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To: Cllr Rosetta Dolphin (Chair)

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

28 September 2023

Dear Sir/Madam

NOTICE OF REMOTE MEETING
LICENSING COMMITTEE
WEDNESDAY, 4TH OCTOBER, 2023 at 10.00 AM

Yours faithfully

Steven Goodrum
Democratic Services Manager

The meeting will be live streamed onto the Council's website. The live streaming will stop when any confidential items are considered. A recording of the meeting will also be available, shortly after the meeting at <https://flintshire.public-i.tv/core/portal/home>

If you have any queries regarding this, please contact a member of the Democratic Services Team on 01352 702345.

A G E N D A

1 APPOINTMENT OF VICE-CHAIR

Purpose: To appoint a Vice-Chair to the Committee.

2 APOLOGIES

Purpose: To receive any apologies.

3 DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Purpose: To receive any Declarations and advise Members accordingly.

4 MINUTES (Pages 3 - 4)

Purpose: To confirm as a correct record the minutes of the meeting held on 1 March 2023.

5 MANDATORY LICENSING SCHEME FOR SPECIAL PROCEDURES (Pages 5 - 8)

Purpose: To outline the implications of the forthcoming requirement for the Mandatory Licensing of Special Procedures.

6 RESIDENTIAL MOBILE HOME LICENSING (Pages 9 - 14)

Purpose: To outline the requirements placed upon Licensing Committee following the Notice of Motion that was received and supported by Flintshire County Council on 20 June 2023 entitled 'Ensuring Accountability in Flintshire's Residential Mobile Home Licensing'.

Please note that there may be a 10 minute adjournment of this meeting if it lasts longer than two hours

LICENSING COMMITTEE **1 MARCH 2023**

Minutes of the Licensing Committee of Flintshire County Council held as a remote attendance meeting on Wednesday, 1 March 2023

PRESENT: Councillor Rosetta Dolphin (Chair)
Councillors: Marion Bateman, Rob Davies, Mared Eastwood, Richard Lloyd, Gina Maddison, Ryan McKeown and Carolyn Preece

SUBSTITUTE: Councillor: Chrissy Gee (for David Richardson)

CONTRIBUTORS: Team Manager (Licensing & Pest Control) and Senior Solicitor

IN ATTENDANCE: Democratic Services Officer

6. DECLARATIONS OF INTEREST

None.

7. MINUTES

The minutes of the meeting held on 13 July 2022 were approved, as moved and seconded by Councillors Rob Davies and Richard Lloyd.

RESOLVED:

That the minutes be approved as a correct record.

8. DRAFT STATEMENT OF GAMBLING POLICY REVIEW

The Team Manager (Licensing & Pest Control) presented a report to seek approval for the Draft Statement of Gambling Policy to be submitted to full Council for approval in June 2023. The Policy set out how the Council exercised its functions in accordance with the Gambling Act 2005.

Whilst collaborative work across North Wales had achieved a consistent format, specific areas of the Policy were adapted for each authority. Following its review, the Policy had been subject to consultation with relevant bodies and interested parties, including members of the public and elected Members. If approved by full Council, the Policy would come into effect from 21 June 2023 for a period of three years. In section 6 of the report, it was noted that the current Statement of Gambling Policy was published on the Council's website via the following link: [Statement of Gambling Policy](#)

The Team Leader responded to questions raised by the Chair and Councillors Richard Lloyd and Gina Maddison.

On section 8.1.4 of the Policy, Councillor Carolyn Preece questioned whether specific reference to mental health strategies should be included alongside those already mentioned on safeguarding and public health, particularly as this was an issue highlighted by the Gambling Commission.

During the debate, it was noted that no responses had been raised to the consultation and that mental health issues may already be incorporated within other sections of the Policy, specifically within the meaning of “public health”.

The Senior Solicitor advised that it was open to Members to propose changes for recommendations to full Council and should the change be minor and exploratory in nature would not likely require further consultation.

The change was proposed by Councillor Preece and seconded by Councillor Maddison.

On being put to the vote, the amendment was lost.

The recommendations in the report to approve the Policy without change, as moved by the Chair and seconded by Councillor Marion Bateman, were carried.

RESOLVED:

- (a) That the changes to the Statement of Gambling Policy be noted; and
- (b) That the Draft Policy be approved ahead of its submission to full Council for final approval.

9. MEMBERS OF THE PRESS IN ATTENDANCE

None.

(The meeting started at 10am and ended at 10.30am)

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Chair



LICENSING COMMITTEE

Date of Meeting	Wednesday, 4 October 2023
Report Subject	Mandatory Licensing Scheme for Special Procedures
Report Author	Chief Officer: Planning, Environment & Economy

EXECUTIVE SUMMARY

To outline the implications of the forthcoming requirement for the Mandatory Licensing of Special Procedures

RECOMMENDATIONS

1	To note the contents of the report and await further information from Welsh Government.
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REPORT DETAILS

2.00	BACKGROUND TO SPECIAL PROCEDURES
2.01	<p>A new licensing scheme for 'Special Procedures' will be introduced by Welsh Government around June 2024 (precise date is yet to be confirmed), under Part 4 of the Public Health (Wales) Act 2017.</p> <p>Special Procedures include tattooing, semi-permanent skin colouring, cosmetic piercing, acupuncture, dry needling and electrolysis.</p> <p>The main requirements of this regime will include:</p> <ul style="list-style-type: none"> Practitioners must be licensed to carry out special procedures. It will be an offence to carry out special procedures without a licence; Business premises or vehicles must be approved. It will be an offence for a practitioner to perform any procedures from premises or vehicles that are not approved;

	<ul style="list-style-type: none"> • A full licence will last for three years and a temporary licence will last for seven days (to allow for events and conferences); • The licence will have to be displayed in the premises where the special procedure takes place; • Licence conditions will cover a practitioner's competence, the premises, the equipment and practices used, advice given before and after the special procedure and the records kept.
2.02	The Welsh Government's intention through the introduction of this scheme is to reduce the health risks associated with these procedures. Most notably infections can occur at the site of the procedure and also improper and unhygienic practices may result in the spread of infectious diseases, such as blood-borne viruses.
3.00	CURRENT POSITION
3.01	At present there is inconsistency in Wales with respect to the enforcement of these procedures. Although a number of local authorities have adopted byelaws which place a duty on skin piercing practitioners to adhere to minimum standards (which were adopted in Flintshire by Full Council on 20.06.23), not all have followed this approach.
3.02	A further consideration is that currently local authorities are only able to refuse an application for skin piercing registration under the Local Government (Miscellaneous Provisions) Act 1982 if the applicant has already had a previous registration cancelled by the courts as a result of being found guilty of an offence (such as breaching a byelaw on hygiene).
4.00	IMPLICATIONS OF PROPOSED LICENSING SCHEME FOR SPECIAL PROCEDURES
4.01	The new regime will mean that local authorities are to be responsible for enforcing the licensing requirement of these practices and for keeping a register of special procedures licences issued by them.
4.02	If a local authority is satisfied that a licence holder has failed to comply with a mandatory licensing condition or has been convicted of a relevant offence, it may revoke a special procedure licence, either in full or in so far as it relates to the performance of a particular special procedure. Where the local authority has taken action, such as issuing a stop notice, revoking a licence or refusing an application, an individual has the right to make representations to the local authority and appeal to a magistrates' court against the decision.
4.03	Practitioners in this field will be required to demonstrate their competence to undertake these procedures through undertaking training and being subject to inspection by Environmental Health Officers. In addition, they will have to provide a Basic DBS as part of their licence application.
4.04	Those practitioners who are currently registered will need to move over to the new system. Time will be allowed for them and their premises to be assessed by officers and transferred to the new licensing system.

5.00	IMPLICATIONS FOR LICENSING COMMITTEE
5.01	Welsh Government have indicated that they expect this regime to sit under licensing committee structures and are in the process of formulating a consultation document for consideration which outlines their expectations in terms of governance. Officers will notify Members of this Committee when the consultation document is published. It is anticipated that contentious applications will be subject to sub-committee determination.
5.02	It is also anticipated that Members will be required to undertake training to enable them to determine applications as they could be subject to legal challenge.
5.03	It is likely that a new sub-committee will be required to determine licence applications. We await further direction from Welsh Government on this matter.

6.00	RESOURCE IMPLICATIONS
6.01	There is an expectation from Welsh Government that much of this additional work will be absorbed into existing work programmes which may impact other areas of service delivery.

7.00	CONSULTATIONS REQUIRED / CARRIED OUT
7.01	None at present, although when the consultation document regarding governance arrangements is published it will be shared with Members of this committee. It is anticipated that the document will be published during November 2023.

8.00	RISK MANAGEMENT
8.01	The additional pressures placed on Community and Business Protection due to these changes has been included within the Planning, Environment and Economy Risk Register.

9.00	APPENDICES
9.01	None

10.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
10.01	<p>Contact Officer: Sian Jones Community and Business Protection Manager</p> <p>Telephone: 01352 702132</p> <p>E-mail: sian-jones@flintshire.gov.uk</p>

11.00	GLOSSARY OF TERMS
11.01	<p>Electrolysis A technique used to remove unwanted hair, skin tags and blemishes from the face or body. This procedure works by sending an electric current through the skin, targeting the cells that are responsible for the growth and development of these blemishes.</p> <p>Tattooing A tattoo is a marking made by inserting ink into the layers of skin to change the pigment for decorative or other reasons. It is done with a tattoo machine.</p> <p>Semi-permanent skin colouring Semi-permanent colouring or cosmetic tattooing is a method of implanting pigmentation into the upper layer of the skin to create a cosmetic enhancement.</p> <p>Cosmetic piercing Piercing or cutting part of the human body to create an opening in which jewellery may be worn.</p> <p>Acupuncture Fine needles are inserted at certain points of the body for therapeutic or preventative purposes, most commonly for pain control.</p> <p>Dry Needling Dry needling is a technique that acupuncturists, physical therapists and other trained healthcare providers use to treat mainly musculoskeletal pain and movement issues. The needles used for dry needling are thicker than those used for acupuncture.</p>



LICENSING COMMITTEE

Date of Meeting	Wednesday, 4 October 2023
Report Subject	Residential Mobile Home Licensing
Report Author	Chief Officer: Planning, Environment & Economy

EXECUTIVE SUMMARY

To outline the requirements placed upon Licensing Committee following the Notice of Motion that was received and supported by Flintshire County Council on 20 June 2023 entitled 'Ensuring Accountability in Flintshire's Residential Mobile Home Licensing'.

RECOMMENDATIONS

1	To note the contents of the report.
2	For Members to commit to undertake training to enable them to determine licence applications with respect to the Mobile Homes (Wales) Act 2013.

REPORT DETAILS

1.00	IMPLICATIONS FOLLOWING THE NOTICE OF MOTION 2013
1.01	On 20 June 2023 Flintshire County Council endorsed the Notice of Motion introduced by Councillor Sam Swash entitled 'Ensuring Accountability in Flintshire's Residential Mobile Home Licensing'. Consequently, Flintshire County Council has committed to the following:
	<ul style="list-style-type: none"> i. That the decision to issue, renew, extend, vary or not issue site licences for residential mobile home sites should rest with the licencing committee, taking into account the advice of relevant officers; ii. That the schedule of officer delegation be amended accordingly; iii. That advance notice be given to elected members when a residential mobile home site in their ward will be subject to a

	<p>decision on the issuing, renewal, extension or variation of a licence, to enable them to make representations;</p> <p>iv. That the Constitution and Democratic Services committee shall be tasked with agreeing a policy on minimum standards of resident consultation in respect of residential mobile home licencing ahead of decisions, and,</p> <p>v. That, pending the completion and adoption of this policy, the Council will welcome and acknowledge any written correspondence received from residents of sites subject to licencing decisions, and recommends that requests to make representations to the licencing committee in person in respect of these decisions be handled in the same way as planning applications.</p>
1.02	<p>The implications of the above resolutions will place greater demands upon the Licensing Committee. At present these decisions are undertaken by officers through delegated authority. However, once the new policy has been adopted by the Constitution and Democratic Services Committee it will be Members of this Committee who will make the determinations (as outlined in paragraph 1.01 (i)).</p>
1.03	<p>Clarification is currently being sought on two points:</p> <p>i. Whether Licensing Committee can delegate this function to a licensing sub committee.</p> <p>ii. Whether officers may be permitted to determine 'non-contentious' applications, or applications that have not received representations from the local Member or residents of the site.</p>
1.04	<p>Training is in the process of being arrangement for Members to enable them to determine licence applications as such decisions can be legally challenged.</p>
2.00	REQUIREMENTS OF THE MOBILE HOMES (WALES) ACT
2.01	<p>The Mobile Homes (Wales) Act 2013 came into force on 1st October 2014. The key aim of the Act is to better protect the rights of people living in residential mobile homes all year round as their primary residence. They are commonly referred to as "park homes". The Act amends and updates a range of existing provisions relating to mobile homes and introduces a number of new provisions.</p>
2.02	<p>The key provisions of the Act include:</p> <ul style="list-style-type: none"> • An offence to operate a regulated site without a site licence • Sets a limit of up to 5 years for the duration of a site licence. • A "fit and proper person test" for site managers • A range of enforcement provisions for the local authority if a site owner fails to comply with licence conditions. • Site owners will no longer be able to block the sale of a mobile home.

	<ul style="list-style-type: none"> • The mobile home owner will be free to sell their home to who they wish • Pitch fees will only be increased in line with the Consumer Prices Index
2.03	<p>The Act places a responsibility on the Council to:</p> <ul style="list-style-type: none"> • Issue a site licence if it considers appropriate within 2 months of an application being made providing the site has the benefit of planning permission. • Have regard to Model Standards in specifying conditions that may accompany a site licence. These are the Model Standards for Caravan Sites in Wales 2008. • Keep a register of site licences issued in its area open to inspection for the public at all reasonable times
3.00	NEXT STEPS
3.01	To put in place the requirements set out by Flintshire County Council in paragraph 1.01 (points i to iv) officers have already commenced the process of writing a policy that will be shared with Members of the Licensing Committee and Members of the Constitution and Democratic Services Committee for their observations in due course.
4.00	RESOURCE IMPLICATIONS
4.01	Increased attendance of Licensing Committee Members to determine residential mobile home licensing.
4.02	Additional demands will be placed on officers within the Community and Business Protection Service, Legal Services and Democratic Services. No additional budget has been earmarked.
4.03	It is anticipated that the services of a specialist counsel will be required to advise Licensing Committee during such hearings, as there is no in-house capacity. This will have financial implications.
5.00	CONSULTATIONS REQUIRED / CARRIED OUT
5.01	As outlined in paragraph 3.01.
6.00	RISK MANAGEMENT
6.01	Increased risk to Members of legal challenge, although this risk will be mitigated through the provision of legal advice.

7.00	APPENDICES
7.01	Notice of Motion – ‘Ensuring Accountability in Flintshire’s Residential Mobile Home Licensing’.
8.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
8.01	<p>Contact Officer: Sian Jones Community and Business Protection Manager</p> <p>Telephone: 01352 702132</p> <p>E-mail: sian-jones@flintshire.gov.uk</p>
9.00	GLOSSARY OF TERMS
9.01	None required for this report

Notice of Motion: Ensuring Accountability in Flintshire's Residential Mobile Home Licencing

Proposer: Cllr Sam Swash

Seconder: Cllr Alasdair Ibbotson

This Council notes:

- 1) that within Flintshire, there are a number of residential mobile home sites, licensed by Flintshire County Council under the Mobile Homes (Wales) Act 2013.
- 2) that residential mobile home sites vary in size, with the largest in Flintshire being Willow Park in Mancot, which provides residential mobile housing for more than 200 residents.
- 3) that site owners are licensed by Flintshire County Council to operate sites.
- 4) that currently, neither the residents of the parks, nor elected members, are notified when an application for a site licence is made to the local authority.
- 5) that currently, neither residents of the park, nor elected members, are provided with an opportunity to make representations on the application for a site licence.

This Council believes:

- 1) that the current process for the granting of site licences for residential mobile home sites fails to sufficiently represent the residents of the sites or locally elected members.
- 2) that making decisions that profoundly impact the lives of hundreds of residents without their involvement is fundamentally undemocratic.
- 3) that before granting licences for residential mobile home sites, residents of the site, site owners, and locally elected members should be notified and invited to make representations.
- 4) that, given the size of residential mobile home sites, and the number of our residents which they home across Flintshire, there is a clear public interest in the decision to grant a site licence, and the conditions attached to it.
- 5) that the decision to grant a residential mobile home site licence should be one that is taken democratically by the elected members of the Licencing committee, with representations invited from a) the site owner, b) the residents of the mobile home site, c) the elected representatives of the local ward, and d) any other interested party.

This Council resolves:

- 1) that the decision to issue, renew, extend, vary or not issue site licences for residential mobile home sites should rest with the licencing committee, taking into account the advice of relevant officers;
- 2) that the schedule of officer delegation be amended accordingly;
- 3) that advance notice be given to elected members when a residential mobile home site in their ward will be subject to a decision on the issuing, renewal, extension or variation of a licence, to enable them to make representations;
- 4) that the Constitution and Democratic Services committee shall be tasked with agreeing a policy on minimum standards of resident consultation in respect of residential mobile home licencing ahead of decisions, and,
- 5) that, pending the completion and adoption of this policy, the Council will welcome and acknowledge any written correspondence received from residents of sites subject to licencing decisions, and recommends that requests to make representations to the licencing committee in person in respect of these decisions be handled in the same way as planning applications.