

AGENDA

LICENSING ACT 2003 COMMITTEE MEETING



Date: Thursday 23 June 2011
Time: 6.45 pm or at the conclusion of
the meeting of the Licensing
Committee, whichever is the later
Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors FitzGerald, Mrs Gibson, Mrs Grigg,
Mrs Joy, Naghi, Parvin, Mrs Parvin,
Verrall, Warner and Yates

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1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Election of Chairman
5. Election of Vice Chairman

Continued Over/:

Issued on 15 June 2011

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact JANET BARNES on 01622 602242**. To find out more about the work of the Committee, please visit www.maidstone.gov.uk

Alison Broom

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

6. Disclosures by Members and Officers
7. Disclosures of Lobbying
8. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
9. Minutes of the Meeting held on 31 March 2011 1 - 2
10. Appointment of Political Group Spokespersons
11. Report of the Head of Democratic Services - Licensing Partnership Annual Report 3 - 16

MAIDSTONE BOROUGH COUNCIL

LICENSING ACT 2003 COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 31 MARCH 2011

Present: Councillor FitzGerald (in the Chair) and
Councillors Brindle, Brindle, FitzGerald,
Mrs Gibson, Mrs Hinder, Mrs Joy, Naghi, Parvin,
Mrs Parvin and Warner

Also Present: Councillors B Mortimer

33. APOLOGIES FOR ABSENCE

There were no apologies for absence.

34. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

35. NOTIFICATION OF VISITING MEMBERS

Councillor Mortimer indicated his wish to speak on Agenda Item 9 –
Training for Licensing Committee.

36. ELECTION OF CHAIRMAN

In the absence of a Chairman due to Councillor Sellar's resignation and
the need to have this position filled due to requirements to consult the
post holder on a number of matters, it was

RESOLVED: That Councillor Parvin be elected Chairman for the remainder
of the Municipal Year 2010/11.

Following, the above resolution Councillor Parvin took the Chair.

Councillor FitzGerald subsequently resigned as Vice Chairman.

37. ELECTION OF VICE CHAIRMAN

RESOLVED: That Councillor Mrs Gibson be elected Vice Chairman for the
remainder of the Municipal Year 2010/11.

38. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

39. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

40. EXEMPT ITEMS

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

41. MINUTES

RESOLVED: That the Minutes of the Meeting held on 18 November 201 be approved as a correct record and signed.

42. TRAINING FOR LICENSING ACT 2003 COMMITTEE

The Committee considered the report of the Head of Democratic Services regarding proposed training for the Licensing Act 2003 Committee.

RESOLVED:

1. That the level and nature of training required to be a Member or Substitute Member of the Licensing Act 2003 Committee should be the same as set for Licensing Committee, with the addition of the following requirements:-
 - a) A Member or Substitute Members must observe at least 1 Sub Committee hearing before sitting on a Sub Committee.
 - b) All Members and Substitute Members be informed of forthcoming dates of Sub Committee hearings and Members or Substitute Members must inform the Senior Licensing Officer if intending to attend to observe a Sub Committee hearing.
2. That the night time visit to the Town Centre be brought forward in the timetable to an early date after the election and Annual Meeting of the Council.

43. DURATION OF MEETING

7.50 p.m. to 8.05 p.m.

MAIDSTONE BOROUGH COUNCIL

LICENSING ACT 2003 COMMITTEE

23 JUNE 2011

REPORT OF HEAD OF DEMOCRATIC SERVICES

Report prepared by Anthony Garnett

1. LICENSING PARTNERSHIP ANNUAL REPORT

1.1 Issue for Decision

1.1.1 To receive the Annual Report of the Licensing Partnership.

1.2 Recommendation of Head of Democratic Services

1.2.1 That the Annual Report of the Licensing Partnership be noted.

1.3 Reasons for Recommendation

1.3.1 The licensing team processes and grants licences and notices for the Licensing Act 2003, the Gambling Act 2005 (including Small Society Registrations), Taxis, Charity Collections and Sexual Entertainment Venues. Maidstone Borough Council's licensing team is responsible for administering some 3,400 licences, with revenue for Licensing in year 2010 – 2011 of £314,427 compared with a budget of £288,330.

1.3.2 Sevenoaks District Council and Tunbridge Wells Borough Council formed a Licensing Partnership in 2006, where one manager looked after two separate teams. From 1st January 2010 Sevenoaks District Council, Tunbridge Wells and Maidstone Borough Councils formed an expanded Licensing Partnership to manage the statutory licensing functions. The Licensing Partnership has a central administration based at Sevenoaks, with Licensing Officers located at each authority, together with administrative support to deal with customers visiting the Gateways at Tunbridge Wells and Maidstone and the reception at Sevenoaks.

1.3.3 The Licensing Partnership is responsible for administering some 8,933 licences, with revenue for Licensing in year 2010 – 2011 of £737,736 compared with a budget of £634,980.

1.3.4 This partnership working arrangement represents an innovative approach to shared service delivery of a licensing service for three councils. The Licensing Partnership initiative is being monitored by the Local Better Regulation Office (LBRO), Institute of Licensing and is attracting interest from other licensing authorities around the country.

1.3.5 The centralisation of a back office challenges the way each council currently works by establishing a central licensing administration team based at Sevenoaks, which offers a flexible, multi-skilled resource (with high levels of knowledge and experience), embracing unified working practices exhibiting best working practice, whilst maintaining a high service delivery with excellent customer service.

1.3.6 The partnership is responsible for the administration of the service with residents / licensing applicants in the three council areas applying to the Licensing Partnership for a licence/permit. All policy is the responsibility of each authority which in Maidstone resides in the Licensing Committees. Licensing hearings are also dealt with locally by the Licensing Committee or Licensing 2003 Sub-committee.

1.4 Alternative Action and why not Recommended

1.4.1 The report is for information only.

1.5 Impact on Corporate Objectives

1.5.1 None.

1.6 Risk Management

1.6.1 All Licensing Enforcement Officers risk assess all licensed premises prior to entering to undertake enforcement duties.

1.7 Other Implications

1.7.1

1. Financial
2. Staffing
3. Legal
4. Equality Impact Needs Assessment
5. Environmental/Sustainable Development
6. Community Safety

X

- 7. Human Rights Act
- 8. Procurement
- 9. Asset Management

1.7.2 The financial details are described in the body of the report.

1.8 Relevant Documents

1.8.1 Appendices

1.8.2 Appendix A - Licensing Partnership Annual Report.

1.8.3 Background Documents

1.8.4 None.

<u>IS THIS A KEY DECISION REPORT?</u>	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
If yes, when did it first appear in the Forward Plan?	
.....	
This is a Key Decision because:	
.....	
Wards/Parishes affected:	
.....	



Licensing Partnership Annual Report

2010-2011



Anthony Garnett
anthony.garnett@maidstone.gov.uk

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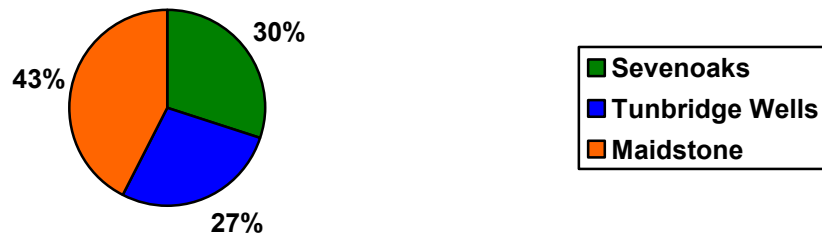
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1. Introduction

The Licensing Partnership processes and grant licences and notices for the Licensing Act 2003, the Gambling Act 2005 (including Small Society Registrations), Taxis, Charity Collections, and Sexual Entertainment Venues.

The Licensing Partnership is responsible for administering some 9,303 licences, with revenue for Licensing in year 2010 – 2011 of £737,736 compared with a budget of £634,980.

Licensing Partnership Revenue



Tunbridge Wells Borough Council and Sevenoaks District Council formed a Licensing Partnership in 2006, where one manager looked after two separate teams. From 1st January 2010 Sevenoaks District Council, Tunbridge Wells and Maidstone Borough Councils formed an expanded Licensing Partnership to manage the statutory licensing functions.

The Licensing Partnership has a central administration based at Sevenoaks, with Licensing Officers located at each authority, together with administrative support to deal with customers visiting the Gateways at Tunbridge Wells and Maidstone.

This partnership working arrangement represents an innovative approach to shared service delivery of a licensing service for three councils. The Licensing Partnership initiative is being monitored by the Local Better Regulation Office (LBRO), Institute of Licensing and is attracting interest from other licensing authorities around the country.

The centralisation of a back office challenges the way each council currently works by establishing a central licensing administration team based at Sevenoaks, which offers a flexible, multi-skilled resource (with high levels of knowledge and experience), embracing unified working practices exhibiting best working practice, whilst maintaining a high service delivery with excellent customer service.

Residents / licensing applicants in the three council areas apply to the Licensing Partnership for a licence/permit and any licensing hearing will be heard locally by the Licensing Committee ensuring the sovereignty of each local council.

2. Service Aims

- To meet statutory responsibilities in a cost effective and responsible manner
- To provide a first class customer service delivery
- To support a strong night-time economy whilst ensuring residents have a good night sleep.

3. Licences

Maidstone Borough Council is a the Licensing Authority under the Licensing Act 2003 and is responsible for granting Premises Licences, Club Premises Certificates, Temporary Event Notices and Personal Licences in the District with respect to the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.

Under the Gambling Act 2005 the licensing team issues Premises Licences; Gaming Machine Permits; Temporary Usage Notices (TUN's) and Occasional Usage Notices (OUN), as well as administering Small Society Lottery Registrations.

The team process applications for Taxi licences, including Hackney Vehicle Licences and Plates; Private Hire Vehicle Licences and Plates; Hackney Vehicle Driver Licences and Badges; Private Hire Driver Licences and Badges and Private Hire Operators licences.

Other licensing activities include Street Collections and House-to-House Collections.

During the past two years there have been changes in the legislation to allow:

- Minor Variations to premises licences
- The removal of the Designated Premises Supervisor at Community halls and the appointment of the Management Committee for the sale of alcohol.
- Introduction of Expedited /Summary Licence Reviews
- New Mandatory conditions
- Gambling Premises have seen the introduction of category B3A gaming machines in premises such as Club Premises, Adult Gaming Centre, Bingo Premises, Betting Premises and Casinos. Bingo Premises have also been permitted to increase the number of machines to 8.

4. Statement of Licensing Policy

During 2010 Maidstone Borough Council, Tunbridge Wells Borough Council and Sevenoaks District Council consulted on the Statement of Licensing Policy which replaced the old version in January 2011 which will run for three years until 2014.

5. Gambling Policy Statement

The current policy in place at each council runs from January 2010 until January 2013.

6. Taxi policy

Maidstone Borough Council will be consulting on their Taxi policy during 2011.

7. Licensing Objectives

The Licensing Act 2003 and The Gambling Act 2005 requires the Council to carry out licensing functions so as to promote the following respective licensing objectives:

The Licensing Act 2003

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

The Gambling Act 2005

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- ensuring that gambling is conducted in a fair and open way;
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

8. Enforcement

Proposed enforcement activity	Frequency per year	Notes
Licensing Officer with Police (Taxi)	16	Licensing Officer accompanying Police or working with another Enforcement Officer
Licensing Officer with Police (Premises)	24	Licensing Officer accompanying Police or working with another Enforcement Officer
Operation #1 (pre booked hire)- 6 Licensing Officers		October - Targeting Pre Booked offences - Private Hire Vehicles
Operation #2 (pre booked hire)- 4 Licensing Officers Police / VOSA		November - Police and VOSA checking Taxis - Officers checking vehicles
Operation #3 (pre booked hire)- 6 Licensing Officers		December - Targeting Pre Booked offences - Private Hire Vehicles
River Festival 3 Officers (3 * £150) 5 hours normal o/t rate		3 Licensing Officers working throughout the day

9. Night-time economy in the Town Centre

Through partnership working licensing we focus on responsible drinks retailing through the monthly meetings.

10. Licensing Team Structure

The Licensing team consist of a Licensing Partnership Manager who has an Assistant Licensing Partnership Manager based at Sevenoaks, who is responsible for the Central Administration and day-to-day running of Sevenoaks Licensing. There are two Senior Licensing Officers based at Tunbridge Wells and Maidstone who oversee the day-to-day operation and are supported by a Licensing Officer and part-time admin officer. Organisational structure charts are attached in Appendix A.

11. Consultative approach

The Licensing Partnership ethic is a consultative approach to meet with prospective and existing premises holders, to ensure applications are completed right first time. A number of presentations to local Town and Parish councils and community groups have been carried out.

12. Member training

During the year we ran a number of licensing training courses in conjunction with legal to focus on the Licensing Act 2003, Gambling Act 2005, Taxis, Sexual

Entertainment Venues and Street Trading. In addition Members visited the night-time economy and visited the CCTV control centre.

A full programme including night-time economy visits to premises and CCTV has been planned for 2011-12.

13.Licensing web pages

The licensing team have continued to review all licensing pages during the financial year, refreshing all pages to reflect current up-to-date licensing information. The introduction of the EU Service Directive which allows on-line applications and payment has required a revision of all the pages to ensure they comply with the Directive.

14.Consultee Access

Consultee Access has now been installed and will be available for use within the partnership as it is rolled out. This enables Responsible Authorities (Police, Environmental Protection etc) to enter their consultation responses straight into the Licensing database via a web portal.

15.Public Access

Public Access been installed and is now in operation. It can be accessed via the Sevenoaks District Council's website. This enables alerts to be sent out automatically to Members, Parish and Town Councils and interested parties informing them of what licensing applications have been received and are being processed on the wards/parishes they select.

This will replace the current trackers being sent out each week, saving a further 78 hours efficiency each year (90min x 52 = 78)

16. Licensing applications

This table shows the number of licences this licensing authority was responsible for during the 2010-11 year

	MBC 2010- 2011
Personal licences	1377
*Personal – Change of name and address	35
Premises licences	483
Club Premises Certificates	42
*Transfer of premises licence	40
*Variation of premises licence	10
* Minor Variation of premises licence	6
*DPS Variations	89
*Change of Names & Addresses on premises licences	35
*Number of Street Collections	TBC
*Number of House to House Collections	TBC
*Gaming Machine permits	63
GA2005 Premises licences	20
*Temporary Event Notices	327
*Driver licences (three year licence)	439
*Vehicles licences	352
*Operator licences (three year licence)	82
Total	3,400

* Licences that have been processed during the financial year

17. MBC Licensing Fees

MBC – Licensing revenues 2010-11

Activity	Budget	Actual	+ / -
C200 Pet Animal Shops	-2,200	-3,024	824
C201 Breeding of Dogs	-80	-394	314
C202 Animal Boarding	-5,610	-5,123	-487
C204 Horse Riding Establishments	-4,700	-5,821	1,121
C205 Tattooing/Piercing	-570	-840	270
C207 Street Traders	-7,830	-10,661	2,831
C208 Street Traders - Market	-1,210	-351	-859
Total C62	-23,460	-25,065	1,605

Activity	Budget	Actual	+ / -
F090 Betting Gaming Lotteries	-2,510	-3,000	490
F111 Gambling Premises Licences	-7,400	-11,410	4,010
F114 Bingo Club Premises Licence	-1,500	-1,500	0
F115 Betting Premises Licence	0	-1,800	1,800
F118 Adult Gaming Premises Licence	-6,000	-5,951	-50
F121 Amusements with Prizes	0	-3,461	3,461
F127 Premises Licence	-95,140	-99,354	4,214
F128 Personal Licence	-3,750	-4,674	924
F129 Club Premises Certificate	-330	-370	40
F130 Temporary Event Notice	-7,370	-6,674	-696
F136 Vary DPS	0	-786	786
F147 Notification of 2	0	-275	275
F148 Notification of more than 2	0	-300	300
Total F29	-124,000	-140,654	16,654

Activity	Budget	Actual	+ / -
F109 Police Checks	-4,840	-4,344	-496
F103 Hackney Carriage Drivers Licenses	0	-83	83
	0	-156	156
F100 Deposits on Plates	-380	0	-380
F101 Hackney Carriage Vehicles	-16,620	-15,396	-1,224
F102 Fees - Private Hire Vehicles	-62,530	-70,898	8,368
F103 Hackney Carriage Drivers Licenses	-7,990	-8,166	176
F104 Private Hire Drivers Licenses	-32,260	-33,488	1,228
F105 Operators Licenses	-15,520	-15,819	299
F108 Transfer on Testing	-440	-240	-200
F126 Pleasure Boats	-290	-120	-170
Total F29	-140,870	-148,709	7,839

Total licensing	-288,330	-314,427	26,098
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18. Licensing Partnership Revenue Fees for 2010-11

	Full Year Budget	Actual	Variance Full Year	Variance Last Year
Sevenoaks District Council	-187,440	-220,952	-33,512	-32,043
Tunbridge Wells Borough Council	-159,210	-202,357	-43,147	-16,841
Maidstone Borough Council	-288,330	-314,427	-26,097	-9,754
Total licensing revenue	-634,980	-737,736	-102,756	-58,638

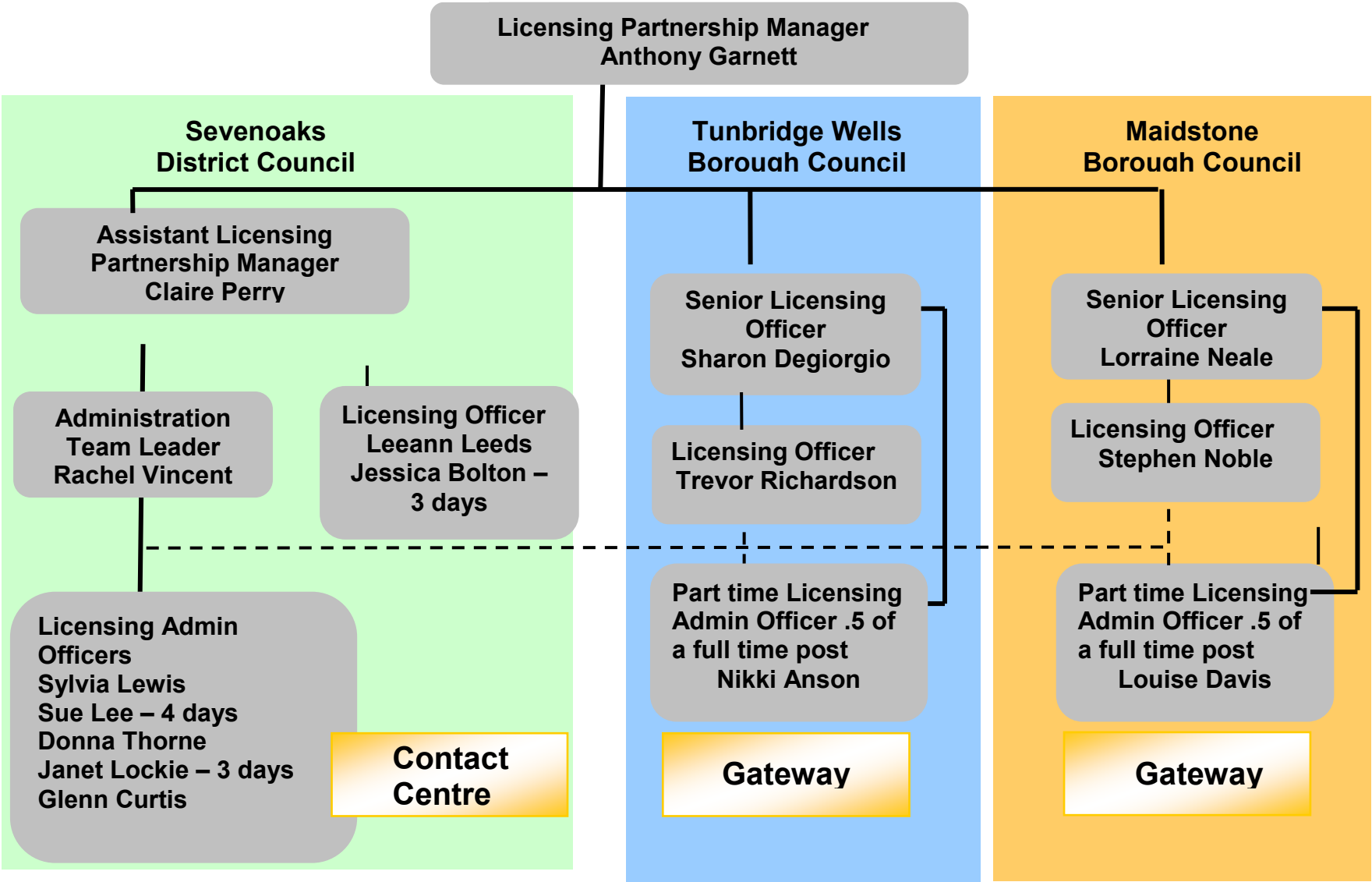
19. Licensing Partnership – number of applications

This table shows the number of licences the licensing partnership is responsible for 2010 - 2011.

	SDC	TWBC	MBC
Personal licences	918	930	1377
*Personal – Change of name and address	27	24	35
Premises licences	374	362	483
Club Premises Certificates	45	36	42
*Transfer of premises licence	19	22	40
*Variation of premises licence	8	10	10
* Minor Variation of premises licence	8	7	6
*DPS Variations	74	63	89
*Change of Names & Addresses on premises licences	26	29	35
*Number of Street Collections	52	43	TBC
*Number of House to House Collections	12	9	TBC
*Gaming Machine permits	48	46	63
GA2005 Premises licences	7	14	20
*Temporary Event Notices	439	503	327
*Driver licences	425	243	439
*Vehicles licences	599	234	352
*Operator licences (three year licence)	88	84	82
Total	2,869	2,659	3,400

* Licences that have been processed during the financial year

20. Appendix A



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