

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 4 DECEMBER 2013

Present: Councillor Parvin (Chairman), and
Councillors Barned, Black, Mrs Grigg, Mrs Hinder,
Mrs Joy, B Mortimer, Mrs Parvin and Yates

57. APOLOGIES FOR ABSENCE

There were apologies for absence from Councillors Mrs Gibson, Naghi and Newton.

58. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Black was a substitute for Councillor Mrs Gibson.

59. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

60. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

61. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

62. EXEMPT ITEMS

RESOLVED: That the item on the Agenda be taken in public but should matters regarding financial/business affairs need to be discussed, then these discussions would be held in private.

63. APPLICATION FOR STREET TRADING CONSENT - MR KENNEDY - JUBILEE SQUARE, MAIDSTONE

The Committee considered the report of the Head of Housing and Community Services regarding an application for a street trading consent for a Christmas Market in Jubilee Square for a period of 10 days at times as set out in the application.

The Chairman introduced those present and ensured that everyone understood the procedure to be followed.

The Head of Housing and Community Services presented the report, outlining the application received.

Mr Foster, on behalf of the Applicant, was then given an opportunity to present his case. He stated that it was felt the Christmas Market would add diversity to the offer of the Town Centre, attract more people and make them stay longer. He said Jubilee Square was created to hold all sorts of events, including markets. An up-to-date plan showing the location of the stalls was circulated to Members at the meeting. He informed the Committee that the layout was configured in a way that they can connect to the electricity supply in order to decorate their stalls with lights, to ensure there is pedestrian access available and it is away from the recognised crossing lanes.

Mr Foster said there were 13 frontages onto Jubilee Square, of which 2 sold hot food. Looking further afield, e.g. down to the entrance to Royal Star Arcade, Bank Street, Gabriels Hill, there are 46 premises, of which 9 sold hot food. He did not believe this created an overcrowding of these activities. There was a market held in this location last year which was well received and no complaints were received by the Council and they felt the introduction of hot food will provide a new attraction to make it more successful than it was last year. For these reasons, the Applicant and Mr Foster believe the Christmas Market is a benefit to the Town Centre as a whole. These markets are common in many other cities/towns and have helped to generate an increase in income for all retailers in the area.

The Objectors were then given an opportunity to ask Mr Foster questions.

Mr Rayner asked Mr Foster to name the 9 hot food premises he referred to as being in the vicinity.

Mr Foster responded – Kala Red, Eden, Lunch Basket, Muggletons, The Brenchley, Subway, Greggs, Wimpey and Burger King.

Members were then given an opportunity to ask Mr Foster questions. In response to questions, Mr Foster said he did not believe there was a specific “definition” of a Christmas Market, the applicant operates a number of markets and has a number of different stalls. A number of different operators were approached, but only this operator submitted an application. A nativity event is also taking place at the same time. The selling of hot food pays for the SIA security which is required overnight. If these were refused then the market would become unviable.

The objectors were then given the opportunity to state their case.

Mr White, on behalf of Town Centre Management Limited (“TCM”), stated that he felt the proposed ratio of 50% craft and 50% hot food was disproportionate for the amount of stalls. He also stated that last year’s market was reported as a success even though there was no hot food and that when the consultation was circulated it was reportedly mentioned that it was a Christmas Market like last year and Mr White believes that may be why more people did not object because they did not realise this

one included hot food. He said the businesses trade all year and pay substantial business rates and this is the time of the year is profitable for them which helps them through the leaner times in the new year.

Mr Foster, on behalf of the applicant, was then given the opportunity to ask questions of the objector. He had none.

Members were then given the opportunity to ask questions of the objector. They had none.

Mr Rayner, the proprietor of Wimpey, addressed the Committee. He stated that this was the most important time of the year for Maidstone to generate income and that he agreed with Mr White, in that the percentage of food stalls within the market was disproportionate and that he was also informed the market was the same as last year. He felt the fees for the market stalls were too low when compared to the business rates that the shops have to pay. Mr Rayner then invited Mr Humphries of Snappy Snaps to address the Committee. Mr Humphries stated that the smell of the hot food in the market will attract people to buy new foods and deter them from using the other hot food venues in the vicinity, which is unfair to those there all year.

The Head of Housing and Community Services clarified the procedure with regard to the consultation, in that an officer visited each premise and handed over a letter which contained all the information with regard to the market, including the hot food element.

Mr Foster, on behalf of the applicant, was then given the opportunity to ask questions of the objector. He had none.

Members were then given the opportunity to ask questions of the objector.

In response to questions, the objectors stated that the smell and attraction of the food would bring people to the stalls. They have no objection to the market itself, just the selling of hot food.

Members were then given the opportunity to ask further questions of clarification.

In response to a question, the Head of Housing and Community Services said that the consultation papers would be included in the Agenda paperwork in future and that no public notice was required.

The objectors were then given the opportunity to sum up.

Mr White stated that TCM did not object to the market, just the hot food element. He felt that the offer was not particularly Christmas orientated.

Mr Rayner had nothing further to add.

Mr Foster, on behalf of the applicant, stated that there is a huge amount of competition regarding Christmas Markets and that Maidstone is competing with Canterbury and Bluewater. He stated that Maidstone needs to do whatever it can to compete and make a contribution to the Town Centre's attractiveness, diversity and offer. He referred to 7.1 b) within the Council's Street Trading Policy stating that he does not believe that 9 other traders in the vicinity in which the applicant desires to trade does not constitute an "overcrowding".

Members were then given the opportunity to ask the Head of Housing and Community Services if any further matters need to be raised. In response to a question from the Head of Housing and Community Services, the Legal Adviser informed Members that they can only grant the application with the same or less than requested. If the applicant wanted to add something different or more it would need to be considered as a new application and subject to a further consultation period.

Mr Foster, for the applicant, the Objectors, the Head of Housing and Community Services and the Senior Licensing Officer then left the room while the Committee made their deliberations.

RESOLVED: The Committee, having carefully considered the application made on 14 November 2013 by Mr Kennedy, the report of the Senior Licensing Officer, including the text of all objections and oral evidence from Mr Foster on behalf of the applicant, Mr White for Town Centre Management Limited, an objector, Mr Rayner of Wimpy, an objector, and his witness, Mr Humphries of Snappy Snaps, at the Hearing decided that street trading consent be granted for the period 9-15 December 2013, for the times and location applied for, trading from 10 stalls in the goods applied for – save that the mix of goods are to be conditioned (see below).

This was considered reasonable and proportionate in view of the objections received to the hot food element of the application. Members being of the view that the level of hot food provision was disproportionate to the market as a whole and some would be in similar goods to a number of other premises in the vicinity which could be affected. They were also not considered to necessarily contribute to the ambience of a Christmas market although some would increase footfall for all.

Condition: - The 10 stalls granted under this consent shall include no more than 3 stalls trading in hot food or hot drinks.

64. DURATION OF MEETING

10.30 a.m. to 12.20 p.m.