

# AGENDA

## LICENSING COMMITTEE MEETING



Date: Thursday 19 June 2014

Time: 6.30 pm

Venue: Town Hall, High Street,  
Maidstone

Membership:

Councillors Mrs Grigg, Mrs Hinder, Mrs Joy,  
B Mortimer, Naghi, Newton, Parvin,  
Mrs Parvin, Perry, Powell and Round

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Page No.

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

**Continued Over/:**

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**Issued on 11 June 2014**

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

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 30 January 2014 1 - 4
10. Report of the Head of Housing & Community Services - Review of Taxi Rank Provision 5 - 11
11. Oral Report of the Head of Housing & Community Services - Members' future training requirements

## MAIDSTONE BOROUGH COUNCIL

### LICENSING COMMITTEE

#### MINUTES OF THE MEETING HELD ON 30 JANUARY 2014

**Present:** Councillor Parvin (Chairman), and  
Councillors Mrs Grigg, Mrs Hinder, Mrs Joy,  
B Mortimer, Naghi, Newton, Mrs Parvin and Yates

65. APOLOGIES FOR ABSENCE

It was noted that apologies for absence were received from Councillors Barned and Mrs Gibson.

66. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

67. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

68. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Mrs Parvin disclosed that the application site was within her Ward, but confirmed that she had had no discussions with the Parish Council or members of the public regarding the application.

69. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

70. EXEMPT ITEMS

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

71. MINUTES OF THE MEETING HELD ON 14 NOVEMBER AND 4 DECEMBER 2013

**RESOLVED:** That the Minutes of the Meeting held on 14 November and 4 December 2013 be approved as a correct record and signed.

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

There were none.

73. STREET TRADING CONSENT - MR RONALD MUNN

The Committee considered the report of the Head of Housing and Community Services regarding an application for a street trading consent to sell burgers/sausages/sandwiches and hot and cold drinks from a trailer on the land of Newport Imports off the A249 at Stockbury from Monday to Saturday from 6.00 a.m. to 3.00 p.m.

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 Plumley (on behalf of Mr Munn) was then given an opportunity to present his case. He stated that the unit applied for is a semi-permanent one created from a 2011 catering trailer. All aspects that make it mobile have been removed (no wheels or towage) and it can only be moved by crane. All the utilities to the unit are located underground and piped in from the main building. Photographs of the site were circulated to all Members of the Committee at the meeting.

In response to the objections received, Mr Plumley stated that Newport Imports have cleared an area of overgrowth to make it safer for vehicles joining the A249 and assisting vehicles already on the A249. There are no acceleration lanes along this road which meet required standard, including the Detling Showground and the bus stops. With regard to the concern raised about an increase in customers leaving the site, this was considered at the time of planning permission being granted to Newport Imports in 2013. The previous use was for a 100 seater restaurant with 50 parking spaces. About 20 vehicles a day are expected and the site will be open for limited hours.

All rubbish at the site is emptied from small bins for customers into a 1,000 ltr container and emptied weekly by Veolia. Any litter left outside by anyone or from passing traffic is collected by a member of the cleaning staff employed by Newport Imports. Toilets for customer use are available on site at the garage building.

Mr Plumley said that a further objection from the Parish Councils was with regard to an increase in pedestrians and encouraging them to cross the A249. He stated that in the time that Newport Imports have been at this site, they have not seen 1 person walking along this stretch of road and the nearest populated village is Stockbury which is 4.5 miles away. A planning application has been submitted and a decision awaited as the public consultation ended on 27 January 2014. They are not aware of any objections having been received.

A further objection by the Parish Council was with regard to the preparation of food on site being a nuisance to neighbours. There is only 1 residential neighbour nearby and they had written in support of the application.

The objector was then given the opportunity to ask questions of the applicant, but he had none.

Members were then given the opportunity to ask questions of the applicant. In response, Mr Plumley informed the Committee:-

- The main building which is now a car dealership has toilet facilities which can cater for the level of business expected at the burger unit and both are in his ownership.
- The main building was previously a Little Chef and an Indian restaurant before becoming a dealership, so the smells from the unit will be much reduced. It is a small contained unit.
- There are built-in fridges and freezers within the unit for the storage of food
- Cooking oil is purchased and waste cooking oil collected by the same company and disposed of appropriately

The objector was then given the opportunity to put his case. Councillor Porter stated that he realised that the majority of the objections in the letters were regarding highways issues and that this was not a licensing matter for this Committee but the parish concern was the substandard nature of the A249 and that any additional traffic was a hazard. He had nothing else to add.

Mr Plumley was then given the opportunity to ask questions of the objector. He asked how the letters from the 3 different Parish Councils and clerked by the same person were very similar. A Member of the Committee responded that the Clerk can only act on the instruction of each Parish Council.

Members were then given the opportunity to ask questions of the objector. Councillor Porter responded saying he was not aware of any previous complaints with regard to the smell of cooking nor traffic accidents at that point.

Members were then given an opportunity to ask any questions of clarification. Mr Munn informed the Committee that he had been a chef for 9 years and had all the relevant qualifications. Mr Plumley confirmed that no trees were to be removed from the site.

Councillor Porter was then given the opportunity to sum up, but stated he had nothing further to say.

Mr Plumley was then given the opportunity to sum up. He thanked the Committee for letting him present his case. He drew the Committee's attention to the local benefits of the unit – gives drivers a safe place to park, rest and get a coffee/meal; employs local people from the community; provides somewhere for local workers to get breakfast and/or lunch; neighbours of the dealership feel much safer and secure since the site has been occupied as there is extensive security and CCTV systems in place.

The Head of Housing and Community Services had no further matters to be considered.

The applicant, the objector, the Head of Housing and Community Services, the Licensing Partnership Manager 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 16 October 2013 by Mr Ronald Munn, the report of the Senior Licensing Officer, including the text of all objections and oral evidence from Mr Munn (the applicant), Mr Plumley (the site owner) and Councillor Porter from Stockbury Parish Council, at the hearing decided that street trading consent be granted as applied for.

This was considered to be reasonable and proportionate having regard to the nature of the application and issues raised in three objections from Parish Councils. The site as a whole has previously been used as a Happy Eater and other restaurants with 100 seat capacity and 50 parking spaces, using the same access. The access has signs indicating that HGVs should not park in the deceleration lane and it was noted that premises in other places on the A249 have acceleration lanes at reduced standard. There was no evidence of an accident record at this location or any objection to the application from Kent Highways in response to consultation. It is not envisaged that use of the access will exceed previous levels and there will be no trading after 3pm on trading days. It was considered that pedestrians were unlikely to visit the premises.

Members were satisfied that litter would be appropriately disposed of by use of bins for customers, emptied to lidded 1000 ltr bins and collected weekly by a licensed contractor. Waste oil will also be disposed of appropriately. There was no evidence to suggest that nuisance by smell of food or activity at the stall would arise for neighbours and the immediate neighbour is in support of the application.

Toilet facilities for users of Buffalo Burgers will be available at the adjacent Newport Import premises, which are in the same ownership as the stall.

74. DURATION OF MEETING

5.15 p.m. to 6.25 p.m.

## **MAIDSTONE BOROUGH COUNCIL**

### **LICENSING COMMITTEE**

**19 JUNE 2014**

#### **REPORT OF HEAD OF HOUSING AND COMMUNITY SERVICES**

**Report prepared by Lorraine Neale**

#### **1. REVIEW OF TAXI RANK PROVISION**

##### 1.1 Issue for Noting

1.1.1 To advise Members of the progress arising from consultation of Hackney Carriage proprietors in respect of current taxi rank provision.

##### 1.2 Recommendation of Head of Housing and Community Services

1.2.1 That Members note the responses received to date and agree that officers continue to produce draft proposals for wider consultation prior to updating rank provision.

##### 1.3 Reasons for Recommendation

1.3.1 In 2012 the Council commissioned a survey to study the use and demand on the Hackney Carriage service provided in the Maidstone Borough area. The survey report which was received in 2013 also highlighted a number of recommendations relating to the associated issues, one of which was the number of taxi ranks and their location in the Borough.

1.3.2 The Survey's results made no recommendation regarding the provision of additional ranks in the Borough. However, it did recommend that consideration be given to extending the bays available at the rank in the High Street as this was to be the location for a new rank suggested by most members of the public and drivers at that time.

1.3.3 On 14 November 2013 Members resolved that a review would take place as a result of both the survey and difficulties with researching historic creation of ranks to respond to a question from a PHV operator.

1.3.4 During the course of the survey it became apparent that the taxi rank provision should be investigated thoroughly as the regeneration of the

town centre was affecting the historic rank provision and causing confusion with the trade and public. An ideal opportunity to look at the current needs for provision had been presented and it was felt that the first step to take would be to ask the trade the following questions to determine a start point in assessing what the current requirement is and what it should be.

Where do you believe the current ranks in Maidstone are situated?
Are they in the correct place?
Do you think any should be removed?
Where do you think any new ranks should be sited?
Other comments

1.3.5 The letters (Appendix A) were sent out to all the Hackney carriage proprietors on 25 April 2014 giving a response date of 16 May 2014. The responses received are attached as Appendix B. The proprietors appear to have a good knowledge of where the official ranks are. It appears that they would like permanent bays at the bottom of the High Street and to swap the bays outside Lush with the disabled bays outside the NatWest Bank. There are also other suggestions for additional spaces.

1.3.6 The next step would be to approach and involve the necessary Agencies/Partners in consulting on proposals and whether consent would be given where required for any changes to provision.

#### 1.4 Alternative Action and why not Recommended

1.4.1 We could do nothing but this is not considered to be the way forward to provide the most appropriate facilities for the service.

#### 1.5 Impact on Corporate Objectives

1.5.1 A review of taxi rank provision in the Borough will have a positive impact on the economic vitality of the town by providing an update on efficient and effective sitings of ranks for the use of members of the public and provide clarity for the Authority and the trade.

#### **1.6** Risk Management

1.6.1 Clear new creation of all ranks within the Borough will also reduce any risks associated with the need to evidence creation in any legal action related to them.



1.7 Other Implications

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

1.7.2 Financial – the cost of undertaking the review may have some financial implication in consultation and any subsequent legal costs, publication of notices and other matters such as Traffic Regulation Orders and signage.

1.8 Relevant Documents

1.8.1 Appendices

1.8.2 Appendix A and B

1.8.3 Background Documents

none

«Title» «FirstName» «LastName»  
«Address1»  
«Address2»  
«Address3»  
«Address4»  
«Address5»

25 April 2014

Dear Sir/Madam

**Taxi rank provision in Maidstone**

I am carrying out a review into taxi rank provision in Maidstone town centre and would be grateful if you could answer a few questions to help me.

1. Where do you believe the current ranks in Maidstone are situated?
2. Are they in the correct place?
3. Do you think any should be removed?
4. Where do you think any new ranks should be sited?

I would be grateful if you could respond by Friday 16 May; please feel free to use any of the formats in my contact details. Your answers will be used to inform future rank provision in Maidstone.

Many thanks in anticipation of your help.

Yours sincerely



Ellie Kershaw.  
Programme Manager (Financial Inclusion and Maidstone Families Matter)  
Housing and Community  
t 01622 602262 f 01622 602978 w [www.maidstone.gov.uk](http://www.maidstone.gov.uk)

## Taxi rank survey May 2014

1

Where do you believe the current ranks in Maidstone are situated?	Full time; 2 outside Lush, 7 outside HOKH King Street, 2 Earl Street (not used, only place to stop for toilet breaks) Part time; 1 Pudding Lane 0000-0700, 2 bottom of High Street 0000-0700, 2 Lockmeadow- different ones day and night, St Faith's St, very badly placed Paid for BR parking
Are they in the correct place?	No but moving would add to confusion
Do you think any should be removed?	No
Where do you think any new ranks should be sited?	4 more needed. Should be in major footfall areas. Space outside Gateway should be reinstated. Outside Natwest.
Other comments	No more rank spaces should be allocated to disabled bays- already too many, some should be replaced by rank spaces. Enforcement at night is poor- ranks are taken by private hire and out of town Hackneys.

6

2

Where do you believe the current ranks in Maidstone are situated?	Full time; 2 outside Lush, 7 outside HOKH King Street, 2 Earl Street Part time; 1 Pudding Lane, 2 bottom of High Street
Are they in the correct place?	King St rank is no use at night.
Do you think any should be removed?	No
Where do you think any new ranks should be sited?	Extend King St by a space each end. Add one to Lush. One outside Boots. Need more further down the High St at night. Could bus stops outside Royal Star be utilised at night after the buses have stopped?
Other comments	Ranks should be where there is demand. Earl St regeneration proposals currently contain no rank provision.

3- collated and sent on behalf of approximately 15 drivers

Where do you believe the current ranks in Maidstone are situated?	Full time; 2 outside Lush, 7 outside HOKH King Street, 2 Earl Street Night; Bottom of High Street, some bus stops become ranks. Train stations but with a high permit cost.
Are they in the correct place?	No
Do you think any should be removed?	No
Where do you think any new ranks should be sited?	4 car rank outside Natwest with current one at Lush becoming disabled parking. 3 car rank by Hazlitt instead of the one by Fremlins. Bottom of High St should have a permanent rank on RHS. " car rank at bottom of Gabriels Hill. Both hospitals and new shopping village if built Expand King St by one car
Other comments	Need to be in prominent position

10

4

Where do you believe the current ranks in Maidstone are situated?	Full time; King St x 9, top of Gabriel's Hill x 2, Earl St x 2 Evening; Pudding Lane bus stop after midnight, disabled rank in High St, outside Source provided no disabled badge holders want to use it. Private at stations.
Are they in the correct place?	New rank at bottom of High St needs to be closer to Mill St
Do you think any should be removed?	Pudding Lane and St Faith's St are never used
Where do you think any new ranks should be sited?	Jubilee Square would be best but hard to make this work now High St has been narrowed. 4-5 car rank at bottom of High St, 2 car bay at bottom of Gabriel's Hill
Other comments	People in Maidstone don't hail taxis so need ranks close to centre of town or drivers won't get any work. Not enough enforcement on private hire

Where do you believe the current ranks in Maidstone are situated?	No. 1 The taxi ranks are situated in King St ( 7 spaces ) outside Lush ( 2 spaces ) Earl St ( 2 spaces ) Hart St ( 4 spaces 2 daytime 2 nighttime ) 1 pudding lane ( 1 space ( nighttime only ) 2 bottom high st ( after 11.30 pm )
Are they in the correct place?	No
Do you think any should be removed?	Not removed, some changed
Where do you think any new ranks should be sited?	Do away with lush rank move it to outside Nat West Bank 4 spaces ( put disabled bays from Nat west to outside lush ) 3 spaces bottom of High St by cannon day and night rank 2 spaces outside Gala Bingo day and night 2 spaces outside Hazlitt theatre ) making with King St 18 rank spaces therefore hopefully stopping ranking on loading bays in King St these are the places where I think it would most beneficial to taxi drivers
Other comments	People in Maidstone don't hail taxis so need ranks close to centre of town or drivers won't get any work. Not enough enforcement on private hire