

THE LICENSING AND HEALTH AND SAFETY ENFORCEMENT SUB-COMMITTEE AGENDA



**TUESDAY 4 FEBRUARY 2014 IMMEDIATELY
FOLLOWING THE FULL LICENSING HEALTH AND
SAFETY COMMITTEE**

**COUNCIL CHAMBER, HEMEL HEMPSTEAD CIVIC
CENTRE**

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda. 30

Cllr G Chapman
Cllr Conway
Cllr Fantham
Cllr Mrs Green (Vice-Chairman)

Cllr Lawson (Chairman)
Cllr Link
Cllr G Sutton

Substitutes: Councillors Mrs Bassadone, Bhinder, R Hollinghurst, Rance, Ryan and R Sutton. (Please note Members may only be appointed as substitutes if they have been trained for Licensing Committee).

For further information, please contact Clare Thorley on Tel: 01442 228226, or Email: clare.thorley@dacorum.gov.uk Information about the Council can be found on our website: www.dacorum.gov.uk.

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1. INTRODUCTIONS

2. MINUTES

To confirm the minutes of the meetings held on 17 December 2013.

3. APOLOGIES FOR ABSENCE

To receive any apologies for absence

4. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a personal interest in a matter who attends a meeting of the authority at which the matter is considered -

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent

and, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial

- (ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests, or is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal and prejudicial interests are defined in Part 2 of the Code of Conduct For Members

[If a member is in any doubt as to whether they have an interest which should be declared they should seek the advice of the Monitoring Officer before the start of the meeting]

5. PUBLIC PARTICIPATION

An opportunity for members of the public to make statements and ask questions in accordance with the rules on Public Participation

6. EXCLUSION OF THE PUBLIC

To consider passing a resolution in the following terms:

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded during the item in Part II of the Agenda for the meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during this item there would be disclosure to them of exempt information relating to an individual which would be likely to reveal their identity (Item 7).

DACORUM BOROUGH COUNCIL

LICENSING AND HEALTH AND SAFETY ENFORCEMENT SUB-COMMITTEE

17 DECEMBER 2013

Present-

MEMBERS:

Councillor Lawson (Chairman), Bassadone, G Chapman, Fantham, Mrs Green, G Sutton

OFFICERS:

B Lisgarten	Legal Governance Team Leader
N Egerton	Environmental Health Team Leader
C Thorley	Member Support Officer

Other Persons Present:

David Sunderland	Estates Director, Wyldecrest Parks (Applicant)
Toni Vyse	Secretary, Scatterdells Park Residents Association

1. INTRODUCTIONS

The Chairman introduced himself and the members and officers present to both the applicant and Toni Vyse from Scatterdells Park Residents Association.

2. MINUTES

The minutes of the meetings held on 29 October 2013 were confirmed by the members present and then signed by the Chairman.

3. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Conway and Link. Councillor Bassadone substituted for Councillor Conway.

4. DECLARATIONS OF INTEREST

Councillor G Chapman declared that Scatterdells Park was within her constituency and that she had discussions about the application with constituents who lived at the park.

5. PUBLIC PARTICIPATION

The Chairman said that he would be prepared to let T Vyse have an opportunity to speak on behalf of the residents of Scatterdells Park when appropriate.

6. EXCLUSION OF THE PUBLIC

None.

7. APPLICATION FOR A MOBILE HOME SITE LICENSE

N Egerton introduced the report and provided the background to the application for the Licensing Health & Safety Enforcement Sub-Committee. N Egerton explained that the application was previously received and considered by the Licensing and Health & Safety sub-committee on the 14 April 2011 where it was refused, resulting in an appeal by the applicant to the magistrate court. Subsequent to this a variation to the licence was granted by the same committee on the 29 November 2011. The variation allowed an increase in the number of mobile homes from 25 to 27.

The application also was for the removal of some of the communal recreation space within the site. N Egerton explained that the guidance in the model standards regarding this was not very precise and this was the cause of dispute.

N Egerton explained that the application recently received was to vary the existing licence to allow 30 caravans on the site. N Egerton explained that the current site licence (condition 3) restricted the number of mobile homes on the site and stated that 'the number of caravans allowed on the site shall not exceed 27'.

N Egerton explained that the proposed variation detailed the removal of two mobile homes, which were currently located on large existing plots (Plot numbers 7 & 17), and for these to be replaced with 5 mobile homes. N Egerton said that the two homes would be sited and fully contained within the existing plot 7, and that three homes would be sited and fully contained within the plot of the existing number 17. The applicant had confirmed that each new caravan would be sited to ensure that the 6 metres separation distance, as required in the Model Standards 2008 for Caravan Sites in England (and previous 1989 Model Standards), would be achieved between each of the new mobile homes and between the existing mobile homes.

N Egerton stated that the mobile homes must be located 3m away from the boundary of the site and at least 2m away from any road or communal car park. N Egerton said that the applicant had confirmed that plot 7 was 21m x 17m and that Plot 17 was 27m x 17m.

N Egerton said that each plot would need to comply with the existing site licence conditions and that the applicant had confirmed that each new plot would be connected to an electrical supply and also a water supply in accordance with the Water Bylaws.

N Egerton said that the applicant has confirmed that the variation requested to the site layout would not result in any changes to the existing road layout, therefore not affecting access by emergency services.

N Egerton recommended that in addition to the changes detailed in the report that condition 25 of the current site licence was amended to increase the number of suitably surfaced parking spaces from not less than 39 spaces available, to not less than 42 spaces with no further changes to the requirements of condition 25. The applicant did identify the potential for additional parking adjacent to the road and proposed C, however if this was used for vehicles other than the occupier of proposed C it would be considered as a communal car parking area requiring a further 2m separation distance and so would not fit in the area identified.

There were no questions and the Chairman invited D Sunderland to speak in regards to the application.

D Sunderland said that N Egerton had covered most of the points concerning the application. D Sunderland also pointed out that under planning laws there were actually no restrictions on how many homes could be on the site but that government model standard restrictions stipulated a maximum of 50 mobile homes per hectare. D Sunderland said that based on the available amount of land at Scatterdells Park there was the potential for 34 mobile homes on the site.

D Sunderland said that he had received some resident concerns around parking but that overall residents appeared to be generally happy. D Sunderland said he had no objection to N Egerton's recommendation regarding condition no. 25 of the licence. D Sunderland said that he understood parking was an important issue and he highlighted that there was one space for each mobile home and one space for every five for visitors. D Sunderland also added that he did not feel that proposed plans would negatively affect the nature of Scatterdells Park.

The Chairman asked D Sunderland if the hedge adjacent to plot 17 would be removed if the application was granted. D Sunderland said that it would and that the hedge was 2m wide and would be replaced with a fence.

The Chairman then asked if the mobile homes would have 6m between each mobile home. D Sunderland said that this would be the case. D Sunderland added that each mobile home would be 3m wide.

Councillor Mrs Green asked if the car belonging to the end mobile home had enough room to turn around. D Sunderland said that no and the car would have to reverse out of the space.

Councillor Bassadone then asked how many bedrooms the mobile homes had. D Sunderland said that each home would have one bedroom.

Councillor Fantham said that he had concerns around the health and safety aspects of the application. Councillor Fantham enquired if there was sufficient access to/from the mobile homes in event of a fire. Councillor Fantham also asked if a tree on the existing plots would have to be moved if the plots were developed. D Sunderland said that the necessary checks around fire safety had been carried out and that if necessary the trees on the plots would be removed.

The Chairman asked if the sheds near plot 7 would be removed. N Egerton said in accordance with fire safety standards attached to the current site licence if there were combustible sheds within 6m of the mobile homes they would have to be removed.

Councillor G Sutton asked how the potential to have 34 mobile homes on site was calculated as surely this would be based on the size of the units in question. D Sunderland acknowledged that it may not be possible to fit 34 units on the site as this was only possible if all of the other government model standards were met.

D Sunderland highlighted that the site was originally a World War II base for airman and so it had been developed gradually and this meant that on occasion space was

not utilised as effectively as possible. D Sunderland said that the restrictions were not around planning consent but concerned issues of density.

The Chairman then gave T Vyse an opportunity to comment on the application on behalf of the residents from Scatterdells Park. T Vyse commented that a main concern involved the process of applications and how residents were consulted. T Vyse said that residents were only made aware of the application on the 2 December 2013 and that this meant Scatterdells Park Residents Association was unable to properly consult with residents about the application. T Vyse said that she would like to see the consultation response formularised and for it to be made clear as to who was responsible for overseeing thorough consultation.

The Chairman said he recognised T Vyse's concerns but that he was not sure if the Sub-Committee could demand that consultation was carried out. N Egerton confirmed that the legislation didn't specify that applicants had to follow a set consultation procedure with residents. B Lisgarten said that whilst consultation was advised it was at the proprietor's discretion to do so and there would be no breach of standards or legislation if it was not done.

N Egerton did mention that there was new legislation associated with the Mobile Home Site Act 2013 that could incorporate consultation into the park owner's role. D Sunderland said that he was aware of this act and that it stipulated that the owners of the park must lodge site rules with the local authority but it was at the park owner's discretion to include the option of resident consultation around prospective applications.

D Sunderland highlighted that it was highly unusual for applications of this nature to come before a member committee and that he had worked with 24 authorities and not had to deal with one before.

D Sunderland explained that this application was to ask for an increase in potential mobile homes on the site but that Wyldecrest Parks may not actually develop the space as outlined in the application and that they would endeavour to consult with residents prior to any work being carried out.

Councillor Fantham asked if there was any legislation set by the government that stipulated how much parking was needed in the park. D Sunderland said that the government model standards talked about 1.2 spaces per home but that Wyldecrest Parks were hoping to increase the number of car parking spaces in the park to 46-48 which would work out as approximately as 1.6 spaces per home.

The Chairman then asked N Egerton if he was satisfied that the application fitted government model standards in regards to the mobile home sizes and the spacing's between them. The Chairman also asked N Egerton if he felt that access for the emergency services was unaffected. N Egerton said that the application did adhere to government model standards.

The Chairman then asked the applicant and officers and members of the public present to withdraw whilst the Licensing Health & Safety Sub-Committee considered the application at 8.19pm.

Resolved:

The Licensing Health & Safety Enforcement Sub-Committee by a majority voted to approve the application to vary the current license but with the recommended change to condition 3 and 25.

The meeting ended at 8.30pm.