

Minutes of the **Licensing Committee**
of the **Test Valley Borough Council**
held in the Annexe, Crosfield Hall, Broadwater Road, Romsey
on Thursday 1 December 2016 at 5.30 pm

Attendance:

Councillor J Budzynski (Chairman)	(P)	Councillor A Johnston (Vice-Chairman)	(P)
Councillor N Anderdon	(P)	Councillor P Hurst	(P)
Councillor A Beesley	(P)	Councillor P Lashbrook	(-)
Councillor A Brook	(-)	Councillor P Mutton	(A)
Councillor Z Brooks	(A)	Councillor J Ray	(-)
Councillor J Cockaday	(P)	Councillor I Richards	(P)
Councillor D Denny	(-)	Councillor A Tupper	(P)
Councillor D Drew	(P)		

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Declarations of Interest

Councillors Hurst and Richards wished it to be noted under item 9 that they were Members of the Romsey Town Council.

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Minutes

Resolved:

That the minutes of the meeting held on 3 November 2016 be confirmed and signed as a correct record.

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Mobile Home Sites – Licensing Conditions and Enforcement

The Caravan Sites and Control of Development Act 1960 (CSCDA 1960) came into force on 29 August 1960. Part 1 of the Act introduced a licensing system to be operated by Councils in order to regulate the establishment and operation of caravan sites. The Principal Environmental Health Officer pointed out that this did not include Gypsy or Traveller sites.

The Council had 12 licensed caravan sites where there were multiple caravans. There were other sites which had been issued a licence for a single caravan which were not subject to the Model Standards 2008. The current conditions attached to multiple site licences were either non-existent or dated.

The Council adopted the 2008 Model Standards for Caravan Sites in January 2016. A review of all sites had been completed and it was proposed licence conditions be varied to ensure their compliance with the 2008 Model Standards and to ensure that they were enforceable.

The licence conditions would be set based on standard licence conditions with delegated authority to the Head of Housing and Environmental Health to make minor alterations and to enforce those conditions.

Resolved:

1. That the Committee approves the standard licence conditions based on the 2008 Model Standards.
2. That the approach to enforcement, as set out in paragraphs 5.3.1(a) and 5.3.2 to 5.3.5 inclusive of the report recommended by the Head of Housing and Environmental Health, be approved.

Recommended to Cabinet:

3. That the Council delegates authority to amend standard licence conditions to the Head of Housing and Environmental Health.
4. That the Council delegates authority to the Head of Housing and Environmental Health to take necessary enforcement action under the Mobile Homes Act 2013 and authorisation of officers accordingly.

214 **Hackney Carriage and Private Hire Vehicle Licensing Guidelines (Policy) – Driver Assessments**

The Hackney Carriage and Private Hire Vehicle Licensing Guidelines policy document stated that “Any driver who accumulates 9 points on his licence will have his driver’s licence suspended pending the completion of the DVSA Taxi Drivers Test”. In addition, the Guidelines required drivers with certain motoring convictions to undertake and pass the DVSA Test if they were to be licensed.

The Licensing Manager informed Members that the DVSA had advised that they would cease to provide such tests and so a change to the current policy was recommended to allow for alternative providers to deliver such assessments.

A number of local authorities in Hampshire already made use of the Blue Lamp Trust and it was suggested that this organisation undertake tests in future. However, whilst there was no suggestion that the Blue Lamp Trust would at any time cease to provide driver assessments, it was suggested that rather than alter the policy to make specific reference to them, the policy would state that drivers will undertake an assessment using a provider approved by the Head of Legal and Democratic.

The Licensing Manager advised Members that the cost of the test would be met by the driver and that the charges would remain similar.

Resolved:

That the revision to the Hackney Carriage and Private Hire Vehicle Licensing Guidelines relating to driver assessments be adopted so that driver assessments are undertaken by a provider approved by the Head of Legal and Democratic.

215 **Delegations of Function – Charity Street Collections**

The Licensing Manager explained that the Head of Legal and Democratic Services had delegated authority to issue licences. The Borough Council's current policy was approved in 2012 and appeared in the addendum to the Service Level Agreement in the Annex to the report.

The Borough Council issued permissions for charitable street collections to be undertaken across the Borough.

He advised that following negotiations with Andover and Romsey Town Councils it was proposed to delegate to them responsibility for the administration of collections in their respective areas.

Resolved:

That the responsibility for deciding the grant or refusal of Street Collection licences in accordance with the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 be delegated to Andover Town Council and Romsey Town Council for collections conducted solely in their respective administrative areas with effect from a date to be agreed by the Head of Legal and Democratic Services.

216 **Licensing Enforcement Policy and Service Standards**

In 1999 the government launched the Enforcement Concordat as an initiative to promote fair enforcement practice; the Borough Council signed up to this in October 2000 and subsequently an Enforcement Policy was adopted in 2006 which took account of the Concordat. In recent years government had increased its attention on the need for local authority regulators to be fair and proportionate in their dealings with business and various items of guidance and best practice had been produced by the Better Regulation Delivery Office now known as Regulatory Delivery.

The Legal and Democratic Service was responsible for a number of areas of work where enforcement action may be necessary. As such it was appropriate to have an Enforcement Policy giving customers an indication of what they could expect when dealing with the Council.

A revised Policy was recommended for adoption together with Service Standards which described the level of service that customers should expect.

Resolved:

- 1. That the Enforcement Policy and Service Standards set out as Annexes to this report are adopted in respect of all the licensing functions, except Scrap Metal Dealer licensing, and any associated enforcement work undertaken by the Licensing Section of the Legal and Democratic Service.**

Recommended to Cabinet:

- 2. The Enforcement Policy and Service Standards set out as Annexes to this report are adopted in respect of Scrap Metal Dealer licensing and any associated enforcement work undertaken by the Licensing Section of the Legal and Democratic Service.**

(Meeting terminated at 6:30 pm)