

# AGENDA

## LICENSING COMMITTEE MEETING



Date: Thursday 21 June 2012

Time: 6.30 pm

Venue: Town Hall, High Street,  
Maidstone

Membership:

Councillors Barned, Mrs Gibson, Mrs Gooch,  
Mrs Grigg, Mrs Hinder, Mrs Joy,  
B Mortimer, Naghi, Parvin, Mrs Parvin  
and Yates

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Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Disclosures by Members and Officers
5. Election of Chairman

**Continued Over/:**

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**Issued on 13 June 2012**

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](http://www.maidstone.gov.uk)

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

6. Election of Vice Chairman
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 22 March 2012 1 - 3
10. Appointment of Political Group Spokespersons
11. Hackney Carriage/Private Hire Issues (if any)
12. Report of the Head of Democratic Services - Law Commission Consultation Paper on Reforming the Law of Taxi and Private Hire Services 4 - 8
13. Oral Report of the Interim Licensing Partnership Manager - Licensing Partnership Update

## **MAIDSTONE BOROUGH COUNCIL**

### **LICENSING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON THURSDAY 22 MARCH 2012**

**Present:** Councillor Mrs Joy (Chairman), and  
Councillors FitzGerald, Mrs Gibson, Mrs Grigg,  
Mrs Hinder, Naghi, Parvin, Mrs Parvin and Warner

97. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Yates.

98. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

99. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

100. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

101. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

102. EXEMPT ITEMS

RESOLVED: That the items on Part II of the Agenda be taken in public, but the content remain private.

103. MINUTES (PART I)

RESOLVED: That the Minutes (Part I) of the Meeting held on 19 January 2012 be taken as a correct record and signed.

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

There were none.

105. APPLICATION FOR A SEXUAL ENTERTAINMENT VENUE LICENCE -  
PLAYERS, 57 HIGH STREET, MAIDSTONE, KENT, ME14 1SY

The Committee considered the report of the Head of Democratic Services regarding an application for a Sex Establishment Licence for a Sexual

Entertainment Venue under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 as amended by the Policing and Crime Act 2009.

The Head of Democratic Services went through each of the varied conditions in turn, explaining the reasons for the variations and responded to questions raised.

RESOLVED:

1. That the Council's Policy that each application for a sex establishment licence is considered on its individual merit is retained but that it is accepted that one sexual entertainment venue is the appropriate number of such establishments in the locality of the Lower High Street (both sides) between Mill Street and the bridge area (Bishops Way/Fairmeadow).
2. That the application for a sexual entertainment venue licence received from James Elliot Pemble for Players, 57 High Street, Maidstone be approved subject to the application of the standard conditions set out in the Sexual Establishments Policy as amended by the varied conditions set out below and the additional conditions as set out in the standard conditions for Security and CCTV:-
  2. The name of the person responsible for the management of the sex establishment being either the Licensee or a manager approved by the Council, shall be displayed within the sex establishment throughout the period during which he is responsible for its conduct.
  4. A notice showing the name of the person responsible for the management of the sex entertainment venue on that day to be displayed within the sex establishment throughout the period during which he is responsible for its conduct.
  14. The licence holder shall not display outside the premises, or on any advertising material, photographs or other images that indicate and suggest striptease or similar dancing takes place on the premises and which may be offensive. Any promotional advertising in respect of the premises must have prior approval of the licensing Authority before its display/distribution.
  20. All temporary dance booths or cubicles shall be covered by CCTV which will be monitored throughout all performances by an SIA registered member of staff.
  37. During any lap dancing performance, or private dance, performers may not:
    - Touch any customers with their fingers.
    - Perform within 6" from any part of a patron save that they are allowed to sit on the lap of a customer provided they sit with their backs to the customer.

- Climb onto furniture provided for patrons.
- Simulate sex acts.
- Use sex articles.

106. REPORTS AND DECISIONS - HACKNEY CARRIAGE AND PRIVATE HIRE ENFORCEMENT ISSUES

The Committee considered the report of the Head of Democratic Services regarding whether hackney carriage/private hire enforcement issue reports, hearings and subsequent decisions are dealt with in public or in the exempt part of the meeting (private).

RESOLVED: That the reports and the hearing on hackney carriage/private hire enforcement be considered in private but that the decision be made public after the individual has been informed and that this be reviewed annually.

107. MINUTES (PART II)

RESOLVED: That the Minutes (Part II) of the Meeting held on 19 January 2012 be approved as a correct record and signed.

108. DURATION OF MEETING

6.30 p.m. to 7.10 p.m.

# Agenda Item 12

## **MAIDSTONE BOROUGH COUNCIL**

### **LICENSING COMMITTEE**

**21 JUNE 2012**

#### **REPORT OF THE HEAD OF DEMOCRATIC SERVICES**

**Report prepared by Neil Harris**

- 1. Law Commission Consultation Paper on Reforming the Law of Taxi and Private Hire Services**
  - 1.1 Issue for Decision
    - 1.1.1 To consider an information report on the Law Commission Consultation Paper on Reforming the Law of Taxi and Private Hire Services.
  - 1.2 Recommendation of the Head of Democratic Services
    - 1.2.1 That the report be noted and that the Head of Democratic Services report back to the next meeting of the Committee with a detailed draft response to the Law Commissions Consultation Paper on Reforming the Law of Taxi and Private Hire Services.
  - 1.3 Reasons for Recommendation
    - 1.3.1 The Council has recently received the Law Commission's Consultation Paper on Reforming the Law of Taxi and Private Hire Services, reviewing the law in this area. Having only recently received this lengthy document, officers have not had an opportunity to consider all of it in detail and are not in a position to propose draft responses to the questions raised in the report yet. However, with the consultation period closing on 10 September 2012, there is still an opportunity for the next meeting of the Committee, on 30 July 2012, to consider draft responses to the consultation paper and have an opportunity to submit the Council's comments to the Law Commission.
    - 1.3.2 However this report on the consultation paper has been submitted to the Committee at this point so that Members have an opportunity to consider the proposals being consulted upon. This will enable the Committee to understand fully the detail of the Paper and be able to work with Officers in submitting a well argued response. A copy of the Consultation Paper has been circulated separately to this agenda for Members to read.

1.3.3 The main changes being proposed within the Consultation Paper are:

- 1) National minimum safety standards for both taxis and private hire vehicles.
- 2) Changes to standard-setting: additional local standards, above the national standard, would continue to apply to taxis (for example, topographical knowledge and vehicle requirements). However, for private hire vehicles, only the national standards would apply and there would be no scope for additional local standards. However the Council is being asked about possible exceptions where local private hire standards may be retained, for example, in respect of signage.
- 3) The Commission consider that it would be easier for private hire services to operate on a national basis. It is suggested that private hire operators would no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by the same licensing authority. Sub-contracting would be allowed, as is already the case in London.
- 4) London would be regulated under the same flexible framework as the rest of England and Wales.
- 5) Licensing authorities could no longer limit the number of taxi licences.
- 6) More enforcement powers for licensing officers against out-of-borough vehicles and drivers.
- 7) Disability awareness training for drivers.
- 8) Introduction of a statutory definition of "plying for hire" (but without changing it in substance).
- 9) Weddings and funeral cars would no longer be exempted through primary legislation.
- 10) Allowing leisure use of taxis and private hire vehicles.
- 11) Bringing more vehicles within the licensing system (including for example limousines, motorbikes and pedicabs) – but giving the Secretary of State and Welsh Ministers power to make exclusions, and to set separate standards, in respect of different categories of vehicle.

- 12) Clearer exclusions for volunteers and other services where transport is not the main service provided, such as childminders.
- 13) Powers for government to issue binding statutory guidance to create greater consistency in how taxi and private hire legislation is applied.

Additionally, the Commission are asking the following questions:

- 1) a new category of wheelchair accessible vehicles;
- 2) extending operator licensing to taxi radio circuits;
- 3) possible use of the term "taxi" in respect of private hire services if used in phrases like "pre-booked taxi only";
- 4) reintroducing a (revised) contract exemption;
- 5) improving the enforcement powers of licensing officers; and
- 6) a new "peak time" taxi licence that could only be used at particular times of day as decided by the licensing authority.

1.3.4 From the above it can be seen that there are a number of proposals one of the most significant is that the Law Commission are suggesting retention of the current approach of having both taxi and private hire trades. However, they have additionally recommended that Local Authorities will no longer be able to limit the number of taxis they can have within their area. Another significant change is the suggestion of National standard conditions for private hire vehicles, drivers and operators.

1.3.5 These proposals, if they become part of the final report and enter into legislation, will have an impact on the approach to be undertaken with regard to Hackney Carriage and Private Hire policy.

1.3.6 The Law Commission have indicated that following the end of this consultation period on 10, September 2012 they will need to consider all the issues raised in the responses received and they will then publish a final report and draft Bill in November 2013. It will then be for Parliament to decide whether to change the law. If Parliament agrees to proceed with the proposals from the Law Commission( it must be remembered that the Government asked the Law Commission to undertake this study and therefore it is likely that they will wish to proceed), legislation will be put in place in 2014. It is not possible to determine whether that legislation will become effective in 2014 or at a later date.



1.3.7 As Members will be aware, the Licensing Team have been working on putting together a policy document for Hackney Carriage and Private Hire trades which would include the current adopted policies and also suggesting new areas to be adopted. which would bring this Authority in line with many other Authorities across the country that already have adopted such policies, but each of these will vary from area to area. Work on a policy document was advancing but the policy will now need to be reviewed in light of the Law Commission Consultation Paper. Any policy, if agreed following consultation, would only become effective in April 2013. Therefore, it is proposed that, whilst there could still be in excess of a one year gap between the Law Commission proposals becoming law, it would seem inappropriate at this stage for our policy to be in conflict with the Consultation Paper.

1.4 Alternative Action and why not Recommended

1.4.1 This is an information only report at this time.

1.5 Impact on Corporate Objectives

1.6 To fail to inform members and allow for a detailed response to the consultation would fail to achieve corporate and customer excellence.

1.7 Risk Management

1.7.1 It is important that the Council responds to this consultation paper to ensure that its views are taken into account in any changes to legislation.

1.8 Other Implications

1.8.1

1.	Financial	X
2.	Staffing	X
3.	Legal	X
4.	Equality Impact Needs Assessment	X
5.	Environmental/Sustainable Development	
6.	Community Safety	X
7.	Human Rights Act	
8.	Procurement	

## 9. Asset Management



1.8.2 There may be financial, staffing, legal, equality and community safety implications that will be identified and could then be presented as part of the next report to the Committee.

### 1.9 Conclusions

1.9.1 A draft response to the Law Commission's consultation on Reforming the Law of Taxi and Private Hire Services is being prepared for the consideration of the Committee.

### 1.10 Relevant Documents

#### 1.10.1 Appendices

1.10.2 None.

#### 1.10.3 Background Documents

1.10.4 Law Commission Consultation Paper on Reforming the Law of Taxi and Private Hire Services.