Chairman)**

Councillors Glyn Banks, David Cox, Paul Cunningham, Alan Diskin, Rosetta Dolphin, Brian Dunn, Jim Falshaw, Brian Lloyd, Hilary McGuill and Mike Reece

**IN ATTENDANCE:**

Solicitor, Licensing Officer, and Committee Officer

**1. APPOINTMENT OF CHAIR**

Nominations were sought for a Chairman of the Committee. Councillor Paul Cunningham nominated Councillor Tony Sharps and this was duly seconded by Councillor Mike Reece. No further nominations were received. On being put to the vote the nomination was unanimously carried.

**RESOLVED:**

That Councillor Tony Sharps be appointed Chairman of the Licensing Committee.

**2. APPOINTMENT OF VICE-CHAIR**

Nominations were sought for a Vice-Chair of the Committee. Councillor Paul Cunningham nominated Councillor David Cox and this was duly seconded. No further nominations were received. On being put to the vote the nomination was unanimously carried.

**RESOLVED:**

That Councillor David Cox be appointed Vice-Chairman of the Licensing Committee.

**3. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

No declarations of interest were made.

**4. MINUTES**

The minutes of the meeting of the Committee held on 3 July 2014 were submitted.

**RESOLVED:**

That the minutes be approved as a correct record and signed by the Chairman.

## **5. MOBILE HOMES (WALES) ACT 2013**

The Licensing Officer introduced the report on the new legislation and to inform Members of the arrangements for the approval of licence applications.

The Licensing Officer provided background information and advised the Act required all residential mobile home parks to be relicensed by the Local Authority. It also introduced changes to the procedures for applying for a site licence, including a 'fit and proper person' test for owners and managers.

Referring to the introduction of a 'fit and proper person' test, the Licensing Officer explained that it had been agreed by Cabinet that any application for a site licence where the fitness and propriety of the applicant was questioned would be referred to and determined by a Licensing Sub-Committee. In order to make their decision, the Sub Committee would be provided with information in relation to the applicant's criminal records and any information Environmental Health felt was appropriate to disclose.

In response to a question raised by the Chairman concerning the fee for the site licence, the Licence Officer advised that this was currently under consultation and Members would be notified of the outcome in due course.

During discussion Members raised a number of queries around the 'fit and proper person test'. The Licensing Officer explained that the Criminal Records Bureau disclosure was part of the compliance checks but information and intelligence would be sought from additional sources in relation to the applicant as appropriate.

In response to the further concerns raised by Members in relation to site owners and the appointment of a site manager, the Licencing Officer explained that the new legislation provided a range of enforcement provisions for the Local Authority and a longer five year licence. He commented that the Authority would take appropriate action on any concerns raised during the licence period.

### **RESOLVED:**

That the report be noted.

## **6. CHANGES TO THE PRIVATE HIRE VEHICLE SPECIFICATION**

The Licensing Officer introduced the report on approving changes to the Private Hire Vehicle Specification.

The Licensing Officer provided background information and advised that due to a discrepancy between the Private Hire Vehicle Specification and the Conditions of Licence confusion had arisen which had resulted in some nominated testing stations measuring across the back seat of a vehicle as a whole and ensuring each passenger had 400mm or more if the length was divided into three, and some measuring between the seat belt anchorages which resulted in the 'narrowest' part of the seat often being too small to comply. It was proposed therefore that the wording 'at the narrowest point' be removed from the Private Hire Vehicle Specification and the wording of the condition be amended

to reflect the wording of the Private Hire Vehicle Conditions. This would ensure that all nominated testing stations measured the rear seat as a whole and divided the measurement by three to ensure that all passengers had the comfort of 400mm seat width per person.

In response to the questions and concerns put forward by Members the Licensing Officer explained that the Conditions of Licence stated that the minimum acceptable width of seat section per person was 400mm. If the Committee approved the proposal to amend the wording of the Specification the advisory pack which would be provided to testing stations in the future would provide clarification that the overall width of the back seat when divided by three gives 400mm per person.

During discussion Councillor Hilary McGuill proposed that the recommendation as detailed in the report be approved. The proposal was duly seconded and agreed by the Committee.

**RESOLVED:**

That the wording in number 2 of the Private Hire Vehicle Specification be changed to read 'The minimum acceptable width of seat section per person is 400mm'.

**7. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE**

There were no members of the press or public in attendance.

(The meeting started at 10.00 am and ended at 10.35 am)

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**Chairman**