

# Public Document Pack

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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

15 February 2024

Dear Sir/Madam

**NOTICE OF REMOTE MEETING**  
**LICENSING COMMITTEE**  
**WEDNESDAY, 21ST FEBRUARY, 2024 at 10.00 AM**

**Please note that a training session for Committee members will be held prior to the meeting from 9.30am to 10.00am**

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 **APOLOGIES**

**Purpose:** To receive any apologies.

### 2 **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

**Purpose:** To receive any Declarations and advise Members accordingly.

### 3 **MINUTES** (Pages 3 - 6)

**Purpose:** To confirm as a correct record the minutes of the meeting held on 4 October 2023.

### 4 **MANDATORY LICENSING SCHEME FOR SPECIAL PROCEDURES** (Pages 7 - 12)

**Purpose:** To provide Members with an update regarding the forthcoming requirements for the Mandatory Licensing of Special Procedures.

### 5 **RESIDENTIAL MOBILE HOME LICENSING HEARINGS PROCEDURE** (Pages 13 - 22)

**Purpose:** For Members to consider and adopt the Residential Mobile Homes Licensing Hearings Procedure

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

The following item is 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.

### 6 **APPLICATION FOR A RESIDENTIAL MOBILE HOME SITE LICENCE** (Pages 23 - 108)

**Purpose:** For Members to consider and determine an application for a Residential Mobile Home Site Licence

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

## **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)

.....  
**Chair**



## LICENSING COMMITTEE

<b>Date of Meeting</b>	Wednesday, 21 February 2024
<b>Report Subject</b>	Mandatory Licensing Scheme for Special Procedures
<b>Report Author</b>	Chief Officer: Planning, Environment & Economy

### EXECUTIVE SUMMARY

To provide Members with an update regarding the forthcoming requirements for the Mandatory Licensing of Special Procedures.

### RECOMMENDATIONS

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

<b>2.00</b>	<b>BACKGROUND TO SPECIAL PROCEDURES</b>
2.01	<p>The new licensing scheme for 'Special Procedures' is now proposed by Welsh Government to be introduced around October 2024 (precise date is yet to be confirmed), under Part 4 of the Public Health (Wales) Act 2017.</p> <p>Special Procedures include cosmetic piercing, tattooing (to include semi-permanent makeup), acupuncture, dry needling and electrolysis.</p> <p>The main requirements of this regime will include:</p> <ul style="list-style-type: none"> <li>Practitioners must be licensed to carry out special procedures. It will be an offence to carry out special procedures without a licence;</li> <li>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;</li> </ul>

	<ul style="list-style-type: none"> <li>• A full licence will last for three years and a temporary licence will last for seven days (to allow for events and conferences);</li> <li>• 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.</li> </ul>
2.02	Practitioners in this field will be required to demonstrate their competence to undertake these procedures through obtaining the new regulated Level 2 award in Infection Prevention and Control for Special Procedure Practitioners 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.
2.03	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.
<b>3.00</b>	<b>IMPLICATIONS OF PROPOSED LICENSING SCHEME FOR SPECIAL PROCEDURES</b>
3.01	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.
3.02	<p>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 is proposed that 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.</p> <p>Where the local authority has taken action, such as issuing a stop notice, revoking a licence or refusing an application, an individual will have the right to make representations to the local authority and appeal to a Magistrates' Court against the decision.</p>
3.03	The 2017 Act is so written that appeals against refusals for premises and vehicle applications will be immediately committed to the magistrates' courts, unless the regulations make other arrangements. The draft regulations were published on 12 February 2024.
3.04	An individual may appeal to the Magistrates' Court against a local authority issuing a stop notice or a remedial action notice, or a refusal to grant a completion certificate.
<b>4.00</b>	<b>IMPLICATIONS FOR LICENSING COMMITTEE</b>
4.01	<p>Further information around governance arrangements is anticipated to be outlined imminently by Welsh Government.</p> <p>In the case of an application referred to the Licensing Committee for a decision, if the Licensing Committee determines that the application should not proceed further and be refused, the applicant will have the right of appeal to a Magistrates' Court and the Crown Court (if necessary). In all cases, if</p>



	<p>the appeal is granted, then the application will be assessed for approval, subject to all other parts of the application being in order. If the Licensing Committee's decision is upheld by the courts, then the application will be rejected.</p> <p>The same process will apply as for new applications.</p>
4.02	<p>It is anticipated that Members will be required to undertake training to enable them to determine applications as they could be subject to legal challenge. Welsh Government's Senior Environmental Health Advisor has offered to brief Members on these new requirements.</p>
4.03	<p>It is likely that a new sub-committee may be required to be established to determine licence applications.</p>

<b>5.00</b>	<b>TRANSITIONAL ARRANGEMENTS &amp; RESOURCE IMPLICATIONS</b>
5.01	<p>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.</p>
5.02	<p>Practitioners who are currently registered under the existing requirements of the 1982 Act will still need to apply for their own special procedure licence and, if necessary, a premises/vehicle approval certificate. There will be no carry forward of existing registrations or 'grandfather rights' for special procedures practitioners who have been practising for a number of years.</p>
5.03	<p>Although concerns have been raised by local authorities following a recent consultation exercise regarding managing the influx of applications, Welsh Government still propose that there be a transition period of around six months. During this time, the 1982 Act will remain in force to allow existing practitioners to continue to practise while they are making their applications.</p>
5.04	<p>New entrants will not be permitted to register under the 1982 Act once Part 4 of the Act comes into force and therefore new practitioners will need to apply for a licence under the new scheme.</p>
5.05	<p>Anyone who has not obtained a licence and, where applicable, a premises/vehicle approval certificate by the end of the transition period will not be able to practise legally. There will be no exceptions to this requirement to obtain a licence/certificate and no extensions of time to this transitional period.</p>

<b>6.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
6.01	<p>A consultation on the principles for establishing a mandatory licensing scheme for special procedures as set out in Part 4 of the Public Health (Wales) Act 2017 ran between 25 January and 19 April 2023.</p>

	Although the summary of responses to this consultation was expected sooner, it was published in January 2024. This document sets out the responses received to the consultation and the Welsh Government's next steps.
6.02	Welsh Government's intention is to commence Part 4 of the Act and implement this licensing scheme by formulating new regulations.
6.03	The next, and final, consultation will give stakeholders the opportunity to review the draft regulations. This final consultation was published on 12 February 2024 and will run until 8 April 2024.

<b>7.00</b>	<b>RISK MANAGEMENT</b>
7.01	The additional pressures placed on Community and Business Protection due to these changes has been included within the Planning, Environment and Economy Risk Register.

<b>8.00</b>	<b>APPENDICES</b>
8.01	<p>Link to Welsh Government consultation which commenced on 12 February 2024:</p> <p><a href="https://www.gov.wales/draft-regulations-and-statutory-guidance-mandatory-licensing-special-procedures">https://www.gov.wales/draft-regulations-and-statutory-guidance-mandatory-licensing-special-procedures</a> (link to English language consultation).</p> <p><a href="https://www.llyw.cymru/rheoliadau-chanllawiau-statudol-drafft-ar-drwyddedu-gorfodol-ar-gyfer-triniaethau-arbennig">https://www.llyw.cymru/rheoliadau-chanllawiau-statudol-drafft-ar-drwyddedu-gorfodol-ar-gyfer-triniaethau-arbennig</a> (link to Welsh language consultation).</p>

<b>9.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
9.01	<p><b>Contact Officer:</b> Sian Jones Community and Business Protection Manager</p> <p><b>Telephone:</b> 01352 702132</p> <p><b>E-mail:</b> <a href="mailto:sian-jones@flintshire.gov.uk">sian-jones@flintshire.gov.uk</a></p>

<b>10.00</b>	<b>GLOSSARY OF TERMS</b>
10.01	<p><b>Electrolysis</b></p> <p>The removal of an individual's body hair by passing an electric current through the root by means of an inserted needle or probe.</p>

**Tattooing**

The insertion into punctures made in an individual's skin, or mucous membrane, of any colouring material designed to leave a semi-permanent or permanent mark (including micropigmentation). The definition of tattooing includes all forms of semi-permanent makeup, including microblading.

**Body piercing**

The perforation of an individual's skin or mucous membrane, with a view to enabling (a) jewellery, or (b) an object of a description prescribed in or under regulations, to be attached to, implanted in, or removed from the individual's body. The reference to perforating an individual's skin or mucous membrane in any way, includes (among other things) by way of puncture or incision.

**Acupuncture**

The insertion of needles into an individual's tissue for remedial or therapeutic purposes but excluding the insertion of needles into tissue for the purpose of injecting any substance. The definition for acupuncture includes dry needling.

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## LICENSING COMMITTEE

<b>Date of Meeting</b>	Wednesday, 21 <sup>st</sup> February 2024
<b>Report Subject</b>	Residential Mobile Home Licensing Hearings Procedure
<b>Report Author</b>	Chief Officer: Planning, Environment & Economy

For Members to consider and adopt the Residential Mobile Homes Hearings Procedure.

## RECOMMENDATIONS

- |    |  |
|----|--|
| 1. | To approve the procedure for Licensing Committee when considering applications arising from the Mobile Homes (Wales) Act 2013. |
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## REPORT DETAILS

<b>1.00</b>	<b>PURPOSE OF THE HEARINGS' PROCEDURE</b>
1.01	Licensing Committee Members made the decision for its full committee to determine licence applications for residential mobile homes at its meeting of 4 <sup>th</sup> October 2023.
1.02	A procedure has been drafted to aid how hearings are held by Licensing Committee when they determine residential mobile home licence applications. The intention of the document is to assist Members, applicants, and officers with respect to the conduct of the hearing. Such a procedure is recommended to support the governance of the Committee. The draft document is consistent with the procedures of other Flintshire County Council committees and has been reviewed by the Monitoring Officer.
1.03	Members are requested to review and provide comments on the procedure prior to its adoption.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None with respect to this report

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	The procedure has been reviewed by the Monitoring Officer and the Chief Officer – Planning, Environment and Economy.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	The procedure will help structure the licence hearing in order that Members can make a determination.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Residential Mobile Home Licensing Hearings Procedure

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p><b>Contact Officer:</b> Sian Jones Community and Business Protection Manager</p> <p><b>Telephone:</b> 01352 702132</p> <p><b>E-mail:</b> <a href="mailto:sian-jones@flintshire.gov.uk">sian-jones@flintshire.gov.uk</a></p>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	None required for this report.

## **FLINTSHIRE COUNTY COUNCIL LICENSING COMMITTEE**

### **Procedure for meetings considering applications arising from the Mobile Homes (Wales) 2013 Act**

#### **RESPONSIBILITY FOR DECISIONS**

1. All licence applications for Residential Mobile Home Parks are taken by Flintshire County Council's Licensing Committee. The Committee is comprised of 12 Members. The quorum for Licensing Committee is 3 Members.
2. The adoption of this procedure was taken by Licensing Committee on 21<sup>st</sup> February 2024.

#### **PRE-HEARING ARRANGEMENTS**

3. The determination of a licence application should be made within two months of the submission of a complete application. If this timescale cannot be achieved, the applicant and Flintshire County Council should seek to agree an alternative period for determination, where possible.
4. Notices of hearings will always include details of:
  - The rights of parties to attend the hearing and that they may be assisted or represented by any person whether or not that person is legally qualified.
  - Parties' abilities to address the committee, to give information and call witnesses.
  - The consequences of non-attendance.
  - This hearings procedure.
  - The requirement that all parties notify the licensing authority:
    - If they are attending or will be represented at the hearing
    - Of any request for permission for a witness to appear at the hearing, the name of the witness, and a brief description of the point or points on which that person will be able to assist the hearing.
5. Committee agenda papers will be dispatched at least five working days prior to a hearing.

#### **HEARING PROCEDURES**

6. The Committee may exclude the public from all or part of a hearing where it considers the criteria set out in schedule 12A of the Local Government Act 1972 require the matter to be dealt with in the absence of public and press and that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

7. The Committee will hold its deliberations in private accompanied by the Case Officer and Legal Officer.
8. The order of business shall be at the discretion of the Licensing Committee but will normally proceed in accordance with the following paragraphs.

### **Time Frames**

9. The Chair will require all parties at the hearing to be focussed and succinct, avoiding repetition and matters irrelevant to the matter before the committee.
10. All parties shall be allowed an equal maximum period of time overall for the presentation of their case and the testing of their opponents' cases.
11. Parties may at the commencement of the hearing request an alteration of maximum time periods (to provide for more or less time).
12. Any alteration agreed will apply equally to all parties and agreed by the Chair.
13. In addition, the Licensing Committee may at any stage vary the maximum time periods for representations, where it considers that it is necessary to do so in the interests of natural justice and/or to enable a fair hearing to take place. Any variation will apply to both parties.

### **Questioning**

14. Members of the Committee may ask any question of any party or other person appearing at the hearing.
15. With the permission of the Committee, a party may question any other party. The right to ask questions is not automatic. If permitted, such question time will usually be limited to 3 minutes.

### **Qualified Privilege**

16. Statements made in the Committee meetings are subject to the general principles of the law of defamation. However, the Committee's proceedings are regarded in law as a 'privileged occasion'. As the Committee's proceedings are quasi-judicial in nature, the following criteria must be met:
  - any opinions expressed are honestly held;
  - opinions/statements are based on the facts of the matter;
  - opinions/ statements are on a matter of public interest;
  - a clear distinction is made between what is fact and what is opinion;
  - no malice.



## **Information given at the hearing**

17. At the hearing a party is entitled to:

- Provide further information in support of their application or representation or notice in response to a point upon which the Licensing Committee has given notice to the party that it will want clarification.
- Address the Committee.
- With the permission of the Committee, ask questions of another party.
- With the consent of all other parties, provide additional documentary, or other information.

18. In considering any application or representations or notice made by a party, the Committee may take into account documentary or other information produced by a party in support of their application or representation or notice, either before the hearing or, with the consent of all the other parties, at the hearing.

19. Where there is more than one representation raising the same or similar grounds, the Licensing Committee can request that only one party address them on behalf of the parties who have made the representations in question.

20. In coming to a decision, the Committee shall disregard any information given by a party or witness which is not relevant to the matter before the Committee, or to the relevant licensing objective(s) under consideration.

21. Should a party notify the Licensing Committee it does not intend to attend a hearing or fails to attend without giving adequate notice, the hearing will be conducted in the party's absence unless the Licensing Committee considers it to be in the public interest to adjourn the hearing.

## **Adjournments**

22. The Committee may adjourn a hearing to a specified date or arrange for it to be held on specified additional dates, when it considers this to be necessary for its consideration of any representations or notice made by a party, but will not exercise its powers to do so if the effect would be that the application would be automatically treated as granted or rejected.

## **Conduct of hearings**

23. Hearings will normally be conducted in accordance with the order of business attached in Appendix A and the Council's rules of procedure applicable to committees in so far as they are not modified by the order of business attached.

24. Any person may be excluded from a meeting or required to leave a meeting where in the opinion of the Chair they are causing a disturbance to the running of the meeting and have not desisted from doing so following a request; or where any person is so disruptive that their conduct if allowed to remain would prevent the meeting from proceeding in a fair and acceptable manner.

25. The Chair shall decide, having taken the advice of the Legal Advisor, all matters of relevancy, all matters of order and the interpretation of these procedures accordingly and if it appears appropriate, the Chair may, at his/her sole discretion waive compliance with any part of the order of business and rules 13.4 and 13.5 of the Council's rules of procedure to facilitate the transaction of business at the meeting.

26. The chair shall decide, having taken the advice of the Legal Advisor, all matters of relevancy, all matters of order and the interpretation of these procedures.

#### **AFTER THE HEARING**

27. The Licensing Committee shall produce minutes of each hearing that will be agreed and signed as a correct record at a subsequent meeting of the committee.

28. Any failure to comply with this procedure or the Mobile Homes (Wales) 2013 Act prior to a panel making a determination shall not render the proceedings void. The panel will be entitled to remedy any irregularities prior to making a determination should any party be prejudiced by a failure to take action.

## **APPENDIX A**

### **LICENSING COMMITTEE**

#### **ORDER OF BUSINESS FOR HEARINGS CONCERNING THE MOBILE HOMES (WALES) 2013 ACT**

##### **1. Apologies for absence**

This will include all notifications of non-attendance from interested parties.

##### **2. Declarations of interest**

Committee members to make any declarations (if any).

##### **3. Minutes**

To approve the minutes of any previous meetings.

##### **4. Meeting Procedures**

The Committee Clerk to explain the order of business and the procedures to be followed.

##### **5. Introductions**

The Chair will invite all present to introduce themselves.

##### **6. Additional documentation and other preliminary issues**

The Chair will invite parties to make representations for the inclusion of additional documentation. Any additional documentation agreed by all parties will be distributed and those present given sufficient time to consider the contents. Should extensive additional documentation be tabled, the Licensing Committee will adjourn the meeting if it considers the principles of natural justice and the public interest would be better served.

The parties shall identify any witnesses notified to the Licensing Committee. The Committee will consider any requests to hear any witnesses.

##### **7. Officer presentation**

A council officer, usually the case officer, will present the written report and give any available updates.

## **8. Applicant's presentation**

The applicant, or a nominated representative, will present their case calling any witnesses notified to all parties in advance.

## **9. Follow-up to applicant's presentation**

The Chair will invite members of the Committee to clarify any points in the applicant's presentation. However other parties to the application do not have an automatic right to ask questions of other parties and their witnesses. These parties may request permission to do so but must be direct and to the point and not a substitute for presentations. If the Chair does give permission the order will be as follows:

- (a) Other parties.
- (b) Members of the Licensing Committee

## **10. Presentation(s) by other parties**

All parties making relevant representations will be invited to present their case calling any witnesses notified to all parties in advance. In cases where two or more parties have made a similar representation, the chair will invite them to appoint a single spokesperson.

## **11. Follow-up to presentations by other parties**

The Chair will invite members of the Committee to clarify any points in the presentation by other parties. However, the applicant and any other parties to the application do not have an automatic right to ask questions of other parties and their witnesses. These parties may request permission to do so but must be direct and to the point and not a substitute for presentations. If the chair does give permission the order will be as follows:

- (a) By the applicant
- (b) By other parties
- (c) By members of the licensing committee.

## **12. Other parties closing statement**

The other parties will be given a maximum of 5 minutes to sum up their representation(s).

## **13. Applicant's closing statement**

The applicant will be given a maximum of 5 minutes to sum up their representation.

#### **14. Decision notification**

The Committee will normally hold its deliberations in private when reaching a decision. The decision and the reasons involved will be given by the service as soon as practicable after the end of the hearing and confirmed in writing within 10 working days, where possible.

DRAFT

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By virtue of paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972.

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