

LICENSING COMMITTEE
4 OCTOBER 2023

Minutes of the Licensing Committee of Flintshire County Council held as a remote attendance meeting on Wednesday, 4 October 2023

PRESENT: Councillor Rosetta Dolphin (Chair)
Councillors: Geoff Collett, Rob Davies, Mared Eastwood, Richard Lloyd, Gina Maddison, Carolyn Preece and David Richardson

APOLOGIES: Councillor Marion Bateman and Glyn Banks

SUBSTITUTE: Councillor: Ted Palmer (for Ryan McKeown)

ALSO PRESENT: Councillors Sam Swash and Alasdair Ibbotson attended as observers

CONTRIBUTORS: Community and Business Protection Manager, Team Manager (Licensing & Pest Control) and Solicitor

IN ATTENDANCE: Democratic Services Officers

1. **APPOINTMENT OF VICE CHAIR**

The Chair sought nominations for the position of Vice-Chair of the Committee. Councillor Ted Palmer's nomination for Councillor Carolyn Preece was seconded by Councillor Richard Lloyd.

Councillor Rob Davies nominated Councillor Marion Bateman but as she was not present at the meeting, it was advised that this nomination could not proceed.

On being put to the vote, the nomination for Councillor Carolyn Preece was carried.

RESOLVED:

That Councillor Carolyn Preece be appointed as Vice-Chair of the Committee.

2. **DECLARATIONS OF INTEREST**

None.

3. **MINUTES**

The minutes of the meeting held on 1 March 2023 were approved, as moved and seconded by Councillors Richard Lloyd and Carolyn Preece.

RESOLVED:

That the minutes of 1 March 2023 be approved as a correct record.

4. MANDATORY LICENSING SCHEME FOR SPECIAL PROCEDURES

The Community and Business Protection Manager presented the report which outlined the implications of forthcoming requirements for the Mandatory Licensing of Special Procedures.

It was explained that a new licensing scheme for 'Special Procedures' including tattooing, semi-permanent skin colouring, cosmetic piercing, acupuncture, dry needling and electrolysis would be introduced by Welsh Government (WG) around June 2024 under Part 4 of the Public Health (Wales) Act 2017. The main requirements were set out in the report including the need for a sub-committee to determine licence applications on which training would be provided. Following consultation currently being undertaken by WG, a report on the outcome would be shared with the Committee.

In response to questions from Councillor Richard Lloyd, the Community and Business Protection Manager spoke about plans to create an online register. She also provided clarification to queries on age restrictions.

Councillor Carolyn Preece asked if businesses were required to display their approvals similar to food hygiene businesses, which was confirmed.

The recommendation in the report was moved and seconded by Councillors Mared Eastwood and Richard Lloyd.

RESOLVED:

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

5. RESIDENTIAL MOBILE HOME LICENSING

The Community and Business Protection Manager presented a report outlining requirements placed upon the Licensing Committee following the Notice of Motion entitled 'Ensuring Accountability in Flintshire's Residential Mobile Home Licensing' that was proposed by Councillor Sam Swash and supported at the County Council meeting in June 2023.

Attention was drawn to the requirements of the Mobile Homes (Wales) Act 2013 which reflected residential mobile home parks and not seasonal holiday parks. The implications of the changes, as set out in the report, would place greater demands on the Licensing Committee as decisions were currently taken by officers through delegated authority. If a new policy was to be adopted, training would be provided to enable the Committee to undertake the new requirements. Following legal advice received on paragraph 1.03, a

supplementary paper was shared prior to the meeting in which Members were asked to consider their preferences on the determination process as below:

- i. All applications and variations are considered by Licensing Committee.
- ii. All applications and variations are considered by a sub-committee of the Licensing Committee.
- iii. Applications and variations are 'called in' to Licensing Committee.
- iv. Applications and variations are 'called in' to a sub-committee of the Licensing Committee.

Councillor Rob Davies said that consideration by a sub-committee was his preferred option to avoid the need for the full committee to be convened.

Councillor Ted Palmer felt that the full committee should be given responsibility to deal with these applications.

Councillor Mared Eastwood spoke in support of the sub-committee being given the responsibility for practical reasons, due to the timing of issuing site licences.

In response to questions, the Community and Business Protection Manager commented that prior to the Notice of Motion, applications were dealt with by officer delegated authority. As requested by Councillor Swash during discussion on the matter at the County Council meeting, any new application would be subject to consultation with the local Member and site residents during this transition period and the development of the new policy. Furthermore, she clarified that delegated authority would apply if there were no adverse responses but would be referred to committee if responses were received.

The Team Manager (Licensing & Pest Control) provided an overview of current arrangements for officer delegation and committee consideration in respect of other licensing functions.

Councillor Richard Lloyd agreed with Councillor Palmer that determination should be by the full committee. In response to queries, the Community and Business Protection Manager agreed to circulate the list of regulated sites following the meeting.

Councillor Carolyn Preece also supported the option for full committee determination due to the importance of the issue.

In response to a question from the Chair, officers explained it would be beneficial for all Members of the Committee to be trained to make such determinations to safeguard the Council against legal challenge.

The Chair said that if Members agreed that the full committee should consider applications then special meetings may be required due to the infrequency of scheduled meetings.

As the proposer of the Notice of Motion, Councillor Swash was invited to speak on the changes which would enable residents and local Members to make representations. He spoke in support of the full Licensing Committee being the decision-maker on applications, as reflected in the Notice of Motion.

On being put to the vote, option (i) was supported, meaning that all applications and variations should be considered by Licensing Committee. This preference would be conveyed to the Constitution & Democratic Services Committee when it considered the report.

The Chair urged all Members of the Committee to attend the training session which had been arranged for Monday 4 December 2023.

Councillor Ted Palmer asked if non-committee members were able to attend the training to enable them to substitute at meetings if needed. The Community and Business Protection Manager agreed to seek advice on this and circulate the response by email.

The recommendations were moved by Councillor Ted Palmer and seconded by Councillor Carolyn Preece.

RESOLVED:

- (a) That the Committee notes the contents of the report;
- (b) That Members commit to undertake training to enable them to determine licence applications with respect to the Mobile Homes (Wales) Act 2013; and
- (c) That the Committee's preference is for all applications and variations to be considered by the Licensing Committee.

6. MEMBERS OF THE PRESS IN ATTENDANCE

None.

(The meeting started at 10am and ended at 10.46am)

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Chair