

MAIDSTONE BOROUGH COUNCIL

LICENSING ACT 2003 SUB COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 13 OCTOBER 2022

Attendees:

Committee Members:	Councillors Garten (Chairman), Coates and J Sams.
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19. APOLOGIES

There were apologies from Councillor Trzebinski.

20. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Coates was present as Substitute for Councillor Trzebinski.

21. ELECTION OF CHAIRMAN

RESOLVED: That Councillor Garten be elected as Chairman for the duration of the meeting.

22. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures.

23. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

24. EXEMPT ITEMS

RESOLVED: That all items be taken in public as proposed, except for the Sub-Committee's deliberations which would take place in closed session.

25. STREET TRADING APPEAL - MR CHU

The persons participating at the hearing were identified as follows:

- Chairman - Councillor Garten
- Committee Member - Councillor J Sams
- Committee Member - Councillor Coats
- Senior Licensing Officer - Lorraine Neale
- Legal Advisor - Helen Ward
- Democratic Services Officer – Oliviya Parfitt
- Democratic Services Officer – Alanna Randall (Shadowing)

All parties confirmed that they were aware of the Sub-Committee hearing procedure and had each received a copy of the hearing procedure document

The Sub-Committee agreed to proceed in the absence of the objectors and applicant, and confirmed that they had read the papers.

The Chairman Explained that:

- The Sub-Committee would allow all parties to put their case fully and make full submissions within a reasonable time frame.
- The procedure would take the form of a discussion led by the Sub-Committee and they would usually permit cross-examination conducted within a reasonable timeframe.
- Any person attending the hearing who behaved in a disruptive manner may be directed to leave the hearing by the Sub-Committee (including temporarily) and thereafter they person may submit to the Sub-Committee in writing any information which the person would have been entitled to give orally, had the person not been required to leave the meeting.

The Senior Licensing Officer outlined the application, stating that two objections had been received.

However, the Licensing Officer noted that applicant had that morning been informed that a second application for an alternative site had been approved, and therefore just before the hearing started, they spoke to the Licensing Officer and said they would not be attending the Sub Committee meeting to pursue their appeal.

The Legal Advisor stated that as neither party was in attendance, and the applicant no longer wished to pursue a street trading consent for the original site, the Sub-Committee could forego deliberating in private if they were in agreement to dismiss the appeal.

The Chairman stated that the Sub-Committee had decided to dismiss the appeal. All parties would be provided with a written decision notice. There was no right of appeal to the Magistrates court.

RESOLVED: That the appeal be dismissed.

The meeting closed at 10.10 a.m.



Maidstone Borough Council

Local Government (Miscellaneous Provisions) Act 1982

Notice of Determination of Appeal Against Refusal of a Street Trading Consent

Applicant: Mr Wing Hung Chu

Application: Appeal against the refusal of the Licensing Team to grant a Street Trading Consent to trade outside 35 Week Street, Maidstone, Kent.

Date of Determination: 13 October 2022

In accordance with the provisions of Part III and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, Maidstone Borough Council has decided to DISMISS THE APPEAL of Mr Wing Hung Chu against the refusal of the Licensing Team to grant a street trading consent.

Immediately prior to the hearing commencing, Mr Wing Hung Chu indicated that he would not be attending, as he had just been notified that a separate street trading consent application had been granted for an alternative licence. He therefore did not want to attend the Licensing Sub Committee to pursue his appeal and he did not provide any evidence in support of his appeal. Accordingly, the Licensing Sub Committee dismissed the appeal.

Signed:

Date of Notice: 13 September 2022

Councillor Garten
Chairman of the Licensing Sub-Committee