

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

**MINUTES OF THE MEETING HELD ON
THURSDAY 17 FEBRUARY 2011**

Present: Councillor Parvin (Chairman), and
Councillors Butler, FitzGerald, Mrs Hinder, Mrs Joy,
Mrs Parvin, Sellar and Warner

Also Present: Mr Denis Conyon (Hackney Carriage Association)

48. APOLOGIES FOR ABSENCE

There were no Apologies for Absence.

49. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Butler was substituting for Councillor Brindle.

50. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

51. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members of Officers.

52. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

53. EXEMPT ITEMS

RESOLVED: That the Items on the Agenda be taken in public as proposed.

54. MINUTES

RESOLVED: That the Minutes of the Meeting held on 18 November 2010 be approved as a correct record and signed.

55. HACKNEY CARRIAGE/PRIVATE HIRE ISSUES (IF ANY)

Mr Conyon said that he understood there was to be a partial paving of the High Street but he was still awaiting a decision from Kent County Council about taxi access from the bottom of the High Street.

Mr Conyan was informed that part of the High Street Regeneration scheme was going ahead and a report with full details of the scheme will be considered by Cabinet on 9 March 2011. The Officer confirmed that Mr Conyan will be kept informed.

A Member of the Committee raised the issue of the increase in charges for using the East Station taxi rank to £260.

Mr Conyan said that it is an added financial burden for taxi drivers and he understands that a number of drivers are no longer using the rank and this has therefore increased the number of taxis using the ranks in the High Street.

The Committee were informed that Meteor has been contracted by South Eastern with regard to the taxi ranks. The Taxi Association were only given 1 month's notice to renew their licences at the increased fee. Meteor is rolling this out across the South East and Sevenoaks and Tunbridge Wells have also been affected.

RESOLVED: That a letter be sent to Meteor informing them of the concerns of the Licensing Committee with regard to the increase in fees for the taxi rank licence at Maidstone East & West Stations.

56. STREET TRADING CONSENT - MR M GREENFIELD

The Committee considered the report of the Head of Democratic Services outlining an application from Mr M Greenfield for a Street Trading Consent. The Head of Democratic Services stated that he had been unable to determine the application due to an objection having been received. He confirmed that consultation had included adjacent shops and apologised that this had been omitted from the report.

Mr Greenfield, the applicant, and Councillor Mrs Wilson, the objector, were present.

In accordance with agreed procedure, Mr Greenfield presented his case to the Committee. In the run-up to Christmas 2010 he had considered running a stall on Ethos courtyard. He obtained permission from Ethos to do so as an employee or pay a rent and run his own stall. He then found that street trading consent was required and applied for one. Not being in time for 2010 he would like to trade for 6-8 weeks prior to Christmas 2011. Whilst he understands the objection raised, he notes there were no representation from shops nearby and that the staff in Earl Street is some distance away. In his view there is sufficient trade for all and they are present all year. He hopes to improve the trade for Ethos and add to the Christmas ambience.

Councillor Mrs Wilson presented her reasons as to why the application should be refused. She indicated that in her view the decision was a difficult balancing act between helping the small entrepreneur and helping the town as a whole. She had asked herself, will this bring something new, will it help competition or provide more choice. In her considered

opinion there is already adequate choice of this type of product from both a stall and stores. A proliferation of stalls may undermine existing stores. On balance, considering all this, she feels that this application should be refused, not because she is against stalls, as such, but because there would not be added value.

Members of the Committee were then given an opportunity to ask Mr Greenfield any questions. Mr Greenfield responded to the questions stating that the stall would be covered at the sides, back and top and that he would like to sell other items related to Christmas wrapping paper, such as sticky tape, tags and cards.

Members of the Committee were then given an opportunity to ask Councillor Mrs Wilson any questions. Councillor Mrs Wilson responded to the questions stating that she felt that too many stalls/shops selling the same type of products does have an impact.

Legal advice was given to clarify the difference between pedlars and street traders and on public access to land without payment.

Mr Greenfield was then given the opportunity to ask any questions of Councillor Mrs Wilson.

Councillor Mrs Wilson was also given the opportunity to ask any questions of Mr Greenfield.

Members of the Committee were then given the opportunity to ask any further questions of the applicant and the objector.

In response, Mr Greenfield confirmed that he would like to sell Christmas wrapping paper, sticky tape, gift tags and Christmas cards for 6-8 weeks running up to Christmas 2011.

Councillor Mrs Wilson and then Mr Greenfield were asked to sum up.

The Committee then proceeded to determine the appeal with only the Legal Services representative and the Democratic Services Officer in attendance.

RESOLVED:

1. That the amendments to the application will be allowed as they are considered not significant enough to require re-consultation and no prejudice has been caused to consultees.
2. Grant street trading consent for the sale of Christmas wrapping paper, sticky tape, gift tags and Christmas cards only for the period 1 November 2011 to 31 December 2011 daily from 9.00 am to 6.00 pm.
3. The grant is for 2011 only and if an application for renewal is made then it shall be decided by the Licensing Committee, whether or not

objections are received. The reason for this is that Members felt the decision to be one of fine balance between allowing this application and not and would wish to assess the impact of this stall upon the town during the period allowed on this occasion.

57. LICENSING SEXUAL ENTERTAINMENT VENUES AND DRAFT POLICY FOR SEXUAL ESTABLISHMENTS

The Committee considered the report of the Head of Democratic Services regarding the results of the consultation on the draft policy for sex establishments and the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended.

RESOLVED:

1. That Council be recommended:-
 - a) To adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009 relating to sex establishments to take effect from 1 May 2011, which will be the first appointed day as set out in the legislation.
 - b) That the Policy for Sex Establishments, including Sex Shops, Sex Cinemas and Sexual Entertainment Venues, as attached at Appendix A, be adopted with effect from 1 May 2011.
2. That, subject to adoption by Council of the above, the fee for a new application be set at £4,000 and a renewal be set at £2,000 and all first applications under this legislation be treated as new applications.

58. DURATION OF MEETING

6.30 p.m. to 8.05 p.m.