

# LICENSING COMMITTEE MEETING

Date: Thursday 14 September 2023  
Time: 6.30 pm  
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Springett (Chairman), Joy (Vice-Chairman), Coates, English, Fort, Garten, Hinder, Naghi, Parfitt-Reid, Mrs Robertson, J Sams, Reid and J Wilkinson

*The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.*

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2. Notification of Substitute Members	
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7. To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
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**Issued on Wednesday 6 September 2023**  
**Over/:**

**Continued**

*Alison Broom*

**Alison Broom, Chief Executive**

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## **PART II**

**To move that the public be excluded for the items set out in Part II of the Agenda because of the likely disclosure of exempt information for the reasons specified having applied the Public Interest Test.**

### **Head of Schedule 12 A and Brief Description**

22. Minutes (PART II) of the Licensing Act 2003 Sub-Committee Meeting held on 8 June 2023	1 – Information relating to any individual	75 - 76
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## **INFORMATION FOR THE PUBLIC**

In order to ask a question at this meeting, please call **01622 602899** or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Tuesday 12 September 2023). You will need to provide the full text in writing.

If your question is accepted, you will be provided with instructions as to how you can access the meeting.

In order to make a statement in relation to an item on the agenda, please call **01622**

**602899** or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 4 p.m. one clear working day before the meeting (i.e. by 4 p.m. on Tuesday 12 September 2023). You will need to tell us which agenda item you wish to speak on.

If you require this information in an alternative format please contact us, call **01622 602899** or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk).

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## MAIDSTONE BOROUGH COUNCIL

### LICENSING COMMITTEE

#### MINUTES OF THE MEETING HELD ON THURSDAY 12 JANUARY 2023

##### Attendees:

<b>Committee Members:</b>	<b>Councillors Springett (Chairman), Joy, Brindle, Coates, English, Naghi, Parfitt-Reid, Mrs Robertson, J Sams, Trzebinski and Russell</b>
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48. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Garten and Hinder.

49. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Russell was present as Substitute for Councillor Garten.

50. URGENT ITEMS

There were no urgent items.

51. VISITING MEMBERS

There was no Visiting Members.

52. DISCLOSURES BY MEMBERS AND OFFICERS

In relation to Item 12 – Reference from Planning Committee – Introduction of a Licensing and Monitoring Scheme for all Holidays Lets within the Borough, Councillor Russell stated that she had a horse livery business although the horses were not available for hire.

53. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

54. EXEMPT ITEMS

**RESOLVED:** That all items be taken in public as proposed.

55. MINUTES OF THE MEETING HELD ON 10 NOVEMBER 2022

**RESOLVED:** That the Minutes of the Meeting held on 10 November 2022 be approved as a correct record and signed.

56. MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE HELD ON 1 DECEMBER 2022

**RESOLVED:** That the Minutes of the Licensing Act 2003 Sub-Committee Meeting held on 1 December 2022 be approved as a correct record and signed.

57. QUESTIONS AND ANSWER SESSION FOR LOCAL RESIDENTS

There were no questions from Local Residents.

58. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

59. REFERENCE FROM PLANNING COMMITTEE - INTRODUCTION OF A LICENSING AND MONITORING SCHEME FOR ALL HOLIDAY LETS WITHIN THE BOROUGH

The Democratic Services Officer introduced the reference and advised the Committee that the relevant officers for the matter were the Community and Strategic Partnerships Manager and the Lawyer (contentious).

The Lawyer (contentious) advised the Committee that there were currently no legal mechanisms available to the Council to licence short-term holiday lets. The Government were looking to introduce a registration scheme, and in addition the Short-term and Holiday Let Accommodation (Licensing) Bill had been introduced to Parliament, with an update expected by the Summer of 2023. The issues progress could be monitored by the relevant Officers.

In response to questions, the Lawyer (contentious) stated that as the registration and licensing schemes had not yet been implemented, no further information could be provided on the types of mechanisms that would be available, how those mechanisms would work or which of the Councils teams would be responsible for the issue.

The Committee felt that monitoring the issue, and the expected registration scheme and/or relevant legislation, was the best course of action given the advice provided. Several Members of the Committee that had also attended the 15 December 2022 Planning Committee Meeting commented on the reference's aims in highlighting the issue.

It was felt that further information on the enforcement actions available to the Council's Planning Teams in relation to short-term holiday lets should be provided. The Head of Development Management would be requested to provide the relevant information to the Committee informally.

**RESOLVED:** That

1. Given the advice provided by Officers, the issue continue to be monitored as the relevant registration scheme and legislation progresses; and
2. The Head of Development Management be requested to advise on the processes currently available on monitoring the use of holiday lets, and what conditions can currently be applied to monitor holiday lets, via email.

60. LICENCE FEES AND CHARGES 2023-2024 PRE-APPLICATION ADVICE

The Head of Licensing Partnership introduced the report and referenced the Committee' previous consideration of License Fees and Charges at its November 2022 Meeting; as the pre-application fee review was ongoing at that time, a general percentage update had been put forward.

The review had since been completed, with the proposed fees to replace those agreed at the previous meeting. It was hoped that the proposed fees would increase the service's demand, as customers and officers felt that the existing structure was too complex and discouraged individuals from engaging with the service provided. An increase in income would assist in paying for the service which needed to be self-financing.

In response to questions, the Head of Licensing Partnership stated that if agreed, the proposed fees would be advertised on the Council's website and included within the Service's newsletter. Officers would also advise applicants to use the service, which would be competitive in comparison to the cost of similar services provided elsewhere.

The Committee expressed support for the proposed fees as it would be easier for the Council and applicants to administer and engage with respectively.

**RESOLVED:** That the fee levels as set out at point 2.7 of the report for implementation on 1 April 2023, be approved to replace the former version agreed in November 2022.

61. ANIMAL LICENSING - SERVICE UPDATE AND PROPOSED FEES

The Community and Strategic Partnerships Manager introduced the report and stated that there had been a significant review of the legislation applicable to animal licensing in 2018. The associated guidance had been adopted by the Department for Environment, Food and Rural Affairs, with industry-wide learning having taken place since 2018.

The new legislation introduced had been designed to improve animal welfare within businesses where animals contributed to the business model. The guidance produced allowed regulators, such as the Council, to ensure that those businesses met and maintained animal welfare standards. The fees would apply to businesses that generated more than £1,000 annually from their business, except for the fee applicable to dangerous wild animals which was intended to ensure that there were no risks posed to the relevant household or community in general.

The Community and Strategic Partnerships Manager stated that existing licence holders would not be affected by the proposed fee increases until renewal, the earliest of which would be in 2024.

The Committee expressed their support for the proposal and strongly reiterated the importance of ensuring animal welfare standards were maintained. The positive impact of existing businesses not being affected by the increased fees until 2024 at the earliest, was highlighted.

The Committee wished to extend their thanks to the Community Protection Team for the work undertaken. The good quality of the report was also highlighted.

**RESOLVED:** That

1. The work undertaken to improve animal welfare standards to date, be noted;
2. The proposed fee structure, produced in accordance with the guidance provided by the Department for Environment, Food and Rural Affairs, be agreed with effect from 1 April 2023; and
3. An update report on the work undertaken by the Community Protection Team in relation to animal licensing be presented to a future meeting of the Committee.

62. DURATION OF MEETING

6.30 p.m. to 7.13 p.m.

## MAIDSTONE BOROUGH COUNCIL

### LICENSING COMMITTEE

#### MINUTES OF THE MEETING HELD ON TUESDAY 23 MAY 2023

##### Present:

<b>Committee Members:</b>	<b>Councillor Springett (Chairman) and Councillors Coates, English, Forecast, Fort, Garten, Hinder, Jeffery, Mrs Joy, Naghi, Parfitt-Reid, Mrs Robertson and J Wilkinson</b>
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1. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Reid and J Sams.

2. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Forecast for Councillor Reid  
Councillor Jeffery for Councillor J Sams

3. ELECTION OF CHAIRMAN

**RESOLVED:** That Councillor Springett be elected as Chairman of the Committee for the Municipal Year 2023/24.

4. ELECTION OF VICE-CHAIRMAN

**RESOLVED:** That Councillor Mrs Joy be elected as Vice-Chairman of the Committee for the Municipal Year 2023/24.

5. DURATION OF MEETING

7.00 p.m. to 7.01 p.m.



# Agenda Item 10

## MAIDSTONE BOROUGH COUNCIL

### LICENSING ACT 2003 SUB COMMITTEE

#### MINUTES OF THE MEETING HELD ON THURSDAY 9 FEBRUARY 2023

<b>Committee Members:</b>	<b>Councillors Coates, Joy, and Trzebinski (Chairman)</b>
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35. APOLOGIES

There were no apologies for absence.

36. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no substitute members present.

37. ELECTION OF CHAIRMAN

**RESOLVED:** That Councillor Trzebinski be elected as Chairman for the duration of the meeting.

38. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Joy disclosed that she personally knew one of the interested parties and that she would approach the hearing with an open mind with consideration to all the officer's advice and presentations made.

39. DISCLOSURES OF LOBBYING

There were no disclosures by Members and Officers.

40. EXEMPT ITEMS

**RESOLVED:** That item 7 be taken in public as proposed. However, it was agreed that the sub-committee would retire to closed session to consider the application when the decision would then be announced in public.

41. APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR THE GREEN CONVENIENCE STORE, 4 THE PARADE, THE GREEN, BEARSTED, KENT, ME14 4DN

The persons participating at the hearing were identified as follows:

Chairman – Councillor Ziggy Trzebinksi  
Sub-Committee Member – Councillor Patrick Coates  
Sub-Committee Member – Councillor Denise Joy  
Senior Licensing Officer – Lorraine Neale  
Legal Advisor – Helen Ward  
Democratic Services Officer – Oliviya Parfitt

The Applicant and their Representative – Engarshal Sinnarasa and Frank Fender.

Interested Parties – Cllr Val Springett & Graham Barrett

The Chairman explained that:

The Sub-Committee would allow all parties to put their case fully and make full submission within a reasonable time frame.

The procedure would take the form of a discussion led by the Sub-Committee and they would usually permit cross-examination within a reasonable timeframe.

Any person attending the hearing who behaved in a disruptive manner may be directed to leave the hearing by the Sub-Committee (including temporarily) after which, such person may submit to the Sub-Committee any information which that person would have been entitled to give orally had the person not been required to leave the meeting. If this was not possible, they may be permitted to speak at the Chairman's invitation.

The Senior Licensing Officer outlined the application and introduced the applicant Engarshal Sinnarasa. The Senior Licensing officer stated that members had been asked to consider the application for a new premises licence under the Licensing Act 2002 for the Green Convenience Store, 4 The Parade. The Green, Bearsted, Kent, M14 4DN.

The Senior Licensing Officer also stated that the application was made for the sale and supply of alcohol of sales only Monday to Sunday 06:00 to 23: 00 hours. There were no comments received from any of the responsible authorities.

The applicant's representative gave their opening statement on behalf of the application and explained that:

- Between the years 2004 – 2009 the applicant worked at Budgens supermarket which was licensed to sell alcohol.
- Between 2009 – 2010, the applicant worked in a petrol station which was licensed to sell alcohol.
- In February 2010, the applicant took over a convenience store which was licensed to sell alcohol between 6 am to 11 pm.
- In 2014, the applicant took over another convenience store in Bearsted on Ashford Road and held the premises license.
- In 2019, the applicant took over another shop and became the premises license holder.

The applicant's representative stated that the applicant had never caused any concerns for any of the authorities through the operation of his other licensed premises and had an excellent track record. The measures proposed to meet the licensing objectives, such as 'Challenge 25', were outlined. It was reiterated that no representations had been made by the responsible authorities, with no evidence provided to support the concerns expressed by the interested parties' representations.

The applicant's representative stated that the premises was unlikely to remain open until 11p.m., particularly during the winter where the likely closing time would be around 8-9 p.m., but that this would provide the flexibility needed to sell alcohol later into the evening.

In response, the panel enquired about the applicants' other premises and whether they were near any village greens or recreational grounds. The applicant responded that the post office in Loose has a playground called St Georges which is in front of the Loose Infant School.

The interested party (Councillor Val Springett) was invited to make their case and in doing so mentioned that generally the application was welcomed, as the shop had been very old-fashioned and outdated for a very long time.

However, the application had divided opinion given the late opening hours, which might encourage young individuals to gather on Bearsted Green and consume alcohol late into the evening. The area was generally a quiet area, although the other licensed premises in the area generated noise, with the junction near the premises as incredibly busy. The sub-committee was being asked to consider adjusting the operating hours as applied for, as opposed to rejecting the application.

The applicant responded by stating that customers would be asked not to litter the green or cause disruption or noise late at night, as otherwise they wouldn't continue to be served.

In response to a question from the sub-committee, the applicant stated that they would expect the premises to be open for an extra hour in the summer months, with additional staff members on site.

The interested party Graham J Barrett was invited to make their case and stated that in the last 18 months there had been an increase in vandalism in the surrounding area, with the local road network to the premises as being busy and dangerous. It was felt that the premises staff could be vulnerable post 7 p.m. due to the antisocial behaviour in the area.

In response to the comments on the road network, the Legal Advisor stated that no weight could be given to the comments unless it related to the licensing objectives.

In response to the interested party's comments, the applicant's representative stated that the applicant would maintain a working relationship with the local ward Member and that they would not give a definitive premises closing time, as this could be included in the license and reduce the flexibility available to the applicant.

The applicant's representative summarised their case by stating that the applicant had a good track record of running convenience stores and asked the committee to attach considerable weight to the fact that no other responsible authority had made a representation. In saying that, the representative asked that the committee to grant as applied for.

The interested parties summarised their case by requesting that the applicant liaise with the local Ward Member and community.

The chairman advised that the sub-committee would retire for deliberation with the legal advisor present. The meeting was adjourned between 11.08 a.m. to 11.45 a.m.

Following the Sub-Committee's return, the legal advisor outlined a proposed condition that had been discussed in closed session; that a second member of staff be on duty if the shop was open beyond 7 pm. The interested parties agreed with this condition and stated that it would also improve the safety of the shop and the staff inside.

The applicant's representative strongly objected to the proposed condition and responded by stating that the applicant had one member of staff working at all his other stores up until closing time. However, the condition would be acceptable if the time proposed was amended to 9.30 p.m. as the applicant would rarely be open beyond that time in the first instance.

The Sub-Committee adjourned again between 12 p.m. And 12:15 p.m. to deliberate the proposed condition.

The Sub-Committee returned, and the Chairman stated that having considered the report, evidence provided, representations made and the relevant legislation and guidance, the decision made was to grant the application as applied for with the addition of one condition; that where the premises is open for the sale of alcohol beyond 9:30 pm a minimum of two staff would be on duty on the premises until close. The reasons contributing to the decision were outlined in further detail.

It was confirmed that a written decision notice would be provided. Parties were reminded of the right of appeal to the Magistrates Court.

The hearing closed at 12.16 p.m.

**RESOLVED:** That the Sub-Committee's decision and reasons be provided within the Notice of Determination attached as an Appendix to the minutes.



**LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL**

**LICENSING ACT 2003  
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

**NOTICE OF DETERMINATION**

Application Ref No: 22/04808/LAPRE

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Applicant: Mr Engarshal Sinnarasa

Regarding The Green Convenience Store, 4 The Parade, The Green, Bearstead, Kent ME14 4DN

Date(s) of hearing: 9 February 2023

Date of determination: 9 February 2023

Committee Members: Councillor Trzebinski (Chair)  
Councillor Coates  
Councillor Joy

Legal Advisor in attendance at hearing(s): Helen Ward, Lawyer (Contentious), MKLS

Democratic Services Officer in attendance at hearing: Oliviya Parfitt

Senior Licensing Officer for application: Lorraine Neale

This was an application for:

- Variation       Grant
- Provisional Statement     Review     Other .....

for a

- Premises Licence     Club Premises Certificate     Personal Licence
- Temporary Event Notice

**A: Representations, evidence and submissions:**

The Committee considered the representations, evidence and submissions of the following parties:

**Applicant**

Mr Engarshal Sinnarasa (Applicant)  
Mr Frank Fender (Applicant's Representative)

**Responsible Authorities**

N/A

**Interested Parties**

Cllr Val Springett  
Graham Barrett

**Witnesses and legal representatives in support of interested parties**

N/A

**Representations considered in the absence of a party to the hearing:**

Those contained within the Report prepared for the Licensing Sub Committee

**B: Consideration of the Licensing Act 2003, the Guidance under s. 182 of the Act and the Statement of Licensing Policy of Maidstone Borough Council**

The Committee has taken into account the following provisions of the Licensing Act 2003 and the Regulations thereto:

Section 4 which relates to the licensing objectives  
Sections 16-24 which relate to the grant of a premises licence;

The Committee has taken into account the following provisions of the Guidance under section 182 of the Act:

Chapter 2 which relates to the licensing objectives  
Chapters 8 & 9 which relate to premises licences & determinations  
Chapter 10 which relates to conditions attached to licences;

The Committee has taken into account its Statement of Licensing Policy.

## **C: Determination:**

### **The Committee has decided to:**

- Grant the application as applied for with an additional condition that reads:  
*Where the premises is open for the sale of alcohol beyond 9.30pm, a minimum of two staff will be on duty at the premises from 9.30pm until close.*

### **Reasons for determination:**

#### **■ Prevention of Crime and Disorder**

The Licensing Sub Committee welcomed the investment that the applicant had made to the premises and recognised their experience in operating similar businesses. The applicant explained that he operated three other convenience stores which, although licensed until 10pm or 11pm, generally did not operate beyond 8pm in the winter or 9pm at weekends in the summer. On questioning from the Licensing Sub Committee the applicant confirmed that there would be another member of staff on duty in the summer when they trade later at the other premises.

The Licensing Sub Committee welcomed the contact the applicant had made with the interested parties and local councillors regarding the application.

The Licensing Sub Committee noted that the operating schedule that had been offered was robust in terms of CCTV and staff training and they considered that this would help ensure the premises would promote licensing objectives.

The Licensing Sub Committee recognised that the Police had not made any objection to the application and noted their policy at paragraph 4.5 that the Police are the main source of information on crime and disorder matters. The Licensing Sub Committee also considered the evidence provided concerning anti social behaviour during later hours from the interested parties. The Licensing Sub Committee heard that the applicant did not know what hours he would definitively operate to, which would be dictated by market forces. On questioning, he explained that he operated with extra staffing at his other shops when they operate later hours. They welcomed his commitment made during the hearing to work closely with the community to deal with concerns regarding trading in the later hours. The Licensing Sub Committee queried the inclusion of an additional condition regarding staffing levels and noted the comments made by all parties, in particular by the applicant that they would be in agreement to a condition that an additional member of staff be on duty beyond 9.30pm when the premises was trading later than 9.30pm, as if he were to be open that late it would be due to other circumstances in the area which would likely dictate the need for further staff on duty. The Licensing Sub Committee recognised that a number of the concerns raised in representations were already occurring and could not be apportioned to the premises. They balanced that with their duty to promote the

licensing objectives and in particular that they were required to consider the prevention of crime and disorder.

The Licensing Sub Committee noted that a number of representations raised the issue of an earlier closing hour. They did not feel that the evidence supported any intervention in the hours sought by the applicant for the sale of alcohol, subject to it being supported by the operating schedule proposed and the additional condition agreed at the hearing. They noted in particular their policy at paragraph 3.6, whereby hours will generally only be restricted in comparison to the opening hours of a premises where the premises has become the focus of crime and disorder.

The Licensing Sub Committee recognised that in the event that the concerns raised in representations were made out, the applicant had offered to work with his community and in addition the Licensing Act 2003 allowed a process for Review of the premises licence if the licensing objectives were undermined.

Accordingly, the Licensing Sub Committee were satisfied that the operating schedule provided by the applicant was appropriate and proportionate to promote this licensing objective subject to the addition of a condition requiring an additional member of staff to be on duty beyond 9.30pm, when the premises traded for the sale of alcohol beyond that time.

#### ■ **Public Safety**

The Sub-Committee were satisfied that the operating schedule provided by the applicant was appropriate and proportionate to promote this licensing objective.

#### ■ **Prevention of Public Nuisance**

The Sub-Committee were satisfied that the operating schedule provided by the applicant was appropriate and proportionate to promote this licensing objective.

The Licensing Sub Committee noted that a number of representations made reference to an increase in noise, however they did not feel that the evidence provided supported any intervention to promote this licensing objective.

#### ■ **Protection of Children from Harm**

The Sub-Committee were satisfied that the operating schedule provided by the applicant was appropriate and proportionate to promote this licensing objective.

### **D: Appeal**

Entitlements to appeal for parties aggrieved by the decisions of the Licensing Authority are set out in Schedule 5 to the Licensing Act 2003.



An appeal has to be commenced by the giving of a notice of appeal to the Magistrates' Court within a period of 21 days beginning on the day on which the appellant was notified by the licensing authority of the decision to be appealed against. Parties should be aware that the Magistrates' Court may make an Order as to costs in any Appeal.

PRINT NAME (CHAIR):

Signed [Chair]:

A copy of the original document is held on file

Date: 9 February 2023

## MAIDSTONE BOROUGH COUNCIL

### LICENSING ACT 2003 SUB COMMITTEE

#### MINUTES OF THE MEETING HELD ON TUESDAY 2 MAY 2023

##### Attendees:

<b>Committee Members:</b>	<b>Councillors English (Chairman), Hinder and Joy</b>
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42. APOLOGIES FOR ABSENCE

There were no apologies.

43. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

44. ELECTION OF CHAIRMAN

**RESOLVED:** That Councillor English be elected as Chairman for the duration of the Sub-Committee Meeting.

45. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

46. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

47. EXEMPT ITEMS

**RESOLVED:** That Item 7 be taken in public as proposed, with the Sub-Committee to enter into closed session for its deliberations.

48. APPLICATION FOR A PREMISES LICENCE TO BE VARIED UNDER THE LICENSING ACT 2003 FOR HUSH HEATH WINERY, HUSH HEATH ESTATE, FIVE OAK LANE, STAPLEHURST, KENT , TN12 0HX

The persons participating at the hearing were identified as follows:

Chairman – Councillor Clive English  
Sub-Committee Member – Councillor Denise Joy  
Sub-Committee Member – Councillor Bob Hinder  
Senior Licensing Officer – Lorraine Neale  
Legal Advisor – Helen Ward  
Democratic Services Officer – Oliviya Parfitt

Applicant – Richard Balfour-Lynn  
Applicant’s witnesses – Adam Williams, Sarah Easton, Councillor John Perry.

Interested Parties – Matt Lewin, on behalf of Andrea Hodgkiss, Angus Codd, Mr & Mrs Humphrey and Amanda Tipples, Sally Humphrey, Andrea Hodgkiss, Natasha Davidson-Houston.

The Chairman explained that:

- The Sub-Committee would allow all parties to put their case fully and make full submissions within a reasonable time frame.
- The procedure would take the form of a discussion led by the Sub-Committee and that would usually permit cross-examination within a reasonable timeframe.
- Any person attending the hearing who behaved in a disruptive manner may be directed to leave the hearing by the Sub-Committee (including temporarily) after which, such person may submit to the Sub-Committee any information which that person would have been entitled to give orally had the person not been required to leave the meeting. If this was not possible, they may be permitted to speak at the Chairman's invitation.

The Senior Licensing Officer introduced the report, referencing the application received in appendix 1 to the report, and the representations received in appendix 3 to the report.

The applicant, Mr Richard Balfour-Lynn, was invited to make their opening remarks and stated that the application had been submitted to avoid a potential situation whereby the premises was accused of invalidating its licence through serving food, given that the licence included that the premises would not operate as a restaurant. As there was no legal definition of a restaurant, the applicant wished for the word to be removed from the licence.

The applicant summarised the services provided by the venue, including wine tastings that were accompanied by lunch, the production and sale of wine, a shuttle service for visitors, and its role as a local business and employer.

The Legal representative clarified that the Sub-Committee was asked to consider the request and its affect on the licensable activities, as opposed to defining what constituted a restaurant.

In response to a question from the panel, the applicant confirmed that they would like to provide a greater number of food options for guests as part of the 'wine and dine' experience offered at the premises. The applicant's witness, Sarah Easton, reiterated that feedback had been received from regular customers that they would prefer a wider range of food options. It was not intended for the premises to become a restaurant.

The applicant's witness, Councillor John Perry, gave their opening remarks and stated that the business was important to the local economy and that the services provided were similar to other wineries. The impact of Covid-19 to the business and the need for business diversification was highlighted. The premises provided high-quality products and services, with the traffic on the local road network stated to be low. The applicant's witness asked for the application to be supported by the Sub-Committee.

In response to questions from Mr Lewin, as the representative of four of the interested parties, the applicant reiterated that they had submitted the application as a pre-emptive action, to prevent a complaint on the premises food provision given the absence of a legal definition of a restaurant. It was stated that the venue did not operate as a restaurant. There had been no complaints since 2010.

The applicant's witness, Sarah Easton, responded to further questions to reiterate that the business had had to change since Covid-19, and that repeat customers had given feedback that they would like more food offerings as part of the experiences already offered by the venue. It was stated that other wineries in Kent offered food with their wine tasting experiences, and that removing the word 'restaurant' would not cause confusion as the business did not advertise itself with food being its primary service, but as part of the wine experiences.

In response to questions from the panel, Sarah Easton confirmed that they would like to provide hot food choices to the experience mentioned, rather than a full food menu. It was not anticipated that the visitor number or average visit length would increase. The applicant's witness, Adam Williams, reiterated the venue's primary function as a winery.

The interested parties were invited to make their opening remarks, beginning with Mr Lewin on behalf of some of the interested parties.

Mr Lewin stated that granting the application would lead to further confusion than it would resolve and referenced the Sub-Committee's previous decision in September 2020 which sought to ensure the venue's primary use remained as a winery. It was stated that if granted, the application would impact several of the licence's existing conditions, with some residents worried that it would permit an expansion of the venue's services. It was stated that the existing premises licence would allow for further food offerings as outlined by the applicant, with the premises being wine led, rather than food led. The Sub-Committee's previous decisions relating to the premises were felt have been balanced between the commercial and residential interests of the area, with a request made for this balance to be struck again.

The interested party, Andrea Hodgkiss, echoed the comments made by Mr Lewin and stated that whilst they fully supported the winery and its value to the local economy, granting the application could increase local traffic. In response to questions from Mr Lewin, Mrs Hodgkiss outlined instances of noise pollution from the premises and outlined the issues experienced in living near the site.

The interest party, Natasha Davidson-Houston, reiterated the concerns expressed relating to increased road traffic and other road users and the sub-committee's previous decisions having been balanced. It was stated that amending the licence could allow the premises to operate similarly to a restaurant as opposed to a winery which was its primary use and increase noise levels to the local rural area, through increased visitor numbers. The interested party expressed that it was difficult to engage with the premises owners.

The Legal Advisor reiterated points 3.1 and 3.2 of the Council's Licensing Policy, to ascertain if the interested parties had any questions arising from the policy. Mr Lewin reiterated the balanced decisions previously made.

In response to questions, the applicant stated that premises online advertisements would continue advertising wine experiences, with the food offerings available changing. The food currently provided was served on the terrace, which was felt to shield any noise from customers; the draft conditions proposed by the interested parties would not be acceptable to the applicant.

In making their closing remarks, Mr Lewins reiterated that there was no need for the applicant's licence to be varied as this would cause confusion, and that the current arrangements balanced the business and residential needs of the area.

In making their closing remarks, the applicant reiterated their reasons in applying for the licence variation, which were supported by their witness, Councillor Perry.

The Chairman advised that the Sub-Committee would retire for deliberation with the legal advisor present. The meeting was adjourned between 11.30 a.m. to 12.15 p.m.

The Sub-Committee returned and the Chairman stated that having considered the evidence provided, representations made and the relevant legislation and guidance, the decision was made to grant the application as applied for. The reasons contributing to the decision were outlined in further detail.

It was confirmed that a written decision notice would be provided. Parties were reminded of the right of appeal to the Magistrates Court.

The hearing closed at 12.17 p.m.

**RESOLVED:** That the Sub-Committee's decision and reasons be provided within the Notice of Determination attached as an Appendix to the minutes.



**LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL**

**LICENSING ACT 2003  
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

**NOTICE OF DETERMINATION**

Application Ref No: 23/00753/LAPRE

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Applicant: Mr Richard Balfour-Lynn

Regarding Hush Heath Winery, Hush Heath Estate, Five Oak Lane, Staplehurst, Tonbridge, Kent TN12 0HX

Date(s) of hearing: 2 May 2023

Date of determination: 2 May 2023

Committee Members: Councillor English (Chairman)  
Councillor Joy  
Councillor Hinder

Legal Advisor in attendance at hearing(s): Helen Ward, Lawyer (Contentious), MKLS

Democratic Services Officer in attendance at hearing: Oliviya Parfitt

Senior Licensing Officer for application: Lorraine Neale

This was an application for:

- Variation     Grant
- Provisional Statement     Review     Other .....

for a

- Premises Licence     Club Premises Certificate     Personal Licence
- Temporary Event Notice

**A: Representations, evidence and submissions:**

The Committee considered the representations, evidence and submissions of the following parties:

**Applicant**

- Richard Balfour-Lynn (Premises Licence Holder and Owner)
- Adam Williams (Chief Operating Officer)
- Sarah Easton (Commercial Director)
- Cllr John Perry (Witness, Staplehurst Ward Member and Parish Councillor)

**Responsible Authorities**

N/A

**Other Persons**

- Matt Lewin, Barrister in attendance on behalf of Andrea Hodgkiss and Angus Codd, Mr & Mrs Humphrey and Amanda Tipples
- Sally Humphrey
- Andrea Hodgkiss
- Natasha Davidson-Houston

**Representations considered in the absence of a party to the hearing:**

- Representation made by Amanda Tipples

**B: Consideration of the Licensing Act 2003, the Guidance under s. 182 of the Act and the Statement of Licensing Policy of Maidstone Borough Council**

The Licensing Sub Committee has taken into account the Licensing Act 2003 and the Regulations thereto.

The Licensing Sub Committee has taken into account the Guidance under section 182 of the Licensing Act 2003.

The Licensing Sub Committee has taken into account its Statement of Licensing Policy.

### **C: Determination:**

**The Committee has decided to GRANT the application as sought with no further modification of the premises licence.**

#### **Reasons for determination:**

The applicant explained that the purpose of the application was to ensure there was no confusion in respect of what was permitted by the premises licence and to allow some diversification in the food offered to customers of the winery.

The Licensing Sub Committee, in making their determination, gave particular consideration to the following matters:

- The removal of the word “restaurant” from condition 1 of the premises licence would not impact on the other conditions, particular conditions 2 and 10 which requires licensable activities to be ancillary to main function of the premises as a winery and that sale of alcohol for consumption on the premises shall be only to those who are attending the premises for the purposes of winery tours, tastings and vinicultural and vinicultural education. These conditions ensured that the primary use of the premises for the purposes of licensable activities would remain a winery. The Licensing Sub Committee noted that there was no change sought to the opening hours or any other licensable activities and no significant change anticipated in respect of how customers attend the premises in terms of travel, purpose or the time they would spend at the premises.
- Previous Licensing Sub Committee decisions sought to strike a balance which preventing “uncontrolled licensable activities” rather than specifically the use of the premises for the service of food. The Licensing Sub Committee accepted that businesses could and should be able to diversify and noted that there was no evidence provided from the interested parties that removal of the word “restaurant” from the condition would allow licensable activities to become uncontrolled.
- The Licensing Sub Committee noted that no responsible authorities had made any representation.
- The Licensing Sub Committee noted the concerns regarding increased visitor numbers however they noted that no evidence was provided to support this and that the premises licence would still be subject to a condition restricting customer numbers during extended hours.
- The Licensing Sub Committee noted its policy in particular at paragraphs 3.1 and 3.2 which state:



*3.1 The Licensing Authority encourages the development of premises which are not alcohol-led and which are aimed at different sectors of the population, including all ages and genders. Premises that promote the arts, a food offer, or other cultural activities are particularly encouraged.*

*3.2 Where premises such as pubs are alcohol-based, they are encouraged to consider diversifying their provisions so as to encourage a mixed customer-base and wider attractions, including community uses, soft refreshments, snacks and live entertainment. Diversification is important in the promotion of the licensing objectives as well as ensuring a sustainable economic future for premises.*

Accordingly, the Licensing Sub Committee recognised that in the absence of any evidence demonstrating that the public nuisance licensing objective was engaged, the Council's policy was to support development and diversification particularly in respect of increased food offering.

- The Licensing Sub Committee heard evidence that removing the word "restaurant" from the condition would create confusion. However, they considered that confusion had already been created and wanted to ensure that moving forward all conditions are clear and capable of enforcement, in accordance with the Guidance issued under s.182 Licensing Act 2003, in particular in the requirements for conditions set out at paragraph 1.16.
- The Licensing Sub Committee recognised that the premises licence holder was hosting meetings in accordance with condition 8 of the premises licence and wished to encourage parties to continue with dialogue between themselves.

#### ■ **Prevention of Crime and Disorder**

Reasons (state in full):

In addition to the reasons above, the Licensing Sub Committee were satisfied that the existing operating schedule was appropriate and proportionate to promote this licensing objective. No further evidence was provided in respect of this licensing objective.

#### ■ **Public Safety**

Reasons (state in full):

In addition to the reasons above, the Licensing Sub Committee were satisfied that the existing operating schedule was appropriate and proportionate to promote this licensing objective. No further evidence was provided in respect of this licensing objective.

#### ■ **Prevention of nuisance**

Reasons (state in full):

In addition to the reasons above, the Licensing Sub Committee were satisfied that the existing operating schedule was appropriate and proportionate to promote this licensing objective. The Licensing Sub Committee heard evidence that there had been no complaints from any persons or responsible authorities. The interested parties confirmed that as things stand the premises was not causing a disturbance and their concerns related to the potential for disturbance following the variation. The Licensing Sub Committee accepted their role in ensuring the prevention of public nuisance however no evidence was provided to support the concerns, given the changes sought as described by the applicant and the robust conditions which would remain on the premises licence. The Licensing Sub Committee also noted that there were a number of mechanisms in place in the event that concerns are made out, including the Review process under the Licensing Act 2003 and actions under environmental protection legislation.

The Licensing Sub Committee considered the proposed conditions put forward by the interested parties however they did not feel that these were appropriate and proportionate. No evidence had been provided concerning noise from external areas being an existing problem and it was felt that the conditions would be onerous given the variation sought.

■ **Protection of children from harm**

Reasons (state in full):

In addition to the reasons above, the Licensing Sub Committee were satisfied that the existing operating schedule was appropriate and proportionate to promote this licensing objective. No further evidence was provided in respect of this licensing objective.

The parties are notified that they may appeal the decision to the Magistrates Court within 21 days beginning with the date of notification of the written decision. Parties should be aware that the Magistrates Court may make an order with respect of the costs of any appeal. Entitlements to appeal for parties aggrieved by the decisions of the Licensing Authority are set out in Schedule 5 to the Licensing Act 2003.

PRINT NAME (CHAIRMAN): CLLR CLIVE ENGLISH

Signed [Chairman]:

A copy of the original document is held on file

Date of Notification of Decision:

# Agenda Item 12

## MAIDSTONE BOROUGH COUNCIL

### LICENSING ACT 2003 SUB COMMITTEE

#### MINUTES OF THE MEETING HELD ON THURSDAY 8 JUNE 2023

##### Attendees:

<b>Committee Members:</b>	<b>Councillors English, Hinder and Springett (Chairman)</b>
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1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Garten.

2. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Hinder was present as a Substitute Member for Councillor Garten.

3. ELECTION OF CHAIRMAN

**RESOLVED:** That Councillor Springett be elected as Chairman for the duration of the meeting.

4. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosure by Members and Officers.

5. DISCLOSURES OF LOBBYING

There were no disclosures of Lobbying.

6. EXEMPT ITEMS

**RESOLVED:** That Item 7 – Determination of an Application for a Private Hire Driver’s Licence be taken in private due to the possible disclosure of exempt information.

7. EXCLUSION OF THE PUBLIC FROM THE MEETING

**RESOLVED:** That the public be excluded from the meeting for the following items of business because of the likely disclosure of exempt information for the reason specified, having applied the public interest test:-

#### **Head of Schedule 12 A and Brief Description**

Item 7 – Determination of an application for a private driver’s licence

Paragraph 1 – Information relating to any individual

Paragraph 2 – Information which is likely to reveal the identity of an

individual

Paragraph 3 – Information relating to the financial and/or business affairs of an individual (including the authority holding that information)

8. DETERMINATION OF AN APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE

The persons participating in the hearing were identified as follows:

1. Chairman – Councillor Springett
2. Sub-Committee Members – Councillors English and Hinder
3. Senior Licensing Officer – Lorraine Neale
4. Legal Advisor – Helen Ward
5. Democratic Services Officer (training) – Jordan Ifield
6. Democratic Services Officer – Oliviya Parfitt
7. The Applicant

All parties confirmed that they were aware of the sub-committee hearing procedure and that they had each received a copy of the hearing procedure document.

The Sub-Committee Members confirmed that they had read the papers regarding the hearing.

The Chairman explained that:

- The Sub-committee would allow all parties to put their case fully and make full submission within a reasonable time frame.
- The procedure would take the form of a discussion led by the Sub-Committee and they would usually permit cross-examination within a reasonable timeframe.
- Any person attending the hearing who behaved in a disruptive manner may be directed to leave the hearing by the Sub-Committee (including temporarily) after which, such person may submit to the Sub-Committee any information which that person would have been entitled to give orally had the person not been required to leave the meeting. If this was not possible, they may be permitted to speak at the Chairman's invitation.

The Senior Licensing Officer introduced the report, with the sub-committee asked to determine an application for a Private Hire Driver's Licence with consideration to the Council's Hackney carriage licence policy.

The applicant was invited to make their opening remarks and provided further information on and context to the report.

The applicant responded to questions from the panel and the legal adviser.

The Chairman advised that the sub-committee would retire for deliberation with the legal officer present. The meeting was adjourned between 10.55 a.m. to 11.15 a.m.

The Sub-Committee reconvened at 11.15 a.m. and the Legal Advisor stated that the sub-committee had decided to grant the application after considering the information provided, government guidance and the Council's Hackney Carriage and Private Hire policy. The written decision would be circulated in due course.

**RESOLVED:** That the application be granted.

(See Notice of Determination)

The hearing closed at 11:20 a.m.

## MAIDSTONE BOROUGH COUNCIL

### LICENSING ACT 2003 SUB COMMITTEE

#### MINUTES OF THE MEETING HELD ON THURSDAY 13 JULY 2023

##### Attendees:

<b>Committee Members:</b>	<b>Councillor Garten (Chairman) and Councillors Coates and Joy</b>
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9. APOLOGIES FOR ABSENCE

There were no apologies.

10. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

11. ELECTION OF CHAIRMAN

**RESOLVED:** That Councillor Garten be elected as Chairman for the duration of the meeting.

12. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

13. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

14. EXEMPT ITEMS

**RESOLVED:** That Item 7 – Street Trading Licence – Mr Osborne, be taken in public as proposed.

15. STREET TRADING APPEAL – MR OSBORNE

The persons participating in the hearing were identified as follows:

1. Chairman – Councillor Garten
2. Sub-Committee Member – Councillor Joy
3. Sub-Committee Member – Councillor Coates
4. Senior Licensing Officer – Lorraine Neale
5. Legal Advisor – Helen Ward

6. Democratic Services Officer – Jordan Ifield

7. The Applicant – Frank Osborne

8. Interested Parties – Chairman of Lenham Parish Council, Cllr John Britt

All parties confirmed that they were aware of the sub-committee hearing procedure and that they had each received a copy of the hearing procedure document.

The Sub-Committee Members confirmed that they had read the papers regarding the hearing.

The Chairman explained that:

- The Sub-committee would allow all parties to put their case fully and make full submission within a reasonable time frame.
- The procedure would take the form of a discussion led by the Sub-Committee and they would usually permit cross-examination within a reasonable timeframe.
- Any person attending the hearing who behaved in a disruptive manner may be directed to leave the hearing by the Sub-Committee (including temporarily) after which, such person may submit to the Sub-Committee any information which that person would have been entitled to give orally had the person not been required to leave the meeting. If this was not possible, they may be permitted to speak at the Chairman's invitation.

The Committee adjourned between 10:41 a.m. to 11.03 a.m., to discuss whether further legal advice was necessary to make a decision.

Following the adjournment, the Chairman stated that the Sub-Committee wished to adjourn the meeting to allow for parties to consider the relevant matters and obtain further advice where required; particular reference made to the applicants need to consult the planning team.

An adjourned meeting date would be confirmed, to occur in the near future.

**RESOLVED:** That the meeting be adjourned to a date to be confirmed.

## MAIDSTONE BOROUGH COUNCIL

### LICENSING ACT 2003 SUB COMMITTEE

#### MINUTES OF THE MEETING HELD ON MONDAY 4 SEPTEMBER 2023

##### Attendees:

<b>Committee Members:</b>	<b>Councillor Garten (Chairman) and Councillors Coates and Joy</b>
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16. APOLOGIES OF ABSENCE

There were no apologies.

17. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

18. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

19. DISCLOSURES OF LOBBYING

All Members of the Sub-Committee disclosed they had been lobbied on Item 6 – Street Trading Appeal – Mr Osborne following the previous adjourned meeting of the Sub-Committee.

20. CLOSURE OF THE MEETING

The Chairman stated that as further information was required from a planning perspective, the hearing would be closed and rearranged once the relevant information was available.

**RESOLVED:** That the hearing be closed and rearranged once the relevant information is available.

The meeting closed at 10:32 a.m.



# Agenda Item 18

**LICENSING COMMITTEE**

**14<sup>th</sup> September 2023**

## **Age Policy - Vehicles**

<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Licensing Committee	14 <sup>th</sup> September 2023

<b>Will this be a Key Decision?</b>	No
<b>Urgency</b>	Not Applicable
<b>Final Decision-Maker</b>	Licensing Committee
<b>Lead Head of Service</b>	John Littlemore, Head of Housing & Regulatory Services.
<b>Lead Officer and Report Author</b>	Lorraine Neale.
<b>Classification</b>	Public
<b>Wards affected</b>	N/A

### **Executive Summary**

This report is for Licensing Committee to consider the matter of the temporary amendment to Maidstone's Hackney Carriage and Private Hire Policy (Taxi Policy) for vehicle ages

### **Purpose of Report**

To consider whether to permanently change the taxi policy vehicle age restrictions or revert back to the original vehicle age restrictions.

### **This report makes the following recommendations to Licensing Committee**

1. That a public consultation take place across a 6-week period, to consider permanently changing the entry level requirement for all vehicle to 4 years, 60,000 miles and the exit level of 8 years for private hire vehicles, as outlined in point 3.1 of the report.

# Age Policy - Vehicles

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <ul style="list-style-type: none"> <li>• We do not expect the recommendations will by themselves materially affect achievement of corporate priorities.</li> </ul>	Senior Licensing Officer
<b>Cross Cutting Objectives</b>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <p>The report recommendations do not materially impact on the achievement of the cross-cutting objectives</p>	Senior Licensing Officer
<b>Risk Management</b>	<ul style="list-style-type: none"> <li>• Refer to paragraph 5.1 of the report</li> </ul>	Senior Licensing Officer
<b>Financial</b>	<ul style="list-style-type: none"> <li>• No implications identified</li> </ul>	Adrian Lovegrove
<b>Staffing</b>	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>	Senior Licensing Officer
<b>Legal</b>	<ul style="list-style-type: none"> <li>• There is no statutory requirement to have a policy but Maidstone Borough Council chose to have one as it was felt that a policy ensures a transparent and consistent approach to licensing. The Statutory Taxi and Private Hire Vehicle</li> </ul>	Helen Ward, Lawyer (Contentious)

	Standards recommends that Authorities have a Policy and that it is regularly reviewed.	
<b>Information Governance</b>	<ul style="list-style-type: none"> <li>The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes.</li> </ul>	Senior Licensing Officer
<b>Equalities</b>	<ul style="list-style-type: none"> <li>The recommendations do not propose a change in service therefore will not require an equalities impact assessment.</li> </ul>	Senior Licensing Officer
<b>Public Health</b>	<ul style="list-style-type: none"> <li>We recognise that the recommendations will not negatively impact on population health or that of individuals.</li> </ul>	Senior Licensing Officer
<b>Crime and Disorder</b>	<ul style="list-style-type: none"> <li>There are no implications to Crime and Disorder</li> </ul>	Senior Licensing Officer
<b>Procurement</b>	<ul style="list-style-type: none"> <li>Not applicable</li> </ul>	Senior Licensing Officer
<b>Biodiversity and Climate Change</b>	<p>The implications of this report on biodiversity and climate change have been considered and;</p> <ul style="list-style-type: none"> <li>There are no implications on biodiversity and climate change.</li> </ul>	Senior Licensing Officer

## 2. INTRODUCTION AND BACKGROUND

2.1 At the meeting of 13<sup>th</sup> October 2022 Members considered the concerns of the trade in relation to the shortage of suitable vehicles that could be licensed as private hire vehicles. At that time there was difficulty in acquiring second hand vehicles under three years old and new vehicles were subject to waiting lists up to a year.

2.2 The taxi policy required that all vehicles being licensed for the first time (Hackney Carriage and Private Hire) should not have more than 30,000 miles on the clock or be older than 3 years. Members were asked to consider changing or removing this

entry level criteria subject to vehicles meeting the requirements of the compliance testing.

2.3 At the meeting Members agreed the following;

- a. The new vehicle entry level requirements as contained within the Taxi Policy 2021-2026, be amended for a pilot period of 12-months only to increase the maximum age of new vehicles from three years to four years, with a maximum mileage restriction of 60,000 and implement an exit age of eight years for private hire vehicles;
- b. To address the situation immediately the public consultation on the temporary amendments was waived.
- c. Following the 12-month pilot period relating to new vehicle entry level requirements, a report be presented to the Committee to consider any resulting implications and next steps.

2.4 As the expiry period of the pilot scheme is approaching Members need to consider whether to make the entry age of 4 years and 60,000 miles for all vehicles and the exit age of 8 years for private hire vehicles permanent. Any permanent amendments to Policy require a public consultation.

2.5 Licensing have not received any negative feedback from the public or the trade in respect of the matter. There have been no complaints received in relation to the conditions of vehicles since the new age restriction pilot scheme started. Licensing are confident that the compliance test that all vehicles have to pass each year ensures that the condition of any vehicle licensed by Maidstone Borough Council remains at a high standard.

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### **3. AVAILABLE OPTIONS**

- 3.1 . To undertake a public consultation on permanently changing the entry level vehicle age and mileage requirement to 4 years, 60,000 miles for all vehicles and the exit age requirement for private hire vehicles to 8 years as per the current pilot scheme due to expire 12<sup>th</sup> October 2023. If agreed, the Committee would be presented with the feedback from the public consultation before a final decision is made on changing the policy.

The public consultation would likely take place from 2 October 2023, for a six-week period.

- 3.2 To revert back to the entry level vehicle age and mileage requirement for all vehicles back to 3 years, 30,000 miles and the exit age requirement for private hire vehicles to 6 years as per current policy. A public consultation would not be required in this instance.

### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 To undertake a public consultation on permanently changing the entry level requirement for all vehicle to 4 years, 60,000 miles and the exit level of 8 years for private hire vehicles given no adverse or negative comments have been received during the pilot scheme period.
- 4.2 See point 2.5 for the reasons for the recommendation.
- 

## **5. RISK**

- 5.1 If we were to revert back to the existing age/mileage policy on entry level vehicles it could contribute once again to a shortage of available licensed vehicles. This in turn could impact the safety of the public especially during the hour of the late night economy.

## **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 N/A
- 

## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 Carry out direct consultation with the taxi trade.
- 7.2 We will analyse any comments received and prepare any changes considered appropriate to the Policy for final approval and present a further report to the Licensing Committee on the 11<sup>th</sup> January 2024.
- 

## **8. REPORT APPENDICES**

- N/A
- 

## **9. BACKGROUND PAPERS**

- N/A

## LICENSING COMMITTEE

**14<sup>th</sup> September 2023**

### Card payments in Hackney Carriage Vehicles

<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Licensing Committee	14 <sup>th</sup> September 2023

<b>Will this be a Key Decision?</b>	No
<b>Urgency</b>	Not Applicable
<b>Final Decision-Maker</b>	Licensing Committee
<b>Lead Head of Service</b>	John Littlemore, Head of Housing & Regulatory Services.
<b>Lead Officer and Report Author</b>	Lorraine Neale.
<b>Classification</b>	Public
<b>Wards affected</b>	N/A

#### **Executive Summary**

This report is for Licensing Committee to consider the matter of mandatory card payments in Maidstone’s licensed Hackney Carriage vehicles.

#### **Purpose of Report**

The report informs Licensing Committee of the background of the proposed amendments to the Hackney Carriage and Private Hire Policy (Taxi Policy)

#### **This report makes the following recommendations to Licensing Committee**

1. That the Committee agree to consult on the proposals regarding potential change to the Hackney Carriage and Private Hire Licensing Policy to require Hackney Carriage vehicles to offer card machine payments by the 1<sup>st</sup> February 2024 as an option.
2. That the consultation be for a six-week period with direct engagement with the taxi trade.

# Card payments in Hackney Carriage Vehicles

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>• We do not expect the recommendations will by themselves materially affect achievement of corporate priorities.</p>	Senior Licensing Officer
<b>Cross Cutting Objectives</b>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <p>• The report recommendations do not materially impact on the achievement of the cross-cutting objectives</p>	Senior Licensing Officer
<b>Risk Management</b>	<ul style="list-style-type: none"> <li>• Refer to paragraph 4.1 of the report</li> </ul>	Senior Licensing Officer
<b>Financial</b>	<ul style="list-style-type: none"> <li>• No implications identified</li> </ul>	Adrian Lovegrove
<b>Staffing</b>	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>	Senior Licensing Officer
<b>Legal</b>	<ul style="list-style-type: none"> <li>• There is no statutory requirement to have a policy but Maidstone Borough Council chose to have one as it was felt that a policy ensures a transparent and consistent approach to licensing. The Statutory Taxi and Private Hire Vehicle</li> </ul>	Helen Ward, Lawyer (Contentious)

	Standards recommends that Authorities have a Policy and that it is regularly reviewed	
<b>Information Governance</b>	<ul style="list-style-type: none"> <li>The recommendations will impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes. The Information Governance Team will/have reviewed the processing of personal data affected and the associated documentation has been/will be updated accordingly, including a data protection impact assessment.</li> </ul>	Information Governance Team
<b>Equalities</b>	<ul style="list-style-type: none"> <li>An EqIA should be carried out as part of a policy or service change, should one be identified.</li> </ul>	Equalities & Communities Officer
<b>Public Health</b>	<ul style="list-style-type: none"> <li>No implications identified</li> </ul>	Senior Licensing Officer
<b>Crime and Disorder</b>	<ul style="list-style-type: none"> <li>There are no implications to Crime and Disorder</li> <li></li> </ul>	Senior Licensing Officer
<b>Procurement</b>	<ul style="list-style-type: none"> <li>Not applicable</li> </ul>	Senior Licensing Officer
<b>Biodiversity and Climate Change</b>	<p>The implications of this report on biodiversity and climate change have been considered and;</p> <ul style="list-style-type: none"> <li>There are no implications on biodiversity and climate change.</li> </ul>	Senior Licensing Officer

## 2. INTRODUCTION AND BACKGROUND

2.1 Over the last couple of years there have been a growing number of complaints from members of the public in relation to the lack of hackney carriage vehicles offering card payment facilities or alternative cashless options. Although a proportion of the hackney carriage (taxi) trade do use card machines, it is not available in all vehicles and it appears that the preferred method of payment for taxi drivers continues to be cash .



2.2 However, for customers this has shifted, especially since the pandemic years, it is now common for the majority of people not to carry cash but to use card payments, or Apple Pay or Google Wallet via their smartphone.

2.3 It is considered that the implementation of card payment machines will have numerous benefits to both the trade and the travelling public.

- a. Public safety : Introducing card payment machines will make travelling by taxi easier and a more attractive option to customers. Card machines will stop the practice of leaving a customer without a ride, especially at night when they could be vulnerable.
- b. Driver safety : drivers are often vulnerable to crime through disputes about payment and through carrying amounts of cash.
- c. Drivers will not lose custom (it is understood taxi drivers are refusing fares when customers do not have cash)
- d. Taxi drivers can only refuse a fare if they have a 'reasonable excuse' : this usually means that a customer is displaying signs of aggression or intoxication. It is not considered 'reasonable' to refuse a fare because a customer does not have cash when they have other means to pay.

2.4 Two main areas of concern that the trade may have on this subject may be:

- a. The cost to the driver.
- b. Problems if no online coverage is available at the time of taking payment.

Card payment machines can be purchased for a single up-front cost (around £30-£40), there are no subscription costs but a small transaction fee will be charged (around 1.7% - which, on a £10 fare equates to under 17p). It is considered the cost of this transaction fee is far less than the loss of income from a refused journey. Any costs of providing card payment machines could be recovered by the proprietor by adding the charge as a running cost when requesting a Hackney Carriage fare tariff increase.

Most card payment machines usually allow payment to be taken 'off-line'. These machines store payment for up to 72 hours until such time as a signal is available and the payment can be processed.

N.B. The provision of card payment machines are in addition to existing cash payment options, and not a replacement for taking cash.

2.5 It is proposed to mandate the provision of card payment machines, if approved, in all hackney carriage vehicles by 1<sup>st</sup> February 2024 by way of adding the following conditions to each licence:

- a) The proprietor shall ensure that passengers are able to make payment by debit card, credit card or app via a contactless card payment facility.
- b) The proprietor shall ensure that all drivers of the vehicle are trained on how to use the card payment system and are aware that passengers must be able to make payment in this manner.

- c) Where a fault in the card payment system is identified, the proprietor must notify the Council's Licensing Team and arrange repair/replacement within 72 hours.

2.6 Failure to arrange repair or replacement within 72 hours will result in the vehicle licence being suspended until the card machine facility is re-instated.

2.7 No complaints have been received in relation to private hire vehicles, this is probably because the journeys are pre-booked and payment options (including app based systems) are agreed prior to the journey.

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### **3. AVAILABLE OPTIONS**

- 3.1 Members require this item come back to Licensing Committee following the six week consultation period where they consider the responses and decide upon the matter.
- 3.2 Members could choose not to make any changes to Policy at this time and wait for the scheduled full review at the end of 2025.

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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 Members approve the six consultation period as this change to the hackney carriage and private hire licensing policy will help ensure travelling by taxis is easier and a more attractive option to customers. It also helps improve safety for drivers.

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### **5. RISK**

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. That consideration is shown in this report at paragraph 4.1. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

### **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 N/A

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### **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 Carry out direct consultation with the taxi trade.

7.2 We will analyse any comments received and prepare any changes considered appropriate to the Policy for final approval and present a further report to the Licensing Committee on the 11<sup>th</sup> January 2024.

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## **8. REPORT APPENDICES**

- N/A
- 

## **9. BACKGROUND PAPERS**

- N/A

## LICENSING COMMITTEE

**14 September 2023**

### The Licensing Partnership – Annual Update

<b>Final Decision-Maker</b>	LICENSING COMMITTEE
<b>Lead Head of Service</b>	John Littlemore, Head of Housing and Community Services
<b>Lead Officer and Report Author</b>	Sharon Bamborough, Head of the Licensing Partnership
<b>Classification</b>	Public
<b>Wards affected</b>	ALL

#### **Executive Summary**

To note the performance of the Licensing Partnership as contained within the report

#### **Purpose of Report**

Noting

#### **This report makes the following recommendations to this Committee:**

1. To note the performance of the Licensing Partnership as contained within the report and to ask the Head of the Licensing Partnership to continue to provide an annual update on the Licensing Partnership activity to the Licensing Committee each municipal year

#### **Timetable**

<b>Meeting</b>	<b>Date</b>
Committee (please state)	14 September 2023

# The Licensing Partnership – Annual Update

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	<i>No implications have been identified</i>	Sharon Bamborough – Head of the Licensing Partnership
<b>Cross Cutting Objectives</b>	<i>No implications have been identified</i>	Sharon Bamborough – Head of the Licensing Partnership
<b>Risk Management</b>	<i>No implications have been identified</i>	Sharon Bamborough – Head of the Licensing Partnership
<b>Financial</b>	<i>No implications have been identified</i>	Sharon Bamborough – Head of the Licensing Partnership
<b>Staffing</b>	<i>No implications have been identified</i>	Sharon Bamborough – Head of the Licensing Partnership
<b>Legal</b>	<i>No implications have been identified</i>	Helen Ward, Lawyer, Midkent Legal team
<b>Privacy and Data Protection</b>	<i>No implications have been identified</i>	Sharon Bamborough – Head of the Licensing Partnership
<b>Equalities</b>	<i>No implications have been identified</i>	Sharon Bamborough – Head of the Licensing Partnership
<b>Public Health</b>	<i>No implications have been identified</i>	Sharon Bamborough – Head of the

		Licensing Partnership
<b>Crime and Disorder</b>	<i>No implications have been identified</i>	Sharon Bamborough – Head of the Licensing Partnership
<b>Procurement</b>	<i>No implications have been identified</i>	Sharon Bamborough – Head of the Licensing Partnership
<b>Biodiversity and Climate Change</b>	<i>No implications have been identified</i>	Sharon Bamborough – Head of the Licensing Partnership

## 2. INTRODUCTION AND BACKGROUND

- 2.1 The Council is a member of the Licensing Partnership with Tunbridge Wells Borough Council, London Borough of Bexley and Sevenoaks District Council, which provides line management responsibilities to their respective licensing enforcement teams and an administration team at Sevenoaks to carry out the processing of licence applications, notices, permits and representations.
- 2.2 The Licensing Partnership has completed 13 years of working together, with London Borough of Bexley becoming a partner as of 31st October 2016
- 2.3 This arrangement provides each council with sovereignty over its policies and decision making processes whilst operating within a partnership that gives resilience and capacity to deal with the fluctuating demands on the service through the year.
- 2.4 This report is an annual update on the performance and activity of the Licensing Partnership.

### **2022 – 2023 Performance report**

- 2.5 The performance of the Licensing Partnership has been generally very good.
- 2.6 The indicators for each of the four authorities and the combined Licensing Partnership results are attached as **Appendix A**
- 2.7 This year has been more of a return to normal following the previous two years (which were challenging due to the Pandemic and it's after- affects).

- 2.8 The general processing and consultation on applications within timeframe has been maintained but where there have been times when performance may not have hit targets this would have been to various factors, such as the usual annual leave, and staff vacancies/recruitment/training.
- 2.9 The Partnership handled a large amount of work in 2022/23; applications volumes were still down in certain areas on the previous years due to the pandemic (for example, fewer temporary event notices were submitted compared to a pre-pandemic year). However, other newer areas of work were required which kept the teams busy. The performance measures should be read in conjunction with the entire volumes of work delivered. The headlines of the performance are as follows:
- In this time period, 9615 applications, notices, permits and other pieces of work were received / carried out across the partnership.
  - From this total, over 2714 pieces of work were for Maidstone.
  - Taking into account the different amounts of time needed for different types of applications, and the differing nature of the work carried out for some of the partners, Maidstone's share of processing work accounted for approx. 27% of the work of the entire partnership in 2022/23
  - Over **25,740** emails were received in the main Licensing inbox and actioned for all four partners – Maidstone's share was 6,555
  - Just under **7,800** calls were received to main licensing hotline and dealt with by the Hub team for all four partners - Maidstone's share was approx. 2120.

### **3. Performance against Service Plan objectives 2022/23**

- 3.1 Objective 1: *To oversee and lead the Licensing Partnership to deliver efficiency savings and achieve performance targets*
- This is ongoing and performance is monitored on a weekly and monthly basis. Please see Appendix A for a report on Key Performance Indicator targets.
  - 1:1 meetings and regular face to face meeting with staff are carried out routinely
  - the Licensing Partnership Board meets 4 times a year.

Performance against the targets is included in **Appendix A**

- 3.2 Objective 2: *Be open and proactive about undertaking of licensing functions for other local authorities.*

**Result:** We have had discussions with two other authorities but this has not lead to any further expression of interest.

- 3.3 Objective 3: *Seek further efficiency savings in processes and use of online facilities*

- a continuous review of processes and procedures of Hub team officers and streamline / change as and when requested by partner officers

**Result:** achieved

#### 3.4 Objective 4: *Ensure all online forms are implemented and in use by customers and explore other software solutions*

- The library of online forms should implemented across the four partners – to include new forms for Bexley (Special Treatments) and any updates needed for existing ones

**Result:** part achieved – several new forms have been introduced this year and further development ongoing as legislation changes / procedures change

- Complete Further development of the electronic record management system, Enterprise (from Idox)

**Result:** achieved – Enterprise is live and under constant review as we use it and make decisions on additional functionality. A new Document Management system has also gone live.

#### 3.5 Objective 5: *Undertake a programme of training for Members and officers. Ensure all new Members on each Licensing Committee receive appropriate training.*

**Result:** training has been given as and when required

#### 3.6 Objective 6: *Revision of Policies & Procedures*

- SB to liaise with relevant staff at LBB to start the planning (data analysis) for review of Cumulative Impact Policy due in June 2023, and keep under review to ensure the data will be ready for the following year

**Result:** not achieved yet – plans in place but delayed due to legal query – advice now received - should be referred to October Licensing Committee

- Continue the review of the Hub Team Admin procedures and update where necessary

**Result:** completed and (always) ongoing

- To review taxi policies in Maidstone, Tunbridge Wells and Sevenoaks as needed.

**Result:** Achieved

- To continue to take part in the Kent and Medway Energy and Low Emissions Implementation Plan lead by KCC (for SDC/MBC/TWBC only)

**Result:** achieved

#### 3.7 **Objective 7 - Health, Safety and Well Being of Staff**

- Ensure risk assessments are carried out and reviewed as appropriate and at least once a year.

**Result:** achieved

- Ensure 1:1 meetings are carried out on a regular basis.

**Result:** achieved

- Ensure staff have complied with any employer requirements in terms of completing workstation assessments both in office and at home if working from home occurs.

**Result:** achieved



The new service plan for 2023/24 is attached as **Appendix B**

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#### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 To note the information, and ensure the Licensing Committee are updated on the performance of the Licensing Partnership
- 

#### **5. RISK**

- 5.1 There are no risks as it is for information only

#### **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 Not applicable
- 

#### **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 Not applicable as this is report is on performance for the previous financial year
- 

#### **8. REPORT APPENDICES**

The following documents are to be published with this report and form part of the report:

- Appendix A: Performance data
  - Appendix B: Service plan for 2023/24
- 


#### **9. BACKGROUND PAPERS**

none

## Licensing - Maidstone - Monthly Performance - 2022/23













Code	LIC 006				
Short Name	Length of time from validation to issue of HC and dual driver licences (Percentage within 10 days)				
	Value	Target	Status	Issued within 10 days	Total number issued
April 2022	100%	90%		6	6
May 2022	100%	90%		3	3
June 2022	100%	90%		2	2
July 2022	100%	90%		1	1
August 2022	100%	90%		2	2
September 2022	100%	90%		2	2
October 2022	100%	90%		1	1
November 2022	100%	90%		1	1
December 2022	100%	90%		2	2
January 2023	100%	90%		3	3
February 2023	100%	90%		3	3
March 2023	100%	90%		3	3

Code	LIC 007				
Short Name	Length of time from validation to issue of PH driver licence (Percentage issued within 10 days)				
	Value	Target	Status	Issued within 10 days	Total number issued
April 2022	100%	90%		7	7
May 2022	100%	90%		10	10
June 2022	100%	90%		11	11
July 2022	88.89%	90%		8	9
August 2022	100%	90%		6	6
September 2022	100%	90%		10	10
October 2022	100%	90%		8	8
November 2022	100%	90%		5	5
December 2022	100%	90%		5	5
January 2023	100%	90%		7	7
February 2023	100%	90%		8	8

March 2023	100%	90%		10	10
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**Code** LIC 008

**Short Name** Percentage of PHO licences issued within 10 days

	Value	Target	Status	Issued in 10 days	Total number issued
April 2022	100%	90%		2	2
May 2022	100%	90%		3	3
June 2022	100%	90%		2	2
July 2022	100%	90%		1	1
August 2022	100%	90%		1	1
September 2022	100%	90%		1	1
October 2022	100%	90%		1	1
November 2022	100%	90%		1	1
December 2022	100%	90%		2	2
January 2023	100%	90%		3	3
February 2023	100%	90%		2	2
March 2023	100%	90%		3	3

**Code** LIC 010

**Short Name** Premises compliance

	Value	Target	Status	Numerator	Denominator
April 2022	8	7			
May 2022	35	7			
June 2022	11	7			
July 2022	14	7			
August 2022	13	7			
September 2022	7	7			
October 2022	13	7			
November 2022	21	7			
December 2022	24	7			
January 2023	19	7			
February 2023	17	7			
March 2023	6	7			

Code	LIC 017				
Short Name	The percentage of renewal invitations sent out by deadline				
	Value	Target	Status	No. sent within deadlines	No. of renewal invitations
April 2022	100.00%	95%		50	50
May 2022	100.00%	95%		22	22
June 2022	100.00%	95%		33	33
July 2022	100.00%	95%		44	44
August 2022	100.00%	95%		50	50
September 2022	98.08%	95%		51	52
October 2022	100.00%	95%		66	66
November 2022	100.00%	95%		39	39
December 2022	100.00%	95%		42	42
January 2023	100.00%	95%		52	52
February 2023	100.00%	95%		58	58
March 2023	100.00%	95%		35	35

Code	LIC 018				
Short Name	The percentage of valid temporary event notices processed within one working day of receipt				
	Value	Target	Status	No. processed in one working day	Total no. event notices received
April 2022	96.97%	95%		32	33
May 2022	100.00%	95%		44	44
June 2022	91.84%	95%		45	49
July 2022	88.89%	95%		32	36
August 2022	100.00%	95%		41	41
September 2022	100.00%	95%		33	33
October 2022	97.44%	95%		38	39
November 2022	95.24%	95%		40	42
December 2022	100.00%	95%		12	12
January 2023	100.00%	95%		14	14
February 2023	95.24%	95%		20	21
March 2023	92.59%	95%		25	27

Code	LIC 019				
Short Name	Taxi Compliance Taxi Compliance (Licensing officers at Sevenoaks, Tunbridge Wells and Maidstone)				

	Value	Target	Status	Numerator	Denominator
April 2022	7	7	✓		
May 2022	1	7	✓		
June 2022	2	7	✓		
July 2022	9	7	✓		
August 2022	1	7	✓		
September 2022	9	7	✓		
October 2022	7	7	✓		
November 2022	7	7	✓		
December 2022	18	7	✓		
January 2023	7	7	✓		
February 2023	27	7	✓		
March 2023	47	7	✓		

Code	LIC 020				
Short Name	Where continuation fees not received and action taken within a month of overdue date				
	Value	Target	Status	action within month of due date	no of renewal fees not received
April 2022	100%	95%	✓	2	2
May 2022	100%	95%	✓	5	5
June 2022	100%	95%	✓	3	3
July 2022	100%	95%	✓	12	12
August 2022	100%	95%	✓	8	8
September 2022	100%	95%	✓	20	20
October 2022	100%	95%	✓	29	29
November 2022	100%	95%	✓	28	28
December 2022	100%	95%	✓	3	3
January 2023	100%	95%	✓	6	6
February 2023	100%	95%	✓	3	3
March 2023	100%	95%	✓	14	14

Code	LIC 021				
Short Name	Percentage of continuation fees invoices issued 1 month in advance of fee being due				
	Value	Target	Status	No of invoices sent by due date	No of invoices due

April 2022	100%	95%		34	34
May 2022	100%	95%		40	40
June 2022	100%	95%		106	106
July 2022	100%	95%		111	111
August 2022	100%	95%		56	56
September 2022	100%	95%		34	34
October 2022	100%	95%		24	24
November 2022	100%	95%		22	22
December 2022	100%	95%		30	30
January 2023	100%	95%		31	31
February 2023	100%	95%		34	34
March 2023	100%	95%		34	34











<b>Code</b>	LIC 024				
<b>Short Name</b>	Percentage of Hackney Carriage driver licenses issued within 10 days of validation				
	Value	Target	Status	No issued within 10 days	Total no licenses issued
April 2022	100.00%	90%		5	5
May 2022	100.00%	90%		1	1
June 2022	100.00%	90%		1	1
July 2022	100.00%	90%		1	1
August 2022	100.00%	90%		2	2
September 2022	100.00%	90%		2	2
October 2022	100.00%	90%		1	1
November 2022	100.00%	90%		1	1
December 2022	100.00%	90%		1	1
January 2023	100.00%	90%		1	1
February 2023	100.00%	90%		1	1
March 2023	100.00%	90%		1	1













<b>Code</b>	LIC 025				
<b>Short Name</b>	Percentage of dual driver licenses issued within 10 days of validation				
	Value	Target	Status	No issued within 10 days	Total no licenses issued
April 2022	100.00%	90%		1	1

May 2022	100.00%	90%		2	2
June 2022	100.00%	90%		1	1
July 2022	100.00%	90%		1	1
August 2022	100.00%	90%		2	2
September 2022	100.00%	90%		2	2
October 2022	100.00%	90%		1	1
November 2022	100.00%	90%		1	1
December 2022	100.00%	90%		1	1
January 2023	100.00%	90%		2	2
February 2023	100.00%	90%		2	2
March 2023	100.00%	90%		2	2

<b>Code</b>	LIC 026				
<b>Short Name</b>	Percentage of unopposed applications for new and variation of premises licences processed within 2 calendar months (from date of validation to issue date)				
	Value	Target	Status	No. processed within 2 months	Total applications received
April 2022	100%	95%		4	4
May 2022	100%	95%		4	4
June 2022	100%	95%		9	9
July 2022	100%	95%		6	6
August 2022	100%	95%		2	2
September 2022	100%	95%		1	1
October 2022	100%	95%		5	5
November 2022	100%	95%		2	2
December 2022	100%	95%		3	3
January 2023	100%	95%		3	3
February 2023	100%	95%		2	2
March 2023	100%	95%		3	3

<b>Code</b>	LIC 027				
<b>Short Name</b>	The percentage of valid personal licences processed within 2 weeks (Hub Team)				
	Value	Target	Status	No. processed within two weeks	Total number of licences
April 2022	100.00%	95%		11	11
May 2022	100.00%	95%		9	9

June 2022	100.00%	95%		9	9
July 2022	100.00%	95%		6	6
August 2022	100.00%	95%		6	6
September 2022	100.00%	95%		7	7
October 2022	100.00%	95%		5	5
November 2022	83.33%	95%		5	6
December 2022	100.00%	95%		11	11
January 2023	88.89%	95%		8	9
February 2023	100.00%	95%		5	5
March 2023	100.00%	95%		6	6

<b>Code</b>	LIC 028				
<b>Short Name</b>	Action after suspension - Licensing officers resolve by 31 March				
	Value	Target	Status	Number resolved	Number needed resolving
April 2022	100%	95%		4	4
May 2022	100%	95%		2	2
June 2022	100%	95%		3	3
July 2022	100%	95%		8	8
August 2022	100%	95%		4	4
September 2022	100%	95%		3	3
October 2022	100%	95%		11	11
November 2022	100%	95%		6	6
December 2022	100%	95%		5	5
January 2023	100%	95%		5	5
February 2023	100%	95%		13	13
March 2023	100%	95%		3	3



# Licensing Service Plan 2023/24

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Licensing  
Partnership



# Contents

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# 1. Who we are

<b>Team</b>	Licensing Partnership comprising London Borough of Bexley, Maidstone Borough Council, Sevenoaks District Council and Tunbridge Wells Borough Council
<b>Head of Service</b>	Sharon Bamborough
<b>Chief Officers</b>	Gary Stevenson (Tunbridge Wells), John Littlemore (Maidstone), Richard Morris (Sevenoaks) and Jane Richardson (LB of Bexley)

Our Structure Chart

Head of Licensing Partnership  
1 FTE

Sevenoaks District Council

Tunbridge Wells

Maidstone Borough Council

London Borough of Bexley

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Licensing Partnership Manager  
1FTE  
Senior Licensing Technician – 2 FTE  
Licensing Technician – 4 FTE + 1 PT (22 hrs)  
Licensing Assistant – 1FTE

Senior Licensing Officer - 1.6 FTE  
Licensing Admin Officer (22hrs)

Senior Licensing Officer – 1FTE

Licensing Officer 1FTE

Part time Licensing Admin Officer. 20 hours

Senior Licensing Officer 1FTE

Licensing Officer 1 FTE

Part time Licensing Admin Officer (15 hours)

Licensing Enforcement Officer 1FTE

Principal Licensing Officer 1FTE

Contact Centre / reception

Appointments only

Appointments only

Appointments only



## 2. What we do

<b>Key Tasks</b>	<ul style="list-style-type: none"><li>■ Manage and oversee the Licensing Partnership.</li><li>■ Seek to promote the licensing objectives of the relevant legislation.</li><li>■ Our aim is to protect the public but also allow legitimate businesses within the area to prosper.</li><li>■ To ensure that the legitimate taxis and private hire trade are able to provide a safe mode of transport to the residents and users within the Partnership's area.</li><li>■ Compliance – ensure compliance of licensed premises, activities and events following grant of respective licences, permits and / or notices.</li><li>■ To ensure that unlicensed premises, taxis/private hire and activities are investigated and appropriate action is taken.</li><li>■ To enhance customer service while ensuring compliance with legislation.</li><li>■ Fulfilling statutory duty whilst optimising cost savings and maintaining individual client's Council sovereignty.</li><li>■ Take advantage of economies of scale to buy services and optimise the collaborative working between partners</li></ul>
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### 3. 2023/24 Service Objectives

<b>Objective 1</b>	To oversee and lead the Licensing Partnership to achieve performance targets		<b>Responsible Officer</b>	Sharon Bamborough
<b>Performance Measure</b>	<b>Description</b>		<b>2023/24 Target or Outcome (to be achieved by 31.03.2024)</b>	
<b>Action</b>	To ensure Key Performance Indicators, as set in Section 4, are monitored and input monthly to the monitoring system (currently Pentana) with any queries or areas on concern raised monthly with relevant team		On-going; to optimize performance and ensure targets are consistently being met	
<b>Link to Sevenoaks Corporate Plan</b>	Providing value for money	<b>Link to Sevenoaks Community Plan</b>	Safe Communities	
<b>Link to Maidstone Statagic Plan</b>	Keeping Maidstone an attractive place for all - Ensuring there are good leisure and cultural attractions			
<b>Link to Tunbridge Wells Key Objectives in the Vision</b>	Providing Value	<b>Link to Strategic Compass</b>	To ensure we operate in a business-like way	
<b>Link to Bexley Corporate Plan (Shaping our Future Together)</b>	Innovation and self sufficiency			

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<b>Objective 2</b>	Be open and proactive about undertaking of licensing functions for other local authorities.		<b>Responsible Officer</b>	Sharon Bamborough
<b>Performance Measure</b>	<b>Description</b>		<b>2023/24 Target or Outcome</b>	
<b>Action</b>	Approach at least one other local authority to explore the potential for partnership service delivery		Further functions carried out for other partners which would lead to an overall drop in costs for all.	
<b>Action</b>	Upon receipt of any expression of interest or request for more information about potentially joining the partnership , engage with and respond to within one month of request		Further functions carried out for other partners which would lead to an overall drop in costs for all.	
<b>Link to Sevenoaks Corporate Plan</b>	Providing value for money	<b>Link to Sevenoaks Community Plan</b>	Safe Communities	
<b>Link to Maidstone Corporate Priorities</b>	Securing a successful economy for Maidstone Borough			
<b>Link to Bexley corporate plan</b>	Innovation and self sufficiency – a commercial approach			
<b>Link to Tunbridge Wells Corporate Priorities</b>	To support a prosperous borough	<b>Link to Strategic Compass</b>	Providing value	

<b>Objective 3</b>	Seek further efficiency savings		<b>Responsible Officer</b>	Sharon Bamborough
<b>Performance Measure</b>	<b>Description</b>		<b>2023/24 Target or Outcome</b>	
<b>Action</b>	<ul style="list-style-type: none"> <li>Continuous review of processes and procedures of Hub team officers and streamline / change as and when requested by partner officers. This year the following processes will be reviewed:               <ul style="list-style-type: none"> <li>(i) TENS</li> <li>(ii) Personal licences</li> <li>(iii) Transfer of premises licence</li> <li>(iv) DPS variations</li> <li>(v) Taxis - temporary replacement vehicle</li> <li>(vi) Taxis – drivers</li> <li>(vii) Taxis – Vehicles</li> <li>(viii) Taxis - Operators</li> </ul> </li> <li>Review of online facilities including continued development of online application forms</li> <li>Review of back office system database and assess against other alternative providers (MM &amp; SB)</li> </ul>		To be done by 31.3.24 – More efficient working or meeting new legal requirements	
<b>Link to Sevenoaks Corporate Plan</b>	Supporting and developing the local economy	<b>Link to Sevenoaks Community Plan</b>	Safe Communities	
<b>Link to Bexley corporate plan</b>	Innovation and self sufficiency – a commercial approach	<b>Link to Maidstone Corporate Priorities</b>	Securing a successful economy for Maidstone Borough	
<b>Link to Tunbridge Wells Corporate Priorities</b>	To support a prosperous borough	<b>Link to Strategic Compass</b>	Providing value	



<b>Objective 4</b>	Undertake necessary projects which deliver or enhance the service provision		<b>Responsible Officer</b>	Sharon Bamborough
<b>Performance Measure</b>	<b>Description</b>		<b>2023/24 Target or Outcome</b>	
<b>Action</b>	Action emails from Companies House which advise on changes to company status etc		Faster action taken on licences which lapse which minimises lost income - On-going	
<b>Action</b>	MBC only – complete the transfer of electronic data from old software system to Idox/Uniform so that records are complete and historic data is available to all		Increased efficiency and monitoring tools, with enhanced reporting options: 31.03.2024	
<b>Action</b>	HUB team –re Premises licences issued under Licensing Act 2003, carry out the review of new rateable values (RVs) from Valuation Office Agency and update the database with any changed RVs before invoices are raised (this review from VOA happens every 5 years)		Ensure the correct amount of annual fee is invoiced for – minimising any refunds or additional work in asking for more money/raising amended invoices (affects MBC, TWBC & SDC) - 31.03.2024	
<b>Action</b>	<ul style="list-style-type: none"> <li>(i) New procedure for pre-application advice to be agreed and introduced (SB)</li> <li>(ii) New procedure for recording of complaints / investigations – to be recorded on the database going forward once introduced (SB)</li> <li>(iii) Have the current partnership agreement reviewed and brought up to date in terms of format (SB / legal)</li> </ul>		<ul style="list-style-type: none"> <li>(i) Aim is to lead to better take up of service and more income</li> <li>(ii) Aim is to lead to greater transparency and reporting</li> <li>(iii) Ensure our agreement serves its purpose</li> </ul>	
<b>Link to Sevenoaks Corporate Plan</b>	Supporting and developing the local economy	<b>Link to Sevenoaks Community Plan</b>	Safe Communities	
<b>Link to Bexley corporate plan</b>	Innovation and self sufficiency – a commercial approach	<b>Link to Maidstone Corporate Priorities</b>	Securing a successful economy for Maidstone Borough	
<b>Link to Tunbridge Wells Corporate Priorities</b>	To support a prosperous borough	<b>Link to Strategic Compass</b>	Providing value	

<b>Objective 5</b>	Undertake a programme of training for Members <b>and</b> officers. Ensure all new Members on each Licensing Committee receive appropriate training.		<b>Responsible Officer</b>	Sharon Bamborough
<b>Performance Measure</b>	<b>Description</b>		<b>2023/24 Target or Outcome</b>	
<b>Action</b>	Members: <ul style="list-style-type: none"> <li>Train any new members to Licensing committee and provide ad hoc training to any other new members appointed for all partners</li> </ul>		To be achieved before any new member sits on LSC, otherwise, ongoing throughout year	
<b>Action</b>	Officers: <ol style="list-style-type: none"> <li>Ensure any new staff member has a training plan and regular monitoring of development</li> <li>Deliver/facilitate training on required topics for officers as needed</li> </ol> This year looking at: <ul style="list-style-type: none"> <li>Surveillance training (including use of social media to gather intel)</li> </ul>		To be achieved by 31/03/2024	
<b>Link to Sevenoaks Corporate Plan</b>	Keeping the district safe	<b>Link to Sevenoaks Community Plan</b>	Safe Communities	
<b>Link to Bexley corporate plan</b>	Growth that benefits all – the right skills for jobs of today and tomorrow	<b>Link to Maidstone Corporate Priorities</b>	Securing a successful economy for Maidstone Borough – range of Employment Skills and opportunities across the Borough	
<b>Link to Tunbridge Wells Corporate Priorities</b>	Our People	<b>Link to Strategic Compass</b>	To have relevant skills	

<b>Objective 6</b>	Revision of Policies		<b>Responsible Officer</b>	Sharon Bamborough/Lorraine Neale/Sharon Degiorgio/Samantha Laing
<b>Performance Measure</b>	<b>Description</b>		<b>2023/24 Target or Outcome</b>	
<b>Action</b>	In 2023, SB to review Cumulative Impact Area policy for LBB		Achieve statutory obligations. To be achieved by 31/12/2023	
<b>New Action</b>	In 2023, SB to review the Pavement licensing policy once confirmation is received that the scheme will be made permanent and in line with new legislation		To respond the changing legislation and review our approach 31.3.24	
<b>Action</b>	To review taxi policies in Maidstone, Tunbridge Wells and Sevenoaks <b>as and when needed.</b> (Senior Licensing Officers)		To respond to changing needs of public and trade and to keep in line with corporate objectives - On-going	
<b>Action</b>	To continue to take part in the Kent and Medway Energy and Low Emissions Implementation Plan lead by KCC (for SDC/MBC/TWBC only) (SB and Senior Licensing Officers) which may lead to revision of taxi policies re green vehicles		To contribute to net zero aspirations (new) On-going	
<b>Link to Sevenoaks Corporate Plan</b>	Supporting and developing the local economy	<b>Link to Sevenoaks Community Plan</b>	Safe Communities	
<b>Link to Bexley corporate plan</b>	Innovation and self sufficiency – a commercial approach	<b>Link to Maidstone Corporate Priorities</b>	Securing a successful economy for Maidstone Borough	
<b>Link to Tunbridge Wells Corporate Priorities</b>	To support a prosperous borough	<b>Link to Strategic Compass</b>	Providing value	

<b>Objective 7</b>	Health, Safety and Well Being of Staff		<b>Responsible Officer</b>	Sharon Bamborough
<b>Performance Measure</b>	<b>Description</b>		<b>2023/24 Target or Outcome</b>	
<b>Action</b>	Ensure risk assessments are carried out and reviewed as appropriate and at least once a year.		Risk assessments are in place and are reviewed. To be achieved by 31/03/2024	
<b>Action</b>	Ensure 1:1 meetings are carried out on a regular basis.		All Senior Licensing Officers and Licensing Partnership Manager to ensure meetings take place.	
<b>Action</b>	Ensure staff have complied with any employer requirements in terms of completing workstation assessments both in office and at home if working from home occurs		All Senior Licensing Officers and Licensing Partnership Manager to ensure their staff have completed assessments, HoLP to ensure seniors /LPM have done so	
<b>Link to Sevenoaks Corporate Plan</b>	Supporting and developing the local economy	<b>Link to Sevenoaks Community Plan</b>	Safe Communities	
<b>Link to Bexley corporate plan</b>	Innovation and self sufficiency – a commercial approach	<b>Link to Maidstone Corporate Priorities</b>	Securing a successful economy for Maidstone Borough	
<b>Link to Tunbridge Wells Corporate Priorities</b>	To support a prosperous borough	<b>Link to Strategic Compass</b>	Providing value	

## 4. Measuring our Performance

### Performance Indicators and Target Setting

Code	Description	Collection period	2023/24 target
LPI LIC 001	Send out renewal invitations for all licences/permits etc. 2 months (or 4 months for animal licensing) before the expiry date of the licence and if a valid renewal application is not received before the expiry of a licence send a failure to renew letter out within agreed timescales of the licence expiring and advise the appropriate Authorities accordingly. (Hub Team)	Monthly	95%
LPI LIC 002	The percentage of valid personal licences processed within 14 working days (Hub Team)	Monthly	95%
LPI LIC 003	Percentage of <i>unopposed</i> applications for new and variation of premises licences processed within 2 calendar months (from date of validation to issue date) [All]	Monthly	95%
LPI LIC 004	The percentage of valid temporary event notices served on Responsible Authorities within one working day of receipt (Hub Team)	Monthly	95%
LPI LIC 005	The percentage of driver and operator licences issued within 10 working days of validation (Hub team)	Monthly	90%
MPI LIC 05a	Percentage of Hackney Carriage driver licences issued within 10 working days of validation (Hub team)	Monthly	90%
MPI LIC 05b	Percentage of Private Hire driver licences issued within 10 working days of validation (Hub team)	Monthly	90%

Code	Description	Collection period	2023/24 target
MPI LIC 05c	Percentage of Private Hire Operator licences issued within 10 working days of validation ( <b>Hub team</b> )	Monthly	90%
MPI LIC 012	Length of time from validation to issue of HC vehicle licence (MPI) - target 10 working days ( <b>Hub team</b> )	Monthly	90%
MPI LIC 013	Length of time from validation to issue of PH vehicle licence (MPI) - target 10 working days ( <b>Hub team</b> )	Monthly	90%
MPI LIC 017	<p>Taxi Compliance (<b>licensing officers at Sevenoaks, Tunbridge Wells and Maidstone</b>):-</p> <ul style="list-style-type: none"> <li>start action/investigation on receipt of complaints/intelligence within 5 working days (includes visits/letters/interviews etc)</li> <li>reactive/proactive enforcement investigations ongoing/completed</li> <li>warnings / penalty points issued</li> <li>vehicle compliance checks</li> </ul>	Monthly	<b>Non London partners only: 180 each</b> (equates to 15 actions per month per authority)
MPI LIC 018	<p>Premises compliance (<b>all licensing officers throughout partnership</b>)</p> <ul style="list-style-type: none"> <li>notice checks to be carried out within one week of initial display</li> <li>start action/investigation on receipt of complaints/intelligence within 5 working days (includes visits/letters/interviews etc)</li> <li>carry out proactive visits in accordance with risk rating system</li> </ul>	Monthly	<b>Non London partners – 180 each</b> (equates to 15 actions per month per authority) <b>Bexley – 360</b> (equates to 30 actions per month)

	<ul style="list-style-type: none"> <li>attend enforcement meetings/briefings/collaborate with partners on multi-agency approach</li> </ul>		
Code	Description	Collection period	2023/24 target
MPI LIC 019	<p>(for partners where Hub team arrange annual fee collection)</p> <p>Send out invoices for continuation fees for licences/permits issued under the Licensing Act 2003 and Gambling Act 2005 at least 1 month in advance of the fee being due and where those fees are not received by the due date to take action to suspend/revoke licence/permit within 1 month of the fee being due. <b>(Hub Team)</b></p>	Monthly	95%
MPI LIC 020	Action after suspension - Licensing officers to visit /establish trading status within one month and start/take any necessary action <b>(all licensing officers throughout partnership except Bexley)</b>	Annual	95%
BPI LIC 021	Percentage of <i>unopposed</i> applications for new and variation of Special treatments licences processed within 2 calendar months (from date of validation to issue date) <b>[LBB &amp; Hub]</b>	Monthly	<b>95%</b>
LPI 22 (new)	Percentage of (valid) applications for pavement licences validated within 2 working days of receipt (HUB, SDC, MBC & TWBC)	Monthly	<b>95%</b>

## LICENSING COMMITTEE

**14<sup>th</sup> September 2023**

### Licensing Committee Member Training

<b>Final Decision-Maker</b>	LICENSING COMMITTEE
<b>Lead Head of Service</b>	John Littlemore Head of Housing & Regulatory Services
<b>Lead Officer and Report Author</b>	John Littlemore
<b>Classification</b>	Public
<b>Wards affected</b>	All

#### **Executive Summary**

This report sets out the training programme for the municipal year and asks Licensing Committee to approve the content and time for completion of the training for new Committee Members and those wanting to be substitutes.

#### **Purpose of Report**

Decision

#### **This report makes the following recommendations to this Committee:**

1. That the content of the training as set out in Paragraph 2.4 of the report be agreed.
2. That all new Members of the Licensing Committee and those wanting to be substitutes should complete the training by 31<sup>st</sup> October 2023.

#### **Timetable**

<b>Meeting</b>	<b>Date</b>
Licensing Committee	15-09-2022



# Licensing Committee Member Training

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>Accepting the recommendations will materially improve the Council's ability to achieve the Council's priorities by ensuring that Members are suitably trained to undertake the statutory functions associated with the Licensing Committee.</p>	Head of Housing & Regulatory Services
<b>Cross Cutting Objectives</b>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <p>The report recommendations support the achievement of the cross-cutting objectives.</p>	Head of Housing & Regulatory Services
<b>Risk Management</b>	Already covered in the risk section and options paragraphs.	Head of Housing & Regulatory Services
<b>Financial</b>	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	Section 151 Officer & Finance Team
<b>Staffing</b>	We will deliver the recommendations with our current staffing.	Head of Housing &

		Regulatory Services
<b>Legal</b>	Accepting the recommendations will fulfil the Council's duties under Part VII of the Localism Act 2011 and the Council's Constitution. It will ensure Members receive training to allow them to make robust decisions on licensing matters in accordance with the relevant legislation, policies and guidance. Failure to accept the recommendations without agreeing suitable alternatives may place the Council in breach of the Council's Constitution.	Helen Ward, Lawyer (Contentious), Mid Kent Legal Services 22 August 2022
<b>Privacy and Data Protection</b>	Accepting the recommendations will have no direct impact on the volume of data held by the Council. We will hold that data in line with our retention schedules.	Policy and Information Team
<b>Equalities</b>	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Equalities & Communities Officer
<b>Public Health</b>	We recognise that the recommendations will have a positive impact on population health or that of individuals.	Head of Housing & Regulatory Services
<b>Crime and Disorder</b>	The recommendations will have a positive impact on Crime and Disorder.	Head of Housing & Regulatory Services
<b>Procurement</b>	Not applicable	Head of Housing & Regulatory Services
<b>Biodiversity and Climate Change</b>	No direct implications	Head of Housing & Regulatory Services

## 2. INTRODUCTION AND BACKGROUND

- 2.1 Each municipal year Members of the Licensing Committee are asked to consider their training programme for the forthcoming year.

## 2.2 The Council's Constitution states:

*2.2.1 "No Member will be able to serve on this (Licensing) Committee without having agreed to undertake a minimum period of training on the policies, procedures, legislation and guidance relevant to this Committee as specified by the Committee. This training must be completed to an agreed programme set by the Committee annually with a due date for completion. New Members must receive training, but the programme may include no training provision for experienced Members if there have been no relevant changes to legislation, policies or guidance.*

*2.2.2 If a Member has not completed the specified training by the due date, the Member will cease to be a Member/substitute Member of this Committee until the training has been completed. The Head of Housing and Community Services will keep a record of the training requirements of this Committee and of Members' compliance with the requirements."*

2.3 In discussion with Mid Kent Legal Services, an in-house training programme will be offered that will cover the wide range of topics that Licensing Committee Members are likely to experience. The training on offer will comprise:

- Provision of a 3-hour training session
- Topics covered will include Licensing Act 2003, Taxi & Private Hire Vehicle Legislation, Gambling Act 2005 and Miscellaneous licensing hearings
- Training materials are provided during the session

2.4 The 3-hour training session will be offered either as an afternoon (e.g. 2:00pm – 5:00pm) or an evening (from 6:00pm – 9:00pm). The sessions can be on different days if that is felt to be helpful.

2.5 The sessions will be delivered before the end of October 2023 and all new Members to the Licensing Committee will be expected to have undertaken the training, in line with the requirements of the Constitution.

2.6 The need for currently trained Members of the Licensing Committee to attend training was discussed with the Legal Services but as there has been no significant change in legislation, regulation or case law it was felt this would be unnecessary for this municipal year. This decision does not preclude existing trained Members from attending the training and they can do so if they wish.

2.7 Due to the change in Constitution, there are no longer named substitute Members for the Licensing Committee. The onus is therefore on Members who feel they may want to act as a substitute Member for either the Licensing Committee or its Sub-Committees to ensure they have completed the required training. A failure to do so may render the Member unable to participate in the Committee's business.

2.8 If neither in-house training dates are convenient, it might be possible for a Member to receive training from a recognised body such as the Local

Government Association or Chartered Institute of Licensing. However, such training will need to be undertaken and evidenced before the end of October 2023.

- 2.9 It is noted that training given by external providers may not cover the whole range of training that will be delivered by the in-house training session. When this occurs, the Member will only be able to take part in matters that have been covered by the relevant training.
- 2.10 The Head of Housing & Regulatory Services will continue to maintain a register of training undertaken by Members in conjunction with the Democratic Services Officer for the Licensing Committee. The register is available on request.

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### **3. AVAILABLE OPTIONS**

- 3.1 The Licensing Committee could decide not to accept the recommendations but to do so would render it incompliant with the Council's Constitution and may increase the risk of its decisions being subject to Judicial Review if it cannot be demonstrated that the Licensing Committee is making decisions from a well-informed position.
- 3.2 Accepting the recommendations will enable Members of the Licensing Committee to meet the requirements of the Local Code on Licensing Matters in the Council's Constitution. Having an appropriate training programme manages the risk of challenge to a Committee's decisions – this is particularly relevant for regulatory decisions.

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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 The preferred option is set out in Paragraph 3.2 above.

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### **5. RISK**

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

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### **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 Each municipal year the Committee agrees the training programme. In recent years, the format has largely been dictated by external events and the restrictions imposed to combat the pandemic. The training can now

resume in an in-person format, which Members have previously expressed a preference for.

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## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 Once the Committee has agreed the training programme for the new municipal year, Members of the Committee and those wanting to act as a substitute will be provided with the training dates and deadline for completion.
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## **8. REPORT APPENDICES**

- 8.1 None
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## **9. BACKGROUND PAPERS**

- 9.1 None

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted