

# LICENSING COMMITTEE MEETING

Date: Thursday 13 June 2024  
Time: 6.30 pm  
Venue: Town Hall, High Street, Maidstone

## Membership:

Councillors Coates, English, Fort, Jenkins-Baldock, Jones, McKay (Chairman),  
Milham, D Naghi (Vice-Chairman), M Naghi, J Sams, Springett,  
Trzebinski and Wales

*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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1. Apologies for Absence	
2. Notification of Substitute Members	
3. Urgent Items	
4. Visiting Members	
5. Disclosures by Members and Officers	
6. Disclosures of Lobbying	
7. To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
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12. Minutes of the Licensing Act 2003 Sub-Committee Meeting held on 5 June 2024 - To Follow	
13. Question and Answer Session for Local Residents (if any)	

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**Issued on Wednesday 5 June 2024**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

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|---|---------|
| 14. Questions from Members to the Chairman (if any)             |         |
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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 11 March 2024). 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.

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## MAIDSTONE BOROUGH COUNCIL

### LICENSING COMMITTEE

#### MINUTES OF THE MEETING HELD ON TUESDAY 21 MAY 2024

##### Attendees:

<b>Committee Members:</b>	<b>Councillors McKay (Chairman), Cleator, English, Fort, Mrs Gooch, Higson, Jeffery, Milham, M Naghi, J Sams, Springett, Trzebinski and Wales</b>
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1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Coates, Jenkins-Baldock, Jones and D Naghi.

2. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

- Councillor Gooch for Councillor Coates
- Councillor Cleator for Councillor Jenkins-Baldock
- Councillor Jeffery for Councillor Jones
- Councillor Higson for Councillor D Naghi

3. ELECTION OF CHAIRMAN

**RESOLVED:** That Councillor McKay be elected as Chairman of the Committee for the Municipal Year 2024/25.

4. ELECTION OF VICE-CHAIRMAN

**RESOLVED:** That Councillor D Naghi be elected as Vice-Chairman of the Committee for the Municipal Year 2024/25.

5. DURATION OF MEETING

7:00 p.m. to 7:03 p.m.

# Agenda Item 9

## MAIDSTONE BOROUGH COUNCIL

### LICENSING ACT 2003 SUB COMMITTEE

#### MINUTES OF THE MEETING HELD ON THURSDAY 28 MARCH 2024

##### Attendees:

<b>Committee Members:</b>	<b>Councillors Garten (Chairman), Joy and Trzebinski</b>
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29. APOLOGIES FOR ABSENCE

There were no apologies.

30. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

31. ELECTION OF CHAIRMAN

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

32. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

33. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

34. EXEMPT ITEMS

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

35. STREET TRADING APPEAL - MR DUDKOWSKI

The persons participating in the hearing were identified as follows:

1. Chairman – Councillor Garten
2. Sub-Committee Members – Councillors Joy and Trzebinski
3. Senior Licensing Officer – Lorraine Neale
4. Legal Advisor – Helen Ward
5. Democratic Services Officer – Jordan Ifield
6. Representative of the Applicant – Mike Hughes

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, referencing the map of the application in appendix 2 to the report, and the representations in appendices 4 and 4a of the report.

The representative to the applicant, Mike Hughes, was invited to make their opening remarks and stated that the location of the application in appendix 2 of the report, in Vicarage Lane in Yalding, had been chosen as the applicant had previously operated a fish and chip van at that location for eight years with no complaints. The applicant had trialled a pizza van in the location recently which had received positive feedback from residents and it was emphasised that the size of the business would not attract a significant amount of vehicle traffic, contrary to the objection from Kent County Council (KCC) Highways in appendix 4 of the report.

In response to questions from the panel, Mike Hughes confirmed that car parking spaces would be available for customers around the site location and the applicant had received positive feedback from customers that a pizza van would be suitable for the proposed location. It was anticipated that customer numbers would be consistent during the licensed hours and that customers would be allocated time slots during busier periods to mitigate against overcrowding and traffic concerns.

Mike Hughes recognised the representation from Yalding Parish Council was an objection to parking the van at residential locations, but this did not include the proposed location in Vicarage Road. The applicant had previously trialled parking the pizza van at the Village Hall in Yalding but it had not attracted a significant amount of customers.

The Legal Advisor queried the use of the location for street trading previously without a licence. Mike Hughes explained he was unaware that he had previously required street trading permission however this point was clarified to the applicant.

In making their closing remarks, the representative for the applicant reiterated their reasons for the application for the licence.

The Chairman advised that the Sub-Committee would retire for deliberation with the legal advisor present. The meeting was adjourned between 11:10 p.m. to 11:50 p.m.

The Sub-Committee returned and the Chairman stated that having considered the evidence presented, representations made and the relevant legislation and guidance, the decision was made to grant the application as applied for, subject to the condition that when trading, the van must be located within the circle marked on the map in appendix 2 of the report. There would be no right of appeal.

It was confirmed that a written decision notice would be provided.

The hearing closed at 11:53 p.m.

**RESOLVED:** That the application be granted, subject to the condition that when trading under this consent, the van must be located within the circle marked on the attached map.

## MAIDSTONE BOROUGH COUNCIL

### LICENSING ACT 2003 SUB COMMITTEE

#### MINUTES OF THE MEETING HELD ON THURSDAY 18 APRIL 2024

##### Attendees:

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

There were no apologies.

37. NOTIFICATION OF SUBSTITUTE MEMBERS

There we no Substitute Members.

38. ELECTION OF CHAIRMAN

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

39. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

40. DISCLOSURES OF LOBBYING

All of the Panel Members stated that they had been lobbied on Item 7 – Application for a premises licence under the Licensing Act 2003 for the Cornwallis School, Hubbards Lane, Boughton Monchelsea, Kent, ME17 4HX.

41. EXEMPT ITEMS

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

42. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR THE CORNWALLIS SCHOOL, HUBBARDS LANE, BOUGHTON MONCHELSEA, KENT, ME17 4HX

The persons participating in the hearing were identified as follows:

1. Chairman – Councillor English
2. Sub-Committee Members – Councillors Hinder and Joy
3. Senior Licensing Officer – Lorraine Neale
4. Legal Advisor – Helen Ward

5. Democratic Services Officer – Jordan Ifield
6. The Applicant – Mason Dadson
7. Interested Party – David Sanderson
8. Interested Party – Tanya Fisher
9. Interested Party – Valerie Sanderson

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 submissions 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, referencing the application received in Appendix 1 of the report, representations in Appendix 3 of the report, and the additional condition proposed by the Applicant in Appendix 5 of the report to licence no more than four events per year.

The Applicant was invited to make their opening remarks and stated that the application was submitted to hold two regular events a year. This included a fireworks event on bonfire night, and a running event on behalf of Heart of Kent Hospice. The bonfire night would attract a larger capacity than a temporary event notice would allow and the running event was run on behalf of the Heart of Kent Hospice rather than the school. It was stated there was an error in the licence application in Appendix 1 of the report, and the Applicant clarified that the school did have immediate neighbouring properties, contrary to the application. The Applicant summarised the school's engagement with the community and understood the objections to the original licence application, but stated that the school could propose a condition to restrict the number of events held to two a year.

In response to questions from the panel, the Applicant stated that letters had been posted to residents to notify them of previous events, and that after holding three firework shows previously the school had received one noise complaint. The



Applicant stated the school would accept a condition to restrict the sale of alcohol during the licensed events so that alcohol could not be sold during timetabled school hours.

The Interested Party, David Sanderson, was invited to make their case and stated that the noise created by football players using the school's 3G pitches was loud, and that complaints had been made to the school regarding this. The increase of traffic to the area was also highlighted as it could impact the arrival of emergency vehicles around the area.

The Interested Party, Tanya Fisher, was invited to make their case and stated that the noise from the football players was defamatory and that the sale of alcohol would be inappropriate at a school.

The Interested Party, Valerie Sanderson, was invited to make their case and stated that although the school had attempted to address some concerns, the noise created by school events impacted their quality of life and that the school's car park was not large enough to manage the increase of traffic caused by events.

In response to questions from the Legal Advisor, the Interested Party David Sanderson stated they still had concerns about the noise future events could generate but appreciated the proposed condition by the Applicant to reduce the number of licensed events to two a year.

In response to questions from the panel, the Applicant stated that any concerns raised at previous firework events were raised at a Wider Leadership Team at the school, and that the school did increase car parking capacity for parent's evenings by repurposing playgrounds and fields around the school.

In making their closing remarks, the Applicant recognised that most of the concerns raised by members of the public related to the noise on the school's 3G pitches and that the school had spent £10,000 to plant trees and build a fence around the site to reduce light and noise pollution. A decibel meter would be installed on the outside of the main school building in the future, and stated that noise and traffic monitoring companies would be employed during fireworks events. The school did have a contact number for residents during events to raise concerns about noise.

In response to a question from the Legal Advisor, the Applicant confirmed the school had previously held a residents consultation meeting during the planning application of the 3G pitches at the premises, but that these had stopped as the representations made at the meetings were not constructive. It was highlighted that the school would be open to accepting a condition requesting a residents meeting.

The Chairman advised that the Sub-Committee would retire for deliberation with the legal advisor present. The meeting was adjourned between 11:28 a.m. to 12:06 a.m.

The Sub-Committee returned and the Chairman stated that having considered the evidence presented, representations made and the relevant legislation and guidance, the decision was made to grant the application, subject to the amendments and conditions as set out in the written decision notice.

It was confirmed that a written decision notice would be provided.

The hearing closed at 12:08 p.m.

**RESOLVED:** That the application for alcohol and opening hours be granted for the sale of alcohol and opening hours only, with the hours for those activities as applied for, and to add additional conditions to those offered in the operating schedule as below:

1. The sale of alcohol shall be permitted on no more than 2 occasions per year, specifically for the Fireworks event and the Heart of Kent Hospice Run each year, with each event lasting no more than a single day;
2. There shall be a dedicated telephone number for members of the public to contact the school during events;
3. The sale of alcohol shall not be permitted during the school's timetabled educational hours.

## MAIDSTONE BOROUGH COUNCIL

### LICENSING ACT 2003 SUB COMMITTEE

#### MINUTES OF THE MEETING HELD ON MONDAY 29 APRIL 2024

##### Attendees:

<b>Committee Members:</b>	<b>Councillors Garten (Chairman), Joy and Trzebinski</b>
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43. APOLOGIES FOR ABSENCE

There were no apologies.

44. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

45. ELECTION OF CHAIRMAN

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

46. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

47. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

48. EXEMPT ITEMS

**RESOLVED:** That all items be taken in public, unless any Member of the panel wished to specifically refer to the information contained within Item 8 – Exempt Appendices to Item 7 – Application for Review of a Premises Licence under the Licensing Act 2003 for the Zoo, 10-11 Market Buildings, Maidstone, Kent, ME14 1HP, in which case the Sub-Committee would enter into closed session due to the likely disclosure of exempt information.

49. APPLICATION FOR REVIEW OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR THE ZOO, 10 - 11 MARKET BUILDINGS, MAIDSTONE, KENT, ME14 1HP

The persons participating in the hearing were identified as follows:

1. Chairman – Councillor Garten
2. Sub-Committee Members – Councillors Joy and Trzebinski
3. Senior Licensing Officer – Lorraine Neale

4. Legal Advisor – Helen Ward
5. Democratic Services Officer – Jordan Ifield
6. Representative of the Applicant – Mark Davies
7. The Applicant – PC James Williams
8. Representative of the Licence Holder – Sarah Clover
9. The Licence Holder – Christopher Dyer
10. Witness for the Licence Holder/Interested Party – Councillor Gordon Newton
11. Witness for the Licence Holder/Interested Party – Karl Winham
12. Witness for the Licence Holder/Interested Party – Jason Halle
13. Witness for the Licence Holder – Jack Steven
14. Interested Party – Victoria Smith
15. Interested Party – Robert Bearup

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 submissions 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 and stated that Kent Police had applied for a review of The Zoo's licence on the grounds of prevention of crime and disorder, public safety and preventions of public nuisance. References were made to the review application in Appendix 1 of the report, the current premise licence in Appendix 3 of the report, and the public consultation responses in Appendix 5 of the report. It was stated that the Applicant was requesting that the Sub-Committee; reduce the terminal hour for all licensed activities to 00:00 a.m., or reduce the terminal hour for the sale of alcohol to 00:00 a.m. and regulated entertainment to 1:00 a.m.

The Representative of the Applicant made their opening statement and stated that Kent Police had concerns about the premises regarding crime and disorder. It was stated that Kent Police had attempted efforts to reduce crime and disorder at the premises but these had been unsuccessful and that a hearing was requested to address this.

The Representative of the Applicant outlined the following incidents in the police report:

- Appendix 1; A Marshal was responsible for striking a patron while removing multiple patrons from the premises. The patron was left unconscious and needed medical attention;
- Appendix 2; A patron was allegedly removed with excessive force by a Security Industry Authority (SIA) door staff member. The incident was not recorded in the premises log book and a statement from another SIA doorman at the incident was recorded over a year after the incident. No further action was taken by Kent Police;
- Appendix 3; A group of patrons were fighting with Marshals and SIA door staff at the premises at 3:10 a.m. Kent Police did not attend the incident initially, but Police Officers were called to a disturbance later in the morning that was connected to the incident. No further action was taken by Kent Police;
- Appendix 4; A group of patrons was ejected from the premises by SIA door staff, and a fight subsequently occurred with two Police Officers who were on patrol outside the venue. A promoter at the premises was allegedly involved and a public order offence was recorded. No further action was taken by Kent Police;
- Appendix 5; the Licence Holder was issued a Breach of Warning letter which included allegations that he had breached the conditions of the premises licence. This included allegations that he had not attended a sufficient number of Night Time Economy Forum meetings with Kent Police, that a SIA door staff member had not been wearing a high visibility armband during an incident, and that patrons had been allowed re-entry after 3am;
- Appendix 7; A patron was bitten by another patron, and the patron responsible was ejected from the premises. After the incident the Applicant held a meeting with the Licence Holder over the number of calls to the Police regarding incidents at the venue, but no further action was taken;
- Appendix 8; A promoter working at the premises chased a patron from the venue to a bus shelter near the premises, where the promoter subsequently assaulted the patron. An SIA door staff member at the premises had chased both individuals and attempted to protect the patron at the bus shelter. The promoter had since been convicted for assault;
- Appendix 9; A member of a group of ejected patrons attacked a Marshal outside the venue. Both fell to the floor and the Marshal restrained the patron on the floor where another Marshal allegedly kicked the patron. The Marshal accused of kicking the patron was sacked from their position. The Applicant contacted the Licence Holder regarding the use of Marshals at the

premises and a report of patrons using nitrous oxide balloons in the High Street;

- Appendix 9.1; Door staff at the premises were assaulted at the premises at 3:00 a.m. and a patron was detained at the venue. Police attended the premises but door staff had released the patron before their arrival. In response to questions the Applicant stated that the Police response time to 999 calls varied on resourcing levels and the urgency of a situation;
- Appendix 9.2; A group of patrons was ejected from the premises due to causing issues, and a member of the patrons pushed themselves away from staff which caused him to trip and injure their head. No further action was taken;
- Appendix 9.3; Maidstone CCTV Control witnessed a group of aggressive patrons at the premises at 4:00 a.m. The group moved away from the premises and monitored, but at 4:06 a.m. Maidstone CCTV Control contacted Kent Police about a disturbance involving the group at the premises. The group dispersed without intervention;
- Appendix 9.4; The premises contacted Maidstone CCTV Control to ask for Police attendance at 2:58 a.m. after a patron attacked door staff. The premises was advised to call 999 but there was no record of further Police attendance. At 4:04 a.m. Maidstone CCTV Control reported a large fight involving 15 persons at the premises. Police attended the premises and upon arrival the persons stopped fighting and dispersed;

In response to the cases outlined, the Representative of the Licence Holder stated that the Licence Holder had agreed to implement seven additional conditions in 2023 to mitigate against concerns raised by Kent Police regarding anti-social behaviour. The following incidents in the Police report were addressed:

- In Appendix 1; Both of the Marshalls involved in the incident were removed from the premises and arrested. The Street Marshall responsible was prosecuted for Actual Bodily Harm (ABH) and received a 24 month community order. The premises had not employed a Marshal since additional conditions were implemented in 2023 and it was emphasised premises staff were not being obstructive during the incident.
- In Appendix 2; Kent Police did not attend the incident, and the Licence Holder had supplied the Sub-Committee CCTV evidence which contradicted the account of the patron claiming they were unconscious during the incident. The patron in the incident did not support prosecution and distanced themselves from Kent Police enquiries. In response to questions, it was confirmed the premises could provide its log book if requested by the Sub-Committee but it was not requested for the hearing;
- In Appendix 3; Kent Police did not take further action over the incident, and a witness statement had been provided by an SIA door staff member. Patrons who were recorded as intoxicated at the premises could have been consuming alcohol before reaching the premises. It was highlighted that the premises had recorded 11 patrons being denied entry, and that the presence of SIA door staff increased the amount of security in Maidstone town centre;

- In Appendix 4; The patrons ejected from the premises were removed because of offensive language and no victims were identified by Kent Police during the incident;
- In Appendix 5; It was clarified that Night Time Economy Forum meetings had been regularly cancelled preventing the Licence Holder from attending, that the SIA door staff member accused of not wearing a high visibility armband had just started a shift when an incident occurred, and that the licensing conditions allowed for existing patrons to re-enter after 3:00 a.m.;
- In Appendix 7; The perpetrator had returned to the premises several days after the incident, but was refused entry and premises staff took a photo of their ID. In a meeting after the incident, the Applicant asked the Licence Holder to use a Police radio more frequently for similar incidents;
- In Appendix 8; The actions of the promoter were unjustifiable, but they were acting independently at the point of violence after they were verbally provoked by the patron. The promoter was banned from the premises after the incident. The premises' licensing responsibility was to mitigate against the incident, and an SIA doorman at the premises attempted to protect the attacked patron;
- In Appendix 9; The door staff were successful at removing a group of rejected patrons but disputed that the CCTV showed a Marshal kicking a patron but was kicking an object on the floor. It was highlighted that the Marshal was removed from their position with immediate effect after the incident and that there was no connection between the patrons in the High Street using nitrous oxide balloons and the premises;
- In Appendix 9.1; There were limits to the premises detaining patrons until Police Officers arrive, and in one incident the premises detained a patron for four and a half hours. It was highlighted that SIA door staff do not have the same powers as Police Officers to detain patrons;
- In Appendix 9.2; The patron injured in the incident had tripped over after pushing a staff member which caused the injury;
- In Appendix 9.3; The premises reported a group of patrons being aggressive to door staff to Maidstone CCTV Control but were not allowed in the premises. The patrons walked away from the premises and Police Officers did not attend;
- In Appendix 9.4; The patron attacking door staff had been denied entry from the premises.

In a further response to the incidents outlined in the Police report, the Licence Holder explained that:

- He had received an email from the Applicant in June 2023 requesting information from the SIA regarding the usage of Marshals in the town centre as his knowledge was insufficient;

- It was difficult for premises staff to define poor behaviour from patrons as there was not a universal definition. However, there were warning signs such as slurred speech and aggressiveness, which staff would attempt to stop escalating. Door staff would assess if patrons were intoxicated at entry, but patrons would frequently come to the premises after consuming alcohol at other establishments;
- Attendance at the Night Time Economy Forum meetings with Kent Police had been very poor from multiple stakeholders and had been cancelled on multiple occasions, by both Kent Police and stakeholders. In response to this, the Licence Holder had established a venue led Pubwatch scheme, which included 12 town centre venues and had held two meetings.
- In Appendix 8; The promoter was banned from the premises after the incident, but due to a breakdown of communication with management, the promoter did work a shift at the premises after they were banned. The promoter has since been reminded they are prohibited from returning. In response to questions, it was confirmed that the premises kept a list of prohibited patrons and staff, and that promoters worked on an ad-hoc basis on Friday and Saturday nights.

Councillor Gordon Newton, Witness for the Licence Holder and Interested Party, was invited to make their case, and stated that the premises held a night for disabled patrons called Gems and that it was a safe space for disabled patrons that should be retained.

Karl Wenham, Witness for the Licence Holder and Interested Party, was invited to make their case, and stated that as the organiser of Gems, the premises had been a safe venue to host the event. It was highlighted that during eight years at the premises, there had been one incident with Kent Police where a patron had dressed inappropriately at a themed night.

Jason Halle, Witness for the Licence Holder and Interested Party, was invited to make their case, and stated that as a patron at Gems, he felt welcome at the premises. It was emphasised that staff at the venue were friendly and that some patrons now felt comfortable attending other nightclubs due to their positive experiences at Gems.

Robert Bearup, Interested Party, was invited to make their case, and claimed as a door staff member at the premises, that anti-social behaviour near the venue was due to a lack of a Police presence. It was stated that there were long police response times to incidents and highlighted a recent incident where the premises had rejected a group of patrons and handed them to Police Officers. The group were subsequently released and attempted to re-enter the premises.

In response to questions the Interested Party stated that the area next to the premises would be blocked off during an incident to prevent members of the public from walking near the incident.

Victoria Smith, Interested Party, was invited to make their case, and stated that as a patron of the Zoo Bar, she had always felt safe at the premises. Door staff at the premises were recognised as welcoming and professional, and that if patrons were refused entry, they were strong enough to prevent forced entry.



In response to questions the Licence Holder stated that the premises had hosted Gems for eight years and occurred every two weeks. On average 150 patrons would attend each night and the event was not held for business interests, but for the benefit of the community.

After requests from the Representatives of the Applicant and Licence Holder, the Chairman advised that the Sub-Committee would adjourn to allow negotiations between the parties to form a mutual agreement. The meeting was adjourned between 2:45 p.m. to 3:17 p.m.

The Sub-Committee returned and the Representatives of the Applicant and Licence Holder stated that a provisional agreement was still being negotiated between the Licence Holder and the Applicant.

The Chairman advised that the Sub-Committee would adjourn to allow negotiations to continue between the Applicant and Licence Holder to form a mutual agreement. The meeting was adjourned between 3:28 p.m. to 3:50 p.m.

The Sub-Committee returned and the Representative of the Licence Holder stated that a mutual agreement had been reached between the Licence Holder and the Applicant. It was proposed to issue the Licence Holder a warning and would include further amendments to its licensing conditions as detailed in the Decision.

In response to questions, the Representative of the Applicant stated that 3:00 a.m. was considered an appropriate time by Kent Police to stop entry to the premises as it would reduce the chances of incidents occurring after that time.

The Chairman advised that the Sub-Committee would retire for deliberation with the legal advisor present. The meeting was adjourned between 4:13 p.m. to 4:29 p.m.

The Sub-Committee returned and the Chairman stated that having considered the agreement proposed by the parties, the Sub-Committee endorsed the proposal in regard to the conditions and the change of licensed hours, but not to issue the premises a warning. The reasons contributing to the decisions were outlined.

It was confirmed that a written decision notice would be provided.

The hearing closed at 4:31 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.

50. EXEMPT APPENDICES TO ITEM 7 - APPLICATION FOR REVIEW OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR THE ZOO,10 - 11 MARKET BUILDINGS, MAIDSTONE, KENT, ME14 1HP

**RESOLVED:** That the item be considered alongside Item 7 – Application for Review of a Premises Licence under the Licensing Act 2003 for The Zoo,10 - 11 Market Buildings, Maidstone, Kent, ME14 1HP.



## LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL

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

#### NOTICE OF DETERMINATION REVIEW OF PREMISES LICENCE REVIEW SECTION 52 LICENSING ACT 2003

Applicant: Chief Inspector Mark McLellan on behalf of Kent Police

Premises THE ZOO, 10 - 11 Market Buildings, Maidstone, Kent, ME14 1HP

Date(s) of hearing: 29 April 2024

Date of determination: 29 April 2024

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

Legal Advisor in attendance: Helen Ward, Lawyer (Contentious), Mid Kent Legal Services

Licensing Officer in attendance: Lorraine Neale

Democratic Services Officer in attendance: Jordan Ifield

This was an application for:

**Review of a Premises Licence**

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

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

**Applicant**

PC James Williams on behalf of Kent Police  
Legal or other representative: Mark Davies, 6 Pump Court

**Premises Licence Holder**

Mr Christopher Dyer  
Mr Jack Steven  
Legal or other representative: Sarah Clover, Kings Chambers

**Other Persons / Interested Parties**

Cllr Gordon Newton  
Karl Wenham  
Jason Halle  
Robert Bearup  
Victoria Smith

**Representations considered in the absence of the party at the hearing**

Those contained within the Report provided to 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 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 Act.

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

The Sub-Committee has decided to depart from the guidance under section 182 of the Act and or the statement of licensing policy for the following reasons:

Paragraphs and reasons (state in full):

N/A

## **C: Determination:**

### **The Sub-Committee has decided:**

- Endorse the amendments to the premises agreed between the parties, insofar as the amendment of permitted hours for the sale of alcohol and amendments to conditions, as set out in **Part D** of this Decision.

### **Reasons for determination, considering each of the licensing objectives in turn:**

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

Reasons (state in full):

The Licensing Sub Committee considered the evidence presented prior to and at the hearing in respect of incidents that had occurred at the premises. They considered submissions made by parties at the hearing concerning incidents up until June 2023 and noted that a number of allegations made in the Review were disputed, had not required police presence and, where use of unreasonable force was shown, had resulted in successful prosecutions of those people. They noted that the premises had taken steps to address Police concerns, including adding new conditions in September 2023.

The parties requested a substantial adjournment during the hearing, following which they presented an agreed position to the Licensing Sub Committee regarding proposed amendments to the premises licence, which the Police confirmed would address their concerns. The Licensing Sub Committee welcomes partnership working between licence holders and responsible authorities and were disappointed that it had taken to halfway through the hearing for this to occur. Nonetheless, they were satisfied that the Police were content that these steps would address their concerns and accordingly it was deemed appropriate to promote the licensing objectives to endorse the agreement. The Licensing Sub Committee considered the amendments in detail and were satisfied that these would assist to reduce crime and disorder at the premises.

The Licensing Sub Committee did consider that the agreement represented significantly less of an intervention to the existing premises licence than originally been requested by the Police in the Review application. Given the parties had reached agreement, there was no further scrutiny or submissions of incidents beyond June 2023. On that basis the Licensing Sub Committee did not feel that any further intervention or enforcement was appropriate and proportionate to promote the licensing objectives.

#### **Public Safety**

Reasons (state in full):

There was no evidence put forward in respect of public safety over that identified in the review application and the Licensing Sub Committee did not consider that any steps were required to ensure the promotion of this licensing objective.

■ **Prevention of Public Nuisance**

Reasons (state in full):

There was no evidence put forward in respect of the prevention of public nuisance and the Licensing Sub Committee did not consider that any steps were required to ensure the promotion of this licensing objective.

■ **Protection of Children from Harm**

Reasons (state in full):

In respect of the concerns relating to underage persons on the premises, the Licensing Sub Committee believed that the written evidence for this was limited and no further submissions were made at the hearing. No further steps were considered appropriate in respect of this licensing objective.

**D: Amendments to Premises Licence following Determination**

The Sale of Alcohol shall be limited to 09:00 to 06:30, seven days a week.

The following conditions of the Licence are amended as follows:

1. The condition providing:

“A representative of the Premises Licence Holder will actively participate in the Nite Net radio system and will also be a member of the Night Time Economy Forum attending on average 4 meetings a year and ensuring that a record is kept to establish that those minutes have been read and as necessary actioned.”

Shall be amended to:

“A representative of the Premises Licence Holder will actively participate in the Nite Net radio system.”

2. The condition providing:

“There will be no new entries to the venue after 3am, excluding those that have been in the venue earlier.”

Shall be amended to:

“There will be no entries to patrons of the venue after 3am.”

3. The condition providing:

“All security staff will display their name badges by way of a reflective armband.”

Shall be replaced by:

“All security staff will be clearly visibly identifiable and display their SIA licence card.”

4. Current conditions:

“When door staff are required at least one member of door staff will be on duty by 21.00 hours”

“Further members of door staff will be required to be on duty from 23.00 hours, unless requested to attend earlier by management.”

“To deploy 2 x SIA door supervisors to the High Street 15mins prior to closing, with an additional 4 x SIA door supervisors to support and assist the dispersal process.”

Shall be replaced with:

“Additional deployment of door staff shall be in accordance with a Security Policy that shall be agreed in advance with the police.”

*Note: The Licensing Sub Committee expects the Security Policy to be in place and operational 21 days following the hearing. The existing arrangements are to remain in place until this time.*

5. The condition providing:

“We will operate a cooling down period of 15mins, prior to the end of session, where we will decrease sound levels to create a more calming atmosphere preparing us for close and full dispersal of patrons.”

Shall be amended to:

“A cooling down period of 15mins, prior to the end of session, shall be implemented during which sound levels shall be decreased, and alcohol sales shall cease in order to create a more calming atmosphere preparing for close and full dispersal of patrons.”

## **E: 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 by the appellant to the Magistrates' Court within a period of 21 days beginning on the day on which the appellant was notified of the full written decision to be appealed against. Parties should be aware that the Magistrates' Court may make an Order as to costs in any Appeal.

Signed [Chair]:

Date:

A copy of the original document is held on file

# Agenda Item 15

## LICENSING COMMITTEE

13 June 2024

### Improving Animal Welfare in Maidstone's Licensed Activities

Timetable	
Meeting	Date
Licensing Committee	13 June 2024

<b>Will this be a Key Decision?</b>	Not Applicable
<b>Urgency</b>	Not Applicable
<b>Final Decision-Maker</b>	LICENSING COMMITTEE
<b>Lead Director</b>	Angela Woodhouse, Director of Strategy, Insight and Governance.
<b>Lead Officer and Report Author</b>	Martyn Jeynes, Communities and Strategic Partnerships Manager
<b>Classification</b>	Public
<b>Wards affected</b>	All

#### Executive Summary

This report highlights the progress in animal welfare in Maidstone's licensed activities since the introduction of new legislation in 2018. Despite challenges, the Community Protection Team (CPT) has driven higher-standards through both rigorous processes and efficiency enhancements. The dual-purpose regulation seeks to enhance animal welfare and supports responsible businesses. Enforcement, which is a key element of any regulatory regime is in line with our Enforcement Policy but faces a range of challenges. Collaboration between enforcement agencies, license holders, and the community is vital to overcome these challenges.

#### Purpose of Report

Noting

#### This report makes the following recommendation to the Committee

1. That the update on Animal Welfare Licensing responsibilities is noted.



# Improving Animal Welfare in Maidstone's Licensed Activities

## 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>Animals provide a great deal of enjoyment and enrich the lives of those who own or use them for leisure purposes. An effective animal welfare licensing service helps us to ensure we meet our safe, clean and green objective. It also contributes to a thriving business sector, that must be regulated to ensure those businesses operate at the required standards and protect the welfare of the animals in their care.</p>	Director of Strategy, Insight and Governance
<b>Cross Cutting Objectives</b>	The report recommendation(s) will not impair the achievement of the cross-cutting objectives.	Director of Strategy, Insight and Governance
<b>Risk Management</b>	Already covered in the risk section under section 5 of the report	Director of Strategy, Insight and Governance
<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.	Head of Finance
<b>Staffing</b>	We will deliver the recommendations with our current staffing. There is a current vacancy within the service, specifically to assist with this area of work and a recruitment campaign is planned to ensure service expectations can be met.	Director of Strategy, Insight and Governance
<b>Legal</b>	Legal implications for regulation of animal activities are set out in the relevant legislation and the associated guidance. It may be	Deputy Head of Legal

	necessary to undertake enforcement work and legal services may be engaged to support this where court action is necessary, however, this report is purely for noting.	
<b>Information Governance</b>	The recommendations do not impact personal information the Council processes.	Information Governance 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 not negatively impact on population health or that of individuals.	Community & Strategic Partnerships Manager
<b>Crime and Disorder</b>	As a growing sector, particularly the desire to have “designer dog breeds” it is important to ensure that consumers are protected against those who do not have the welfare of their animals and their customers in mind when conducting their business. Illegal animal related businesses put consumers and animals at risk, and we will work with partners and customers to drive down illegal businesses in this sector.	Director of Strategy, Insight and Governance
<b>Procurement</b>	None	Director of Strategy, Insight and Governance
<b>Biodiversity and Climate Change</b>	The implications of this report on biodiversity and climate change have been considered and there are no implications on biodiversity and climate change.	Biodiversity and Climate Change Manager

## **2. INTRODUCTION AND BACKGROUND**

### **The current position of animal welfare in Maidstone's licensed activities.**

- 2.1 The introduction of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (LAIA 2018) marked a significant shift in animal welfare standards. Despite initial challenges, the rigorous processes implemented by the Community Protection Team (CPT) have ensured that no licenses issued have been formally challenged, providing reassurance to high-standard businesses.
- 2.2 Significant strides have been made to enhance the efficiency of inspections and the overall service, including improved web content, a chargeable "pre-application" advice service, an enhanced Customer Relationship Management (CRM) system, and a new social media channel dedicated to all things animal related.
- 2.3 Whilst the LAIA 2018 is the primary piece of legislation, there are other areas of animal welfare and licensing that fall under different pieces of legislation, such as dangerous wild animals, which has a bespoke licensing regime owing to the variety of species and the specific threats they provide.
- 2.4 The graph provided in Appendix 1 shows a breakdown of the current licences by type. Appendix 2 provides a comparison of the Licensed Activities currently licensed and how that compares to the licensing undertaken under the previous regime. The graph shows not only a 43% increase overall, but also a significant change in the types of licences being issued with riding schools and pet shops decreasing, whilst dog breeding and home boarding have both increased significantly. This impacts on the nature of the work, largely due to the enhanced privacy laws in relation to domestic dwellings, which need to be considered when inspecting.
- 2.5 Appendix 3 Provides a breakdown of the licenses by Star Rating. This shows that 65% of the licences issued in the borough met the higher standards and are therefore afforded longer licences as a result. Many of those meeting the minimum standards do so because they are newly established and therefore higher risk businesses, and it is not possible for them to achieve higher standards on their first application as they do not have a history of compliance to mitigate that risk.
- 2.6 The report on how the fees for this sector have been set is provided as a background document for reference.

### **Importance of regulating this sector.**

- 2.7 The regulation of this sector is dual purpose: enhancing animal welfare and supporting/protecting responsible businesses:

#### **Animal Welfare Enhancement:**

- **Protection:** The legislation promotes the welfare of animals involved in specific activities, including:

- Selling animals as pets
  - Providing boarding for cats or dogs, including home boarding and doggy day care
  - Hiring out horses for riding lessons
  - Dog breeding
  - Keeping or training animals for exhibition and the running of zoos
  - Safe keeping of dangerous animals (private ownership)
- **Five Welfare Needs:** By setting out standards and conditions, the regulations ensure that animals have:
    - a suitable living environment
    - an Adequate diet
    - the ability to exhibit normal behaviour for their species
    - proper housing conditions
    - protection from suffering and disease
  - **Inspections and Compliance:** Regular inspections ensure compliance, detect issues early, and prevent neglect or mistreatment.

#### **Benefits to Businesses:**

- **Protection of staff and customers:** The regulations put in place some health and safety requirements to ensure that people interacting with animals and activities that could cause them harm.
- **Improved reputation:** Complying with welfare standards enhances a business's reputation, attracting customers who prioritise animal welfare and meet higher standards.
- **Legal clarity and risk mitigation:** Clear guidelines help businesses understand their responsibilities, reducing ambiguity and reducing the risk of harming animals, legal action, fines, and potential closures.
- **Public trust and competitive edge:** Responsible practices build trust with customers, leading to repeat business. Being licensed and also seeking to achieve higher standards demonstrates a commitment to animal care, differentiating themselves in the market.
- **Collaboration:** Businesses work with inspectors to improve practices and address any issues.

#### **Role of Compliance Inspections**

2.8 Compliance inspections play a vital role in ensuring animal welfare by monitoring and enforcing adherence to regulations:

#### **Purpose of Compliance Inspections:**

- **Announced Visits:** As part of the application and throughout the licence period the Inspector will visit with the licensee to ensure the measures outlined in both their application or licence conditions are being met, offering support and advice as appropriate. For new or higher risk inspections this can be undertaken with an appointed veterinarian. This allows for the welfare of the animals to be inspected and action to be taken should any form of suffering be present or likely because of poor animal husbandry processes.

- **Unannounced Visits:** Inspectors also conduct unannounced visits to facilities where animals are kept, such as farms, pet shops, or breeding establishments. This allows officers to assess how the business works normally, without time to prepare for the visit.
- **Review and Assessment:** During inspections, the inspector meticulously reviews various aspects to ensure compliance with animal welfare laws and standards, offering advice or taking action as is deemed appropriate and necessary.

#### **Areas Covered in Compliance Inspections:**

- **Premises and Facilities:** Inspectors assess the condition of animal housing, cleanliness, and suitability of the environment.
- **Husbandry Practices:** They evaluate how animals are cared for, including feeding, watering, and handling.
- **Veterinary Care:** Inspectors examine the program of veterinary care in place for the animals.
- **Record Keeping:** They verify that accurate records are maintained regarding animal health, treatments, and other relevant information.

#### **Enforcement of Animal Welfare Standards**

2.9 Enforcing in animal welfare licencing, like all licensing regimes, is an important element of the process. It not only ensures animal welfare standards, but provides consumer reassurance and supports legitimate businesses, when illegal operations are detected. As with other regimes, enforcement is not limited to punitive measures. Effective enforcement, in line with our Enforcement Policy (background document), uses a graduated approach, from informal to formal. Here's how it typically works in a licenced establishment:

1. **Advice and Guidance:** Initially, if minor non-compliance is detected, officers provide advice and guidance to help the individual or business understand their responsibilities and how to comply with regulations. This is often the first step, aiming to educate and prevent future non-compliance.
2. **Warnings:** If non-compliance continues or if a more serious violation is detected, officers may issue a warning. This serves as a formal notice of non-compliance and a strong suggestion to rectify the situation promptly.
3. **Improvement Notices:** For persistent or more serious non-compliance, officers may issue an improvement notice. This is a legal document that outlines specific actions that must be taken within a certain timeframe to achieve compliance.
4. **Fines and Penalties:** If non-compliance continues despite previous steps, officers may impose fines or other penalties. The severity of the fine often reflects the seriousness and persistence of the non-compliance.
5. **License Suspension or Revocation:** In extreme cases, where non-compliance poses significant risks or harm, or where all other enforcement actions have failed, officers may suspend or revoke licenses, effectively prohibiting the individual or business from continuing the regulated activity.

2.10 Officers also undertake enforcement against illegal activity, as outlined in the next section.

### **Challenges of Enforcement Action**

2.11 Enforcing the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 is not without its challenges. These difficulties can range from resource constraints to resistance from license holders.

- **Resource Constraints:** The Animal Welfare responsibility sits within the Community Protection Team, who themselves have a broad Community Safety and nuisance remit. This also includes other areas of animal work, including Dog Fouling, dog control, straying and lost dogs and barking, the latter of which being amongst the highest sources of noise complaint in the borough. This limits the frequency of inspections, particularly to suspected illegal activities. Enforcement is largely intelligence driven and the resources required are often disproportionately higher than the potential outcomes, as even gaining access to a private dwelling suspected of breeding is challenging. As with all criminal law the evidential standard is beyond all reasonable doubt, which places a burden on officers to act as detectives and piece together pieces of information and evidence in the hope that the case is strong enough to meet the evidential thresholds required.

Additionally, the complexity of animal welfare issues requires specialised knowledge and skills, which may not always be readily available within the wider team or the public in general.

- **Resistance from License Holders:** Some license holders may resist enforcement efforts, viewing them as intrusive or burdensome. This resistance can take many forms, from reluctance to grant access for inspections, to disputes over the interpretation of regulations, to outright non-compliance. Such resistance can slow down enforcement processes and make it more difficult to ensure animal welfare standards are met.
- **Enforcement in Private Residences:** Enforcing regulations in private residences presents unique challenges. Privacy laws protect homeowners from unwarranted intrusion, which can make it difficult for inspectors to gain access without the homeowner's consent or sufficient cause to obtain a warrant. Even when access is granted, inspectors must navigate these settings with sensitivity and respect for the resident's privacy. This can make it more challenging to conduct thorough inspections and enforce compliance.

2.12 While these challenges can complicate enforcement efforts, they also highlight the importance of ongoing collaboration between enforcement agencies, license holders, and the wider community. Information about illegal activity is often linked to other areas of concern, such as an increase in noise or other criminal enterprises. Collaborative working allows officers to utilise the wider tools and powers of colleagues and other services to disrupt and create risk for those seeking to trade illegally.

## **Case studies demonstrating the use of these powers.**

- 2.13 Appendix 4 provides some case studies that demonstrate the role of the service and some of the enforcement undertaken against illegal activities and to improve animal welfare in licensed businesses.
- 

### **3. AVAILABLE OPTIONS**

- 3.1 The committee could decide to approve the recommendations made in this report. This will allow for the Community Protection Team to continue to deliver the current Animal Welfare Licensing work to a standard that is improving standards and supporting businesses.
- 3.2 **Do more-** The committee could ask officers to investigate whether more can be done in this area, particularly enforcement of illegal activities. This could lead to more disruption of illegal activities; however it would require more staffing, which would either see a reduction in services delivering Community Safety or nuisance or would require an increase in staffing budget. There are no guarantees that more resources will lead to more enforcement outcomes, but it would likely disrupt a number of them.
- 3.3 **Do less-** The committee could ask officers to look into whether less can be done in this area. This is likely to mean that little or know enforcement activity against illegal activities and a minimalistic service provided to our customers. This would not offer good value for money, given the license fee paid by businesses and would likely lead to businesses being upset that illegal activity is going unchallenged in the district.
- 

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

- 4.1 The option set out in paragraphs 3.1 is the preferred option, as it will enable the Community Protection Team to continue to offer a value for money service to existing customers and will support the investigation of illegal activities when they are able. Increased partnership working in this area, with a Kent Wide Animal Welfare Network and links into Neighbourhood Policing and Serious Organised Crime, there are growing opportunities for collaborative successes and disruption of the higher risk activities in this sector.
- 

### **5. RISK**

- 5.1 The recommendation, if adopted, will reduce the risk of the Council not being compliant with its statutory duties and will assist in reducing crime and disorder within the Borough.
-

## **6. REPORT APPENDICES**

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

- Appendix 1: Breakdown of the current licences by type
  - Appendix 2: Licensed Activities comparison
  - Appendix 3: Star ratings of licensed businesses
  - Appendix 4: Case studies demonstrating the use of these powers
- 

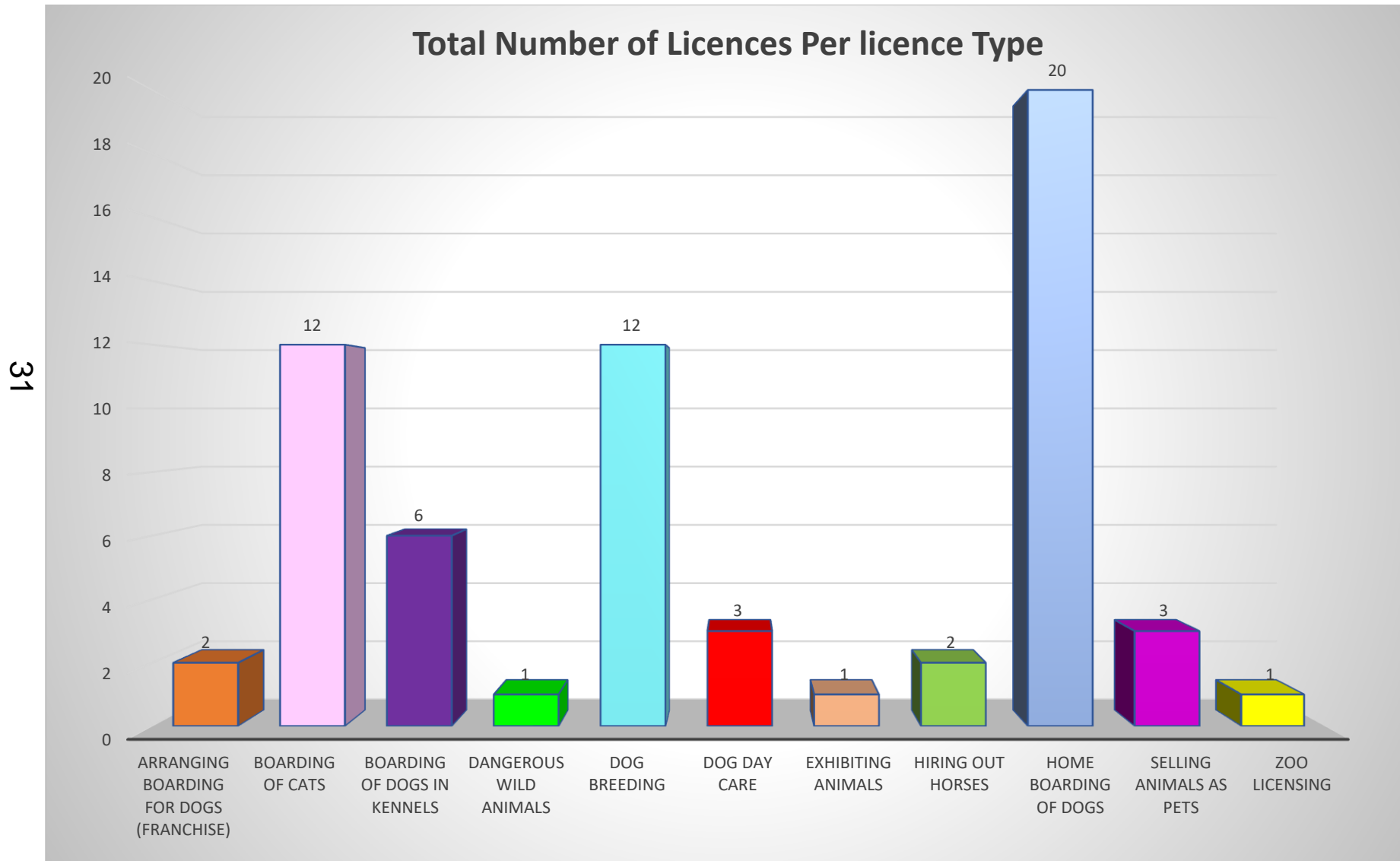
## **7. BACKGROUND PAPERS**

Animal licensing- service update and proposed fee changes report (January 2023) - [ANIMAL LICENSING- SERVICE UPDATE AND PROPOSED FEE CHANGES.pdf](#)

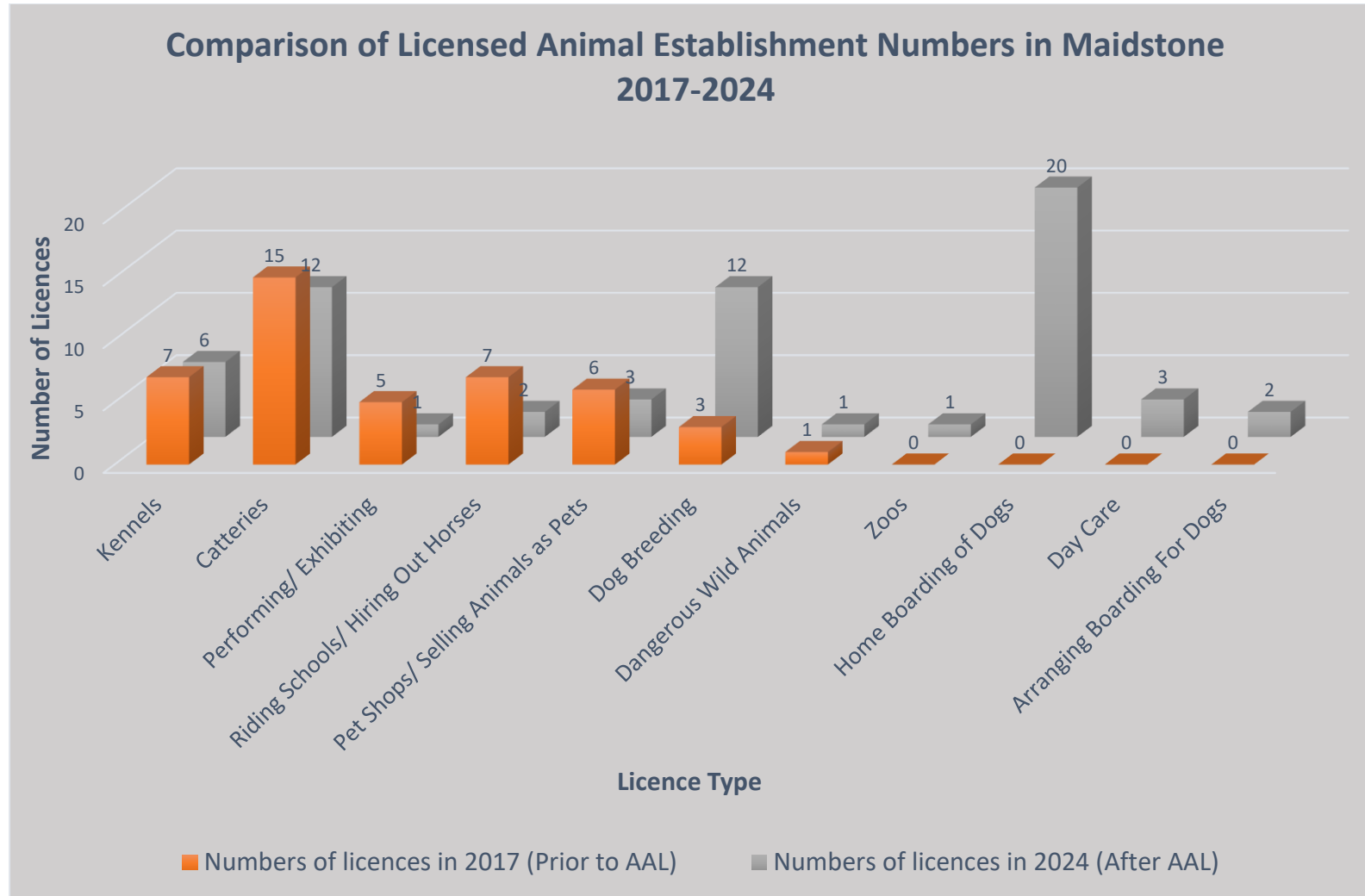
Current Environmental Health, Waste Crime & Community Protection Enforcement policy - [Maidstone Borough Council 2019 Enforcement Policy](#)



## Appendix 1- Breakdown of the current licences by type

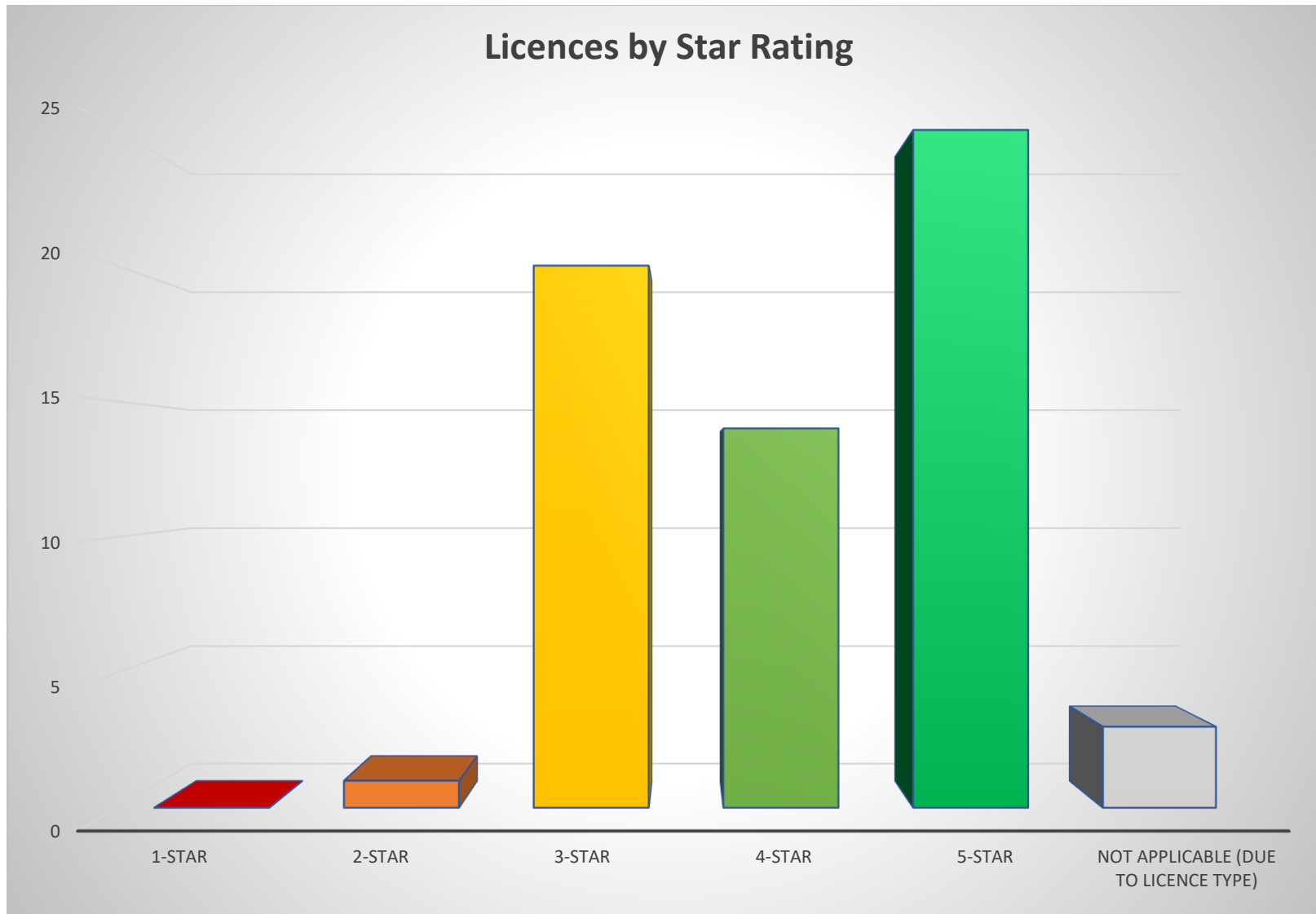


**Appendix 2- Licensed Activities comparison**



### Appendix 3- Star ratings of licensed businesses

33



## **Appendix 4- Case studies demonstrating the use of these powers**

### **Illegal home boarding business prosecuted.**

In 2020 a gentleman was successfully prosecuted for operating a home dog boarding business without a license. The business came to our attention when a customer, who had returned from holiday, had to have her miniature Pomeranian put to sleep due to injuries allegedly sustained whilst being in their care. This heartbreaking incident made national media ([Family's heartbreak after Maidstone puppy boarder fatally injured - BBC News](#)). After a closure order was issued and an investigation undertaken, the operator pleaded guilty and was ordered to pay £430 to the court, this was made up of; a fine of £120 reduced to £80, compensation of £150 to the Council for part of the licence fee and £200 contribution to court costs to Maidstone Borough Council. The prosecution had significant consequences for the operator as they may not be granted future licenses needed to operate any business involving a licensed animal activity, as they may not be deemed a fit or proper person under the requirements of the legislation.

### **Dog breeding and welfare concerns in a domestic premises addressed.**

Following reports of noise nuisance from dog breeding, the CPT were subsequently notified of alleged breeding of dogs and nasty smells at the premises too. The alleged breeders were not forthcoming in engaging with the investigating officer, nor were they willing to allow the officer into their home to conduct further enquiries.

The Investigating CPT Officer talked the case through with the Animal Licensing Inspector and it was agreed that a Section 10 Animal Welfare Improvement Notice would be issued. This notice set out the Council's concerns, the improvements we would require the occupants to undertake and when this should be done by.

Soon after the receipt of the Improvement Notice, the alleged breeders contacted us to invite us into their home to show us that they weren't bad dog owners and to share their version of events.

The visit revealed a litter of puppies and multiple unneutered dogs which were being kept in mixed-sex kennels.

Advice was provided to the alleged breeders about the need to hold a licence for the selling and advertising of puppies. Once the puppies had been rehomed, the CPT officers remained persistent in engaging with the occupants until they finally rehomed the dogs. The noise issue, smell issue and breeding operations have now ceased.

## **Goats removed from pub beer garden to protect them from harm.**



### Issues:

- No hand washing signs
- No signs warning people that the animals could bite
- In an area where people were eating their food
- No 'please don't feed us' signs- human food can be poisonous!
- Veg from the kitchen was being fed to the goats- the practice of feeding vegetables from a kitchen containing human food is illegal.
- No enrichment
- Not enough space
- Substrate was filthy, soaking wet and rotting with rotting food on the floor.
- Little room to escape the view of the public.
- Loud environment with no escape from it.
- No drainage so urine and water was not draining away from the enclosure.

### Remedy:

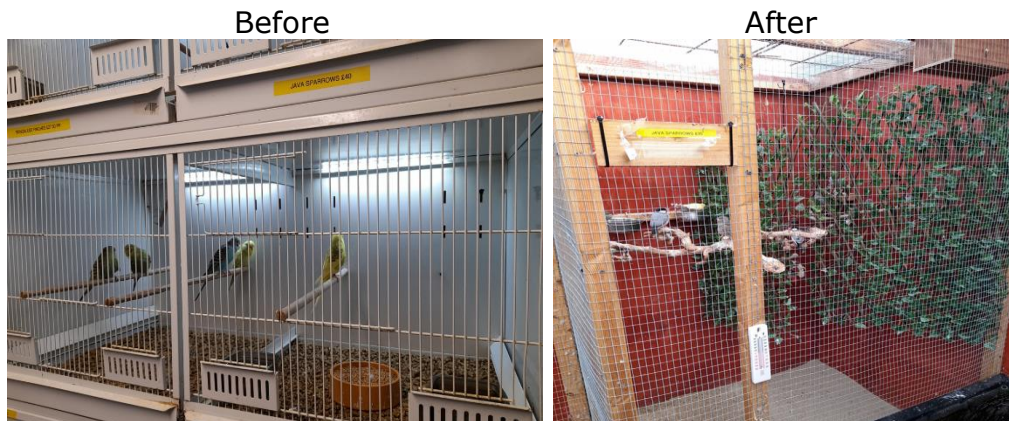
- MBC's Animal Licensing Inspector visited the pub and spoke to the landlord to find out about the origin of the goats, reason for them being there and how long they were going to be there for.
- A referral was made to the Animal Plant Health Agency to report the issues with feeding the animals from a human kitchen and livestock movement records.
- Referral made to MBC's Food and Safety Team to assess the health and hygiene aspect of the food premises in relation to public safety and cross contamination.

Following visits from the various agencies, the landlord took the advice provided to him which was to return the goats to their large paddock at the home address and refrain from bringing them back to the pub. The goats are now much happier living in a large paddock, away from the hustle and bustle of a stressful and loud pub environment.

## Caged Birds in a pet store.

From antiquated stacked bird cages with barely any enrichment or escape from the view of the public:

To living in purpose-built flight aviaries with a variety of different perch types, screening, nesting boxes and the space to fly or forage in the substrate.



## Pet Shop Improvements:

### Issues:

Siamese Fighting Fish (Bettas) were being kept in hatchery boxes within pet store tanks to double the number of Bettas that the store could stock. The set-up can be seen in the photo below. This was identified during a licence application inspection. Bettas are stocked primarily due to their impressive displays of colour and males are generally the most attractive, with larger fins and more vivid colouration. The issues with the way they were being kept above are:

- The hatchery boxes are very small so space for the fish to swim around freely was restricted.
- The boxes were secured to the very front of the tanks which were in a main throughfare of the store so the fish could not get away from the view of the public, people tapping on the glass or sudden movements right next to where the fish were located.
- Being in such a confined volume of water means the water quality will deteriorate very quickly.
- The boxes were clear, and the Bettas can see each other. Bettas are very territorial and become very aggressive to one another. There was no way for both fish to escape this so they would become incredibly stressed and eventually exhausted. The mortality rate and likelihood of disease is increased significantly in stressed and exhausted fish.
- It is a completely sterile environment with no enrichment. The fish are unable to exhibit any normal behaviours such as foraging in a substrate.

Remedy:

- The inspector required the housing of Bettas to be significantly improved before a licence could be granted. Within 4 hours of the inspection, the Bettas were housed in individual tanks.



# Agenda Item 16

**LICENSING COMMITTEE**

**13 June 2024**

## **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>
Licensing Committee	13 June 2024



# 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 14 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.

### **2023 – 2024 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 Maidstone results are attached as **Appendix A**

- 2.7 This year has been more of a return to normal following the previous few 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 2023/24; applications volumes have returned to pre- pandemic levels. 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, 9700 applications, notices, permits and other pieces of work were received / carried out across the partnership.
  - From this total, over 2730 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. 28% of the work of the entire partnership in 2023/24
  - Just under **28,400** emails were received in the main Licensing inbox and actioned for all four partners – Maidstone's share was 7,208
  - **7,661** calls were received to main licensing hotline and dealt with by the Hub team for all four partners - Maidstone's share was 2015.

### **3. Performance against Service Plan objectives 2023/24**

- 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:** achieved, in that we remain open to discussion and approach, but have not received any expressions of interest. Our officers attend multi LA meetings across Kent and report back that they use those opportunities to promote the partnership when appropriate.

- 3.3 Objective 3: *Seek further efficiency savings*

- 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 were reviewed:

1. TENS
  2. Personal licences
  3. Transfer of premises licence
  4. DPS variations
  5. Taxis - temporary replacement vehicle
  6. Taxis – drivers
  7. Taxis – Vehicles
  8. Taxis - Operators
- Review of online facilities including continued development of online application forms
  - Review of back office system database and assess against other alternative providers (MM & SB)

**Result:** achieved (resulting in time savings or better working practices)

3.4 Objective 4: *Undertake necessary projects which deliver or enhance the service provision - 2023-24 projects:*

- *Action emails from Companies House which advise on changes to company status etc* **result: achieved**
- *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* **result – started but ongoing**
- *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)* **result - achieved**
- *New procedure for pre-application advice to be agreed and introduced (SB)* **result – produced but not implemented yet (awaiting testing)**
- *New procedure for recording of complaints / investigations – to be recorded on the database going forward once introduced (SB)* **result – achieved but in testing phase with SDC**
- *Have the current partnership agreement reviewed and brought up to date in terms of format (SB / legal)* **RESULT – redrafted but Board still considering what changes they want implemented**

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*

- *In 2023, SB to review Cumulative Impact Area policy for LBB* **(achieved)**
- *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* **(achieved)**
- *To review taxi policies in Maidstone, Tunbridge Wells and Sevenoaks as and when needed. (Senior Licensing Officers)* **(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) (SB and Senior*

Licensing Officers) which may lead to revision of taxi policies re green vehicles (**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 2024/25 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 2024/25
  -
- 

**9. BACKGROUND PAPERS**

None.

## Licensing - Maidstone - Monthly Performance - 2023/24













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 2023	100%	90%		3	3
May 2023	100%	90%		2	2
June 2023	100%	90%		3	3
July 2023	100%	90%		2	2
August 2023	100%	90%		2	2
September 2023	100%	90%		5	5
October 2023	100%	90%		1	1
November 2023	100%	90%		2	2
December 2023	100%	90%		4	4
January 2024	100%	90%		3	3
February 2024	100%	90%		4	4
March 2024	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 2023	100%	90%		8	8
May 2023	90%	90%		9	10
June 2023	100%	90%		5	5
July 2023	100%	90%		13	13
August 2023	100%	90%		7	7
September 2023	100%	90%		13	13
October 2023	100%	90%		10	10
November 2023	100%	90%		4	4
December 2023	100%	90%		16	16
January 2024	100%	90%		14	14
February 2024	100%	90%		13	13

March 2024	100%			14	14
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<b>Code</b>	LIC 008
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<b>Short Name</b>	Percentage of PHO licences issued within 10 days
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	Value	Target	Status	Issued in 10 days	Total number issued
April 2023	100%	90%		1	1
May 2023	100%	90%		3	3
June 2023	100%	90%		1	1
July 2023	100%	90%		2	2
August 2023	100%	90%		1	1
September 2023	100%	90%		1	1
October 2023	100%	90%		2	2
November 2023	100%	90%		3	3
December 2023	100%	90%		1	1
January 2024	100%	90%		1	1
February 2024	100%	90%		1	1
March 2024	100%	90%		1	1

<b>Code</b>	LIC 010
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<b>Short Name</b>	Premises compliance
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	Value	Target	Status	Numerator	Denominator
April 2023	13	15			
May 2023	13	15			
June 2023	15	15			
July 2023	7	15			
August 2023	16	15			
September 2023	13	15			
October 2023	39	15			
November 2023	19	15			
December 2023	33	15			
January 2024	12	15			
February 2024	14	15			
March 2024	15	15			

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 2023	100%	95%		55	55
May 2023	100%	95%		27	27
June 2023	100%	95%		44	44
July 2023	100%	95%		45	45
August 2023	100%	95%		53	53
September 2023	100%	95%		42	42
October 2023	100%	95%		68	68
November 2023	100%	95%		36	36
December 2023	100%	95%		50	50
January 2024	100%	95%		59	59
February 2024	100%	95%		63	63
March 2024	100%	95%		50	50

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 2023	90%	95%		26	29
May 2023	92%	95%		32	35
June 2023	90%	95%		35	39
July 2023	90%	95%		36	40
August 2023	95%	95%		36	38
September 2023	98%	95%		40	41
October 2023	100%	95%		57	57
November 2023	100%	95%		44	44
December 2023	100%	95%		5	5
January 2024	100%	95%		20	20
February 2024	95%	95%		16	17
March 2024	100%	95%		29	29



























Code	LIC 019				
Short Name	Taxi Compliance Taxi Compliance (Licensing officers at Sevenoaks, Tunbridge Wells and Maidstone)				
	Value	Target	Status	Numerator	Denominator
April 2023	41	15			
May 2023	70	15			
June 2023	44	15			
July 2023	50	15			
August 2023	52	15			
September 2023	42	15			
October 2023	60	15			
November 2023	50	15			
December 2023	39	15			
January 2024	41	15			
February 2024	69	15			
March 2024	36	15			

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 2023	100%	95%		4	4
May 2023	100%	95%		5	5
June 2023	100%	95%		3	3
July 2023	100%	95%		1	1
August 2023	100%	95%		2	2
September 2023	100%	95%		23	23
October 2023	100%	95%		20	20
November 2023	100%	95%		26	26
December 2023	100%	95%		6	6
January 2024	100%	95%		6	6
February 2024	100%	95%		9	9
March 2024	100%	95%		13	13

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 2023	100%	95%		36	36
May 2023	100%	95%		38	38
June 2023	100%	95%		102	102
July 2023	100%	95%		102	102
August 2023	100%	95%		58	58
September 2023	100%	95%		39	39
October 2023	100%	95%		27	27
November 2023	100%	95%		25	25
December 2023	100%	95%		30	30
January 2024	100%	95%		30	30
February 2024	100%	95%		27	27
March 2024	100%	95%		32	32

Code	LIC 026				
Short Name	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 2023	100%	95%		2	2
May 2023	100%	95%		5	5
June 2023	100%	95%		1	1
July 2023	100%	95%		3	3
August 2023	100%	95%		1	1
September 2023	100%	95%		2	2
October 2023	100%	95%		3	3
November 2023	100%	95%		5	5
December 2023	100%	95%		4	4
January 2024	100%	95%		2	2
February 2024	100%	95%		1	1
March 2024	100%	95%		5	5

Code	LIC 027				
Short Name	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 2023	88%	95%		7	8
May 2023	100%	95%		7	7
June 2023	100%	95%		4	4
July 2023	100%	95%		7	7
August 2023	100%	95%		4	4
September 2023	100%	95%		6	6
October 2023	92%	95%		11	12
November 2023	100%	95%		10	10
December 2023	100%	95%		1	1
January 2024	100%	95%		5	5
February 2024	100%	95%		11	11
March 2024	100%	95%		11	11

Code	LIC 028				
Short Name	Action after suspension - Licensing officers resolve by 31 March				
	Value	Target	Status	Number resolved	Number needed resolving
April 2023	100%	95%		5	5
May 2023	100%	95%		3	3
June 2023	100%	95%		3	3
July 2023	100%	95%		2	2
August 2023	100%	95%		1	1
September 2023	100%	95%		3	3
October 2023	100%	95%		33	33
November 2023	100%	95%		3	3
December 2023	100%	95%		3	3
January 2024	100%	95%		5	5
February 2024	100%	95%		5	5
March 2024	100%	95%		4	4

# Licensing Service Plan 2024/25

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Licensing  
Partnership



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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**

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**Sevenoaks District Council**

**HUB Team**

Licensing Partnership Manager  
1FTE

Senior Licensing Technician – 2 FTE

Licensing Technician – 4 FTE + 1 PT (22 hrs)

Licensing Assistant – 1FTE

*This team process applications for all four partners and send invoices, reminders and are initial point of contact)*

**Contact Centre / reception**

Senior Licensing Officers - 1 FTE, 1 PT (22 hrs)

Licensing Admin Officer (22hrs)

**Tunbridge Wells**

Senior Licensing Officer – 1FTE

Licensing Officer 1FTE

Part time Licensing Admin Officer. 20 hours

**Appointments only**

**Maidstone Borough Council**

Senior Licensing Officer 1FTE

Licensing Officer 1 FTE

Part time Licensing Admin Officer (15 hours)

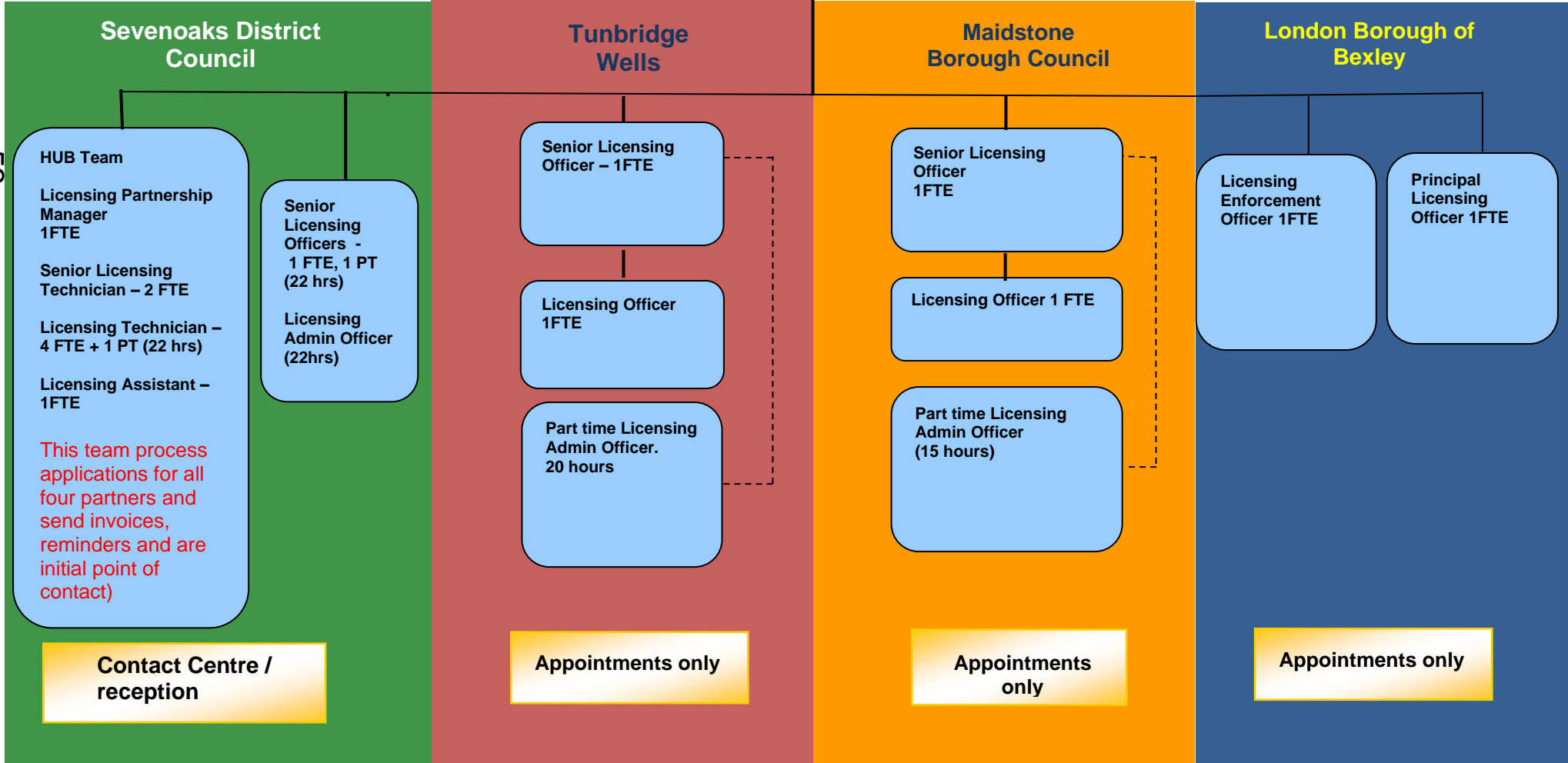
**Appointments only**

**London Borough of Bexley**

Licensing Enforcement Officer 1FTE

Principal Licensing Officer 1FTE

**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. 2024/25 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>2024/25 Target or Outcome (to be achieved by 31.03.2025)</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>2024/25 Target or Outcome</b>	
<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>2024/25 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) Pavement licences</li> <li>(ii) Scrap Metal Site</li> <li>(iii) Scrap Metal collector</li> <li>(iv) Small lotteries</li> <li>(v) Gaming permits</li> </ul> </li> <li>Review of online facilities including continued development of online application forms</li> <li>back office system database further research/work (MM &amp; SB)</li> </ul>		To be done by 31.3.25 – 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>2024/25 Target or Outcome</b>	
<b>Action</b>	<b>H2H &amp; Street Charity Collection Booking System:</b> This would be developed with SDC Development Team (none of the authorities get any income from this and therefore we want to find a better way to deliver this service with minimal impact on Hub resources).		Increased efficiency / automation	
<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: 31.03.2025	
<b>Action</b>	<b>Review of Data Retention Policy and Privacy Notice (DBS &amp; HMRC):</b> This would bring these documents up-to-date and then implement the changes accordingly.		Compliance with internal policies	
<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>2024/25 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>Using senior licensing officers to deliver refresher training on taxis, premise licensing</li> </ul>		To be achieved by 31/03/2025	
<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 & annual fee reviews		<b>Responsible Officer</b>	Sharon Bamborough/Lorraine Neale/Sharon Degiorgio/Samantha Laing
<b>Performance Measure</b>	<b>Description</b>		<b>2024/25 Target or Outcome</b>	
<b>Action</b>	Annual review of fees (taken to licensing committees) will be centralised and carried out by/under the direction of the Head of the Licensing Partnership - this will achieve better alignment in fees and services charged <b>(SB)</b>		Achieve statutory obligations. To be achieved by 31.01.2025	
<b>Action</b>	To review gambling policies in line with the statutory requirement to review every 3 years <b>(SB/SD/LN/SL)</b>		Achieve statutory obligations 31.01.25	
<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>2024/25 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 31/03/2025	
<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	2024/25 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	2024/25 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> <li>• knowledge tests/safeguarding training (compliance with policy)</li> </ul>	Monthly	<b>Non London partners only: 360 each</b> (equates to 30 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> </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>carry out proactive visits in accordance with risk rating system</li> <li>attend enforcement meetings/briefings/collaborate with partners on multi-agency approach</li> </ul>		
Code	Description	Collection period	2024/25 target
MPI LIC 019	(for partners where Hub team arrange annual fee collection) 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>	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 Special treatments licences processed within 2 calendar months (from date of validation to issue date) <b>[LBB &amp; Hub]</b>	Monthly	<b>95%</b>

## LICENSING COMMITTEE

**13<sup>th</sup> June 2024**

### 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> July 2024.

#### **Timetable**

<b>Meeting</b>	<b>Date</b>
Licensing Committee	13-06-2024

# 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
<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 July 2024 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 July 2024.

- 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