



THE LICENSING AND HEALTH AND SAFETY ENFORCEMENT SUB-COMMITTEE AGENDA

TUESDAY 24 MARCH 2015 AT 7.30PM

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.

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

Cllr Hearn (Vice-Chairman)
Cllr Link
Cllr G Sutton

Substitutes: Councillors Mrs Bassadone, Bhinder, R Hollinghurst, Ryan and R Sutton.

For further information, please contact Trudi Coston on Tel: 01442 228224, or Email: Trudi.Coston@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 meeting held on 03 February 2015.

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 (Items 7 & 8).

APPENDIX A

DACORUM BOROUGH COUNCIL

LICENSING AND HEALTH AND SAFETY ENFORCEMENT SUB-COMMITTEE

03 FEBRUARY 2015

Present-

MEMBERS:

Councillor Mrs Green (Chairman), Conway, Fantham, Hearn (Vice-Chairman), Link, R Sutton and G Sutton

OFFICERS:

B Lisgarten	Legal Governance Team Leader
R Hill	Licensing Team Leader
R Mabbitt	Licensing Enforcement Officer
T Coston	Member Support Officer (Minutes)

Other Persons Present:

Mr B – Item 7
Mr H – Item 8
Mr C – Item 8
Mr M – Item 8

The meeting began at 8.26 pm

1. INTRODUCTION

The Chairman introduced herself, the Members of the Sub-Committee and the officers present.

2. MINUTES

The minutes of the meetings held on 28 October and 12 November 2014 were confirmed by the members present and then signed by the Chairman.

3. APOLOGIES FOR ABSENCE

Apologies for absence were received by Councillor Mrs G Chapman. Councillor Mrs G Chapman was substituted by Councillor R Sutton.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. PUBLIC PARTICIPATION

None

6. EXCLUSION OF THE PUBLIC

It was moved by Councillor Hearn and seconded by Councillor G Sutton to move to Part II of the meeting and to exclude the public.

Resolved:

That, under S.100A (4) of the Local Government Act 1972 the public be excluded during the items in Part II of the Agenda for this meeting, because it was likely, in view of the nature of the business to be transacted, that if members of the public were present during those items there would be disclosure to them of exempt information relating to an individual which is likely to reveal their identity (Minute 7 and 8).

7. APPLICATION FOR RENEWAL OF HACKNEY CARRIAGE DRIVERS LICENCE WITH MOTORING OFFENCES

Full details are in the Part 2 minutes.

8. APPLICATION FOR HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE POLICY

Full details are in the Part 2 minutes.

The meeting ended at 9.25 pm.

LICENSING AND HEALTH & SAFETY ENFORCEMENT SUB-COMMITTEE PROCEDURE (PREMISES)

The procedure of the Sub-Committee will be as follows:

1. The Chairman will open the meeting by:
 - (a) Introducing the Members of the Sub-Committee (at the same time indicating any change in membership), and the Officers present, to the parties and any other person in attendance, including any representative of the press;
 - (b) stating the nature of the matter to be considered, (including a reference to the name of the premises or place concerned) and
 - (c) explaining the procedure to be followed.
2. The Chairman will ask those present to introduce themselves and:
 - (a) if any party, without prior notice, fails to attend or to be represented, the Sub-Committee will consider whether or not it is necessary in the public interest to adjourn the hearing to a specified date;
 - (b) if any party is unaccompanied, the Chairman will clarify whether that party understood it was permissible to have a representative;
 - (c) the Chairman will establish whether it is proposed anyone speak as a spokesperson;
 - (d) the Sub-Committee will consider:
 - (i) any properly made request by a party for permission for any other person, (not being a representative), to appear and
 - (ii) any request to provide late documentary or other information and will only take the same into account if the other parties consent.
3. The Chairman will ask whether any Member has an interest to declare and whether any Member has visited the premises or place the subject of the application.
4. The Chairman will establish whether all Members of the Sub-Committee have read the papers before them.
5. The Chairman will ask the Officers present to confirm whether there has been compliance with all relevant requirements and to summarise any relevant information, as necessary.
6. Members may ask any relevant question of any Officer.
7. The Chairman will ask each person who is to speak at the meeting for an indication of how much time he or she reasonably estimates is required to make relevant points concisely, and without undue repetition, and will consider a maximum period of time to be applied equally in the case of all the parties.
8. The Sub-Committee will hear from the Applicant (or representative, if applicable), and any other person who has made relevant representations (in that order).
9. In every case at a suitable point, Members of the Sub-Committee may ask relevant questions of each party.

10. The Sub-Committee will consider any party's request to question/cross-examine another party and will not permit cross-examination unless it is of the view that it is required in order for Members to consider the representations, application or notice as the case may be.
11. The Chairman may invite any person who has addressed the Sub-Committee, or those representing them, to summarise their points if they wish.
12. The Chairman will seek confirmation from all parties that they are satisfied they have made all the pertinent points which they wished to make.
13. Members of the Sub-Committee will discuss what has been said and written on the matter before them and make their decision. The Chairman may request that the applicant or licence holder, other persons, representatives (if any) and any officer present (with the exception of the Clerk to the Committee) withdraw during this process – if any further clarification or information is required from any person, all parties will be recalled.
14. The Chairman will confirm the decision, the reasons for the decision, and any condition placed upon the licence (if granted) and the licensing objective to which each condition relates.
15. The Sub-Committee's decision will be confirmed in writing by the Solicitor to the Council.

Please Note:

- All properly made applications, notices and representations received from absent parties will be considered.
- An Applicant has a right to appeal, details of which can be obtained via the Licensing Officer.
- The Authority has the right to require any person who, in its opinion, is behaving in a disruptive manner, to leave the hearing and may preclude, or impose conditions in relation to, that person's return.

EXCLUSION OF THE PUBLIC

At any point in this procedure, the Committee may pass a resolution under s.100A(4) of the Local Government Act 1972, excluding the public and press from the meeting on the basis that, in view of the nature of the proceedings or the nature of the business to be transacted, if members of the public were present during that item there would be disclosure to them of exempt information.