

## **LICENSING COMMITTEE**

### **Minutes of a meeting of the Licensing Committee held on Tuesday, 29 June 2021 at 6.00 pm in Walker Room, Meeting Point House, Southwater Square, Telford TF3 4HS**

**Present:** Councillors A R H England, S J Reynolds, H Rhodes (Chair), J M Seymour (as substitute for R T Kiernan), B J Thompson and C R Turley (Vice-Chair)

**In Attendance:** D Sargeant (Director - Neighbourhood & Enforcement Services), A Hunt (Public Protection Group Manager) and J Clarke (Democracy Officer (Elections))

#### **Apologies:**

None.

#### **LIC5      Declarations of Interest**

None.

#### **LIC6      Minutes of the Previous Meeting**

**RESOLVED** – that the minutes of the meeting of the Licensing Committee held on 16 March 2021 be confirmed and signed by the Chair.

#### **LIC7      Mobile Homes Fit and Proper Person Test & Fees Policy**

The Public Protection Manager presented the Mobile Homes Fit and Proper Person Test and Fees Policy and gave an overview of the key facts. Mobile home site owners needed a licence from the Council to operate and the Mobile Homes Act 2013 made amendments to earlier law and introduced a requirement for a manager of a site to be a fit and proper person. Under the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person (England) Regulations 2020 set out that an owner must make an application to the Council between 1 July 2021 and 1 October 2021 for a relevant person to be assessed as a fit and proper person. A fit and proper person was required to be of sufficient integrity and good character to be involved in the management of a regulated site for mobile homes and not pose a risk to the welfare or safety of persons occupying the site who are likely to be over 50s. The application must be accompanied by the fee set by the Council and be compliant with the site licence, include long-term maintenance of the site, demonstrate a sufficient level of competence to manage the site and the management structure and funding arrangements for the site be in place. Other matters to be considered are the presence of convictions or if the person has been declared personally insolvent. Once the application has been received the local authority can grant the licence unconditionally, grant a licence subject to conditions or refuse the application. An appeals process for

applicants wishing to appeal any decision made was via a tribunal. A policy had been drawn up for applications and a guide for local authorities to undertake fit and proper persons test had been developed. The fee had regard to the impact on the livelihood of licence holders and a guide for fee setting for the fit and proper person test had also been drawn up to ensure a fair and transparent approach for local businesses and communities. The initial fee was set at £310 and this would be paid by the site owner upon any application for a fit and proper person and this would be reviewed in twelve months' time.

During the debate some members felt that it was pleasing to see that the undervaluing of properties was now being addressed and safeguarding measures put in place. It was asked if that the profiling relating to Market Town of Newport could be amended to include all local Market Towns. Concerns were raised as to how the Council would provide training for site owners. Other Members felt that this could be part of the fit and proper person test in order to ensure that persons put forward were competent and fully understood how to run an establishment. Questions came forward as to whether a site could employ a management company in place of the site owner, how would this information be checked especially in respect of convictions and harassment and would there be enhanced DBS checks undertaken? Members also asked how the Council could ensure that the cost of the annual licensing fee was not passed on to site resident and how many sites were currently within the Borough. Members asked if a review of the Policy could be brought before the Committee.

The Public Protection Manager informed Members that she would look at the local area profile and make this more inclusive. Training for site owners hadn't yet been looked in to but they would look into a range of relevant training courses or qualifications for this type of management but was currently following Government regulations and guidance and legal advice would be sought where necessary. With regard to management companies, their qualifications would be looked at when any application came forward and clarification would be sought if answers were not transparent. Convictions would come through via the DBS and there was a catch all question for "other relevant information". Limited Companies would be checked at Companies House for insolvency. Enhanced DBS checks would not be undertaken as spent convictions were not taken into account and the fit and proper person test was not a "regulated activity" as defined by the Disclosure and Barring Service. There were currently 8 mobile homes sites for permanent residence in the Borough. A review would be undertaken in 18 months' time but this may be done earlier if it was felt necessary and Members would be given regular updates.

Upon being put to the vote it was, unanimously:-

**RESOLVED- that**

- a) the Mobile Homes Fit and Proper Policy be approved;**

**b) the amendments to the Mobile Homes Fees and Charges Policy 2021-2022 be approved; and**

**c) the policies take effect from 1st July 2021.**

The meeting ended at 6.33 pm

**Chairman:** .....

**Date:** Tuesday, 12 October 2021