

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 18 JUNE 2020

Present: Councillors Fissenden, Fort, Garten, Mrs Grigg, Hinder, Joy (Chairman), Naghi, Purle, Mrs Robertson, M Rose, J Sams and Springett

20. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor McLoughlin.

21. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Purle was present as a substitute for Councillor McLoughlin

22. URGENT ITEMS

There were no urgent items.

23. VISITING MEMBERS

There was no Visiting Members.

24. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

25. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

26. EXEMPT ITEMS

RESOLVED: That the Minutes (Part II) of the Licensing Act 2003 Sub-Committee Meeting held on 6 December 2019 with the Part I Minutes under item 9 be agreed without going into Part II.

27. MINUTES OF THE MEETING HELD ON 27 NOVEMBER 2019

RESOLVED: That the Minutes of the Meeting held on 27 November 2019 be agreed as a correct record and signed at a later date.

28. MINUTES (PART I) OF THE LICENSING ACT 2003 SUB-COMMITTEE HELD ON 6 DECEMBER 2019

RESOLVED: That the Minutes (Part I and Part II) of the Licensing Act 2003 Sub-Committee held on 6 December 2019 be agreed as a correct record and signed at a later date.

29. MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE HELD ON 13 JANUARY 2020

RESOLVED: That the Minutes of the Licensing Act 2003 Sub-Committee held on 13 January 2020 be agreed as a correct record and signed at a later date.

30. PRESENTATION OF PETITIONS

There were no petitions.

31. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

32. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

33. HACKNEY CARRIAGE FARE INCREASE 2020

The Senior Licensing Officer introduced the report noting that the Council had the power to set maximum fares for Hackney Carriage Vehicles under Section 65(1) of the Local Government (Miscellaneous Provisions) Act 1976. A correction was made to recommendation two of the report, which should have stated August 2020. It was noted that the current fare tariff had been in operation since 7 December 2013 with increased fares requested on 18 January 2020. During this time period, the rate of inflation had increased significantly more than the requested fare increase which totalled 11.24%.

The Senior Licensing Officer drew particular attention to the requests for a reduction in the initial meterage from 598.5metres to 550metres with an increase in charge to £3, a 47p increase, alongside the reduction from 140.4metres to 125metres for additional distance. A comparison table detailed the difference in the current and proposed fares in section 2.3 of the report.

During the debate, it was confirmed that no other Local Authorities within Kent had increased their fees for Hackney Carriage Vehicles.

The Committee felt that the request for a 'likely fares destination table' should be approved, with the addition of wording to explain that the table be used as a minimum fare guideline.

RESOLVED: That

1. The table of fares set out in Appendix 3 to this report be agreed;
2. The Head of Housing and Community Services be authorised to give public notice of the Council's intention to fix this table of fares for Hackney Carriage vehicles in accordance with Section 65(2) of the Local Government (Miscellaneous Provisions) Act 1976, to take effect from August 2020;
3. The matter be brought back to the Licensing Committee if any objections are received; and
4. The request for a 'likely fares destination table' to be displayed alongside the tariff be agreed.

34. STREET TRADING POLICY 2020

The Senior Licensing Officer introduced the report with the draft Street Trading Policy shown in Appendix 2. The Council's existing Street Trading Policy was created in 2010, last reviewed in 2014 and was shown in Appendix 1.

The Senior Licensing Officer noted that there had been several proposed alterations to the policy which included that market consent would be re-phrased to multi-user consent, the introduction of the requirement to check an applicant's criminal record and right to work and the introduction of a non-refundable administration fee. It was noted that the non-refundable administration fee had been included due to the amount of work involved in the assessment of a street trading application, irrespective of acceptance or rejection of the application.

The 30 and 90-day consents were to be removed due to the low levels of demand experienced with the Senior Licensing Officer having clarified that approximately two 30-day consents and five 90-day consents had been granted in the last two years. The conditions that applied to all Street Trading Consents had been revised within the draft policy. The Committee was asked to approve that the Head of Housing and Community Services be given delegated powers to determine applications.

The Committee expressed concerns that the fees were not clearly outlined within the table shown on page 31 of the report. In response to questions, the Senior Licencing Officer confirmed that under the draft policy as proposed, once a 12-day consent had been used within a year and additional days were desired, a year-long consent would need to be applied for to continue trading. The administration fee would have to be paid again as this would involve another application being submitted. It was confirmed that all applications require a 14-day consultation period.

The Committee questioned the available enforcement options in relation to the exclusion of applicants based on criminal conviction. In addition, it

was also felt that further clarity could be provided on what constitutes a Community Event and proposed exemptions within the policy.

The Senior Licensing Officer informed the Committee that should the policy be approved at a later date and implemented; additional guidance would be provided in light of the Covid-19 pandemic if required.

RESOLVED: That the feedback provided by the Committee on the draft Street Trading Policy be taken into consideration, before the draft Policy be brought back to the Committee on 17 September 2020.

35. BUSKING GUIDELINES 2020

The Senior Licensing Officer introduced the report with the draft voluntary Busking Guidelines shown in Appendix 1. It was noted that whilst the guidelines were voluntary, the Council were obligated by law to reduce noise obstruction and anti-social behaviour. The Licensing Team often received enquiries concerning Busking Guidelines and it was felt that by creating voluntary guidelines, the document would be viewed by potential buskers before the Licensing Team were contacted.

The Senior Licensing Officer confirmed that the draft guidelines included provision for three types of action; verbal, written and enforcement, should buskers choose to act against the guidelines given. Any enforcement actions would be undertaken under Environmental Health concerns. If the document was approved an 8-week consultation would be undertaken.

It was noted that there were some contradictions within the guidelines that concerned the use of amplified music. In addition, the hours of operation were questioned, due to the prevalence of buskers outside the hours of 8 a.m. to 11 p.m. The Senior Licensing Officer confirmed that provisions would be made, if necessary, to the Covid-19 pandemic should the guidelines be agreed at a later date.

RESOLVED: That

1. Subject to the document being amended to include the feedback given by the Committee, it be agreed for consultation; and
2. Following the consultation period, the Busking Guidelines together with a summary of key consultation comments, be brought back to the Committee for consideration be agreed.

36. LICENSING PARTNERSHIP MAIDSTONE - ANNUAL UPDATE 2020

The Head of Licensing introduced the annual update report on the Licensing Partnership from 1 April 2019 to 31 March 2020. Performance statistics were shown in Appendix 1 and Appendix 2 outlined the Licensing Partnership Service Plan for 2020/21. Actions had been introduced within objectives six and seven of the Service Plan in light of the Covid-19

pandemic, to adapt working methods to ensure service continuity would be maintained.

The Head of Licensing confirmed that the hub team and partnership officers had been efficient in working from home during the Covid-19 pandemic. It was noted that the aged debt, whereby premises license fees were outstanding, had been reduced and would be monitored to ensure it remained as such.

In response to questions, the Head of Licensing confirmed that the relative cost of the Licensing Partnership to each of the partnered authorities would be shared amongst members if appropriate. It was noted that the Council paid the highest financial contribution to the partnership to reflect the level of work generated by the Council. The Head of Housing and Community Services confirmed that the Council's income was reflective of the increased cost.

The Committee wished to express their thanks to the Officers involved within the Licensing Partnership for their hard work.

RESOLVED: That the performance of the partnership as contained in the report be noted.

37. DURATION OF MEETING

6.30 p.m. to 8.24 p.m.