

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 14 SEPTEMBER 2023

Attendees:

Committee Members:	Councillors Springett (Chairman), Joy, Coates, English, Fort, Garten, Hinder, Parfitt-Reid, Mrs Robertson, J Sams, Reid and J Wilkinson
Visiting Members:	Councillor Kimmance

6. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Naghi.

It was noted that Councillor Fort would be arriving later in the meeting.

7. **NOTIFICATION OF SUBSTITUTE MEMBERS**

There were no substitute members.

8. **URGENT ITEMS**

There were no urgent items.

9. **VISITING MEMBERS**

Councillor Kimmance was present as a Visiting Member for Item 18 - Age Policy - Vehicles and 19 - Mandate card payment machines in Hackney vehicles.

10. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

11. **DISCLOSURES OF LOBBYING**

There were no disclosures of lobbying.

12. **EXEMPT ITEMS**

RESOLVED: That all items on the agenda be taken in public, with Item 22 – Minutes (PART II) of the Licensing Act 2003 Sub-Committee Meeting held on 8 June 2023 to be considered alongside Item 12 – Minutes of the Licensing Act 2003 Sub-Committee Meeting held on 8 June 2023, unless any Committee Member wished to refer to the information contained within the former in which case the Committee would have to enter into closed session due to the likely disclosure of exempt information for the reasons specified having applied the Public Interest Test.

13. MINUTES OF THE MEETING HELD ON 12 JANUARY 2023

RESOLVED: That the Minutes of the meeting held on 12 January 2023 be approved as a correct record and signed.

14. MINUTES OF THE MEETING HELD ON 23 MAY 2023

RESOLVED: That the Minutes of the meeting held on 23 May 2023 be approved as a correct record and signed.

15. MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE MEETING HELD ON 9 FEBRUARY 2023

RESOLVED: That the Minutes of the meeting held on 9 February 2023 be approved as a correct record and signed.

16. MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE MEETING HELD ON 2 MAY 2023

RESOLVED: That the Minutes of the meeting held on 2 May 2023 be approved as a correct record and signed.

17. MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE MEETING HELD ON 8 JUNE 2023

RESOLVED: That the Minutes of the meeting (Parts I and II) held on 8 June 2023 be approved as a correct record and signed.

18. MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE MEETING HELD ON 13 JULY 2023

RESOLVED: That the Minutes of the meeting held on 13 July 2023 be approved as a correct record and signed, subject to changing the following text in Minute 8, to read:

“Following the adjournment, the Chairman stated that the Sub-Committee wished to adjourn the meeting to allow for parties to consider the relevant matters and obtain further advice on whether or not planning permission was required.”

19. MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE MEETING HELD ON 4 SEPTEMBER 2023

RESOLVED: That the Minutes of the meeting held on 4 September 2023 be approved as a correct record and signed.

20. PETITION OF PETITIONS

There were no petitions.

21. QUESTIONS AND ANSWER SESSION FOR LOCAL RESIDENTS

There were no questions from Local Residents.

22. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There was one question from a Member to the Chairman.

Question from Councillor Sams to the Chairman of the Licensing Committee

We have a situation where residents in rural areas may inadvertently miss the opportunity to be consulted on street trader applications because they are outside the 100m rule. It is a possibility that an application consultation could go forward with no residents being able to take part. Maybe a numerical figure equivalent to an average that occurs in urban areas could be agreed and perhaps a circle drawn around this figure is reached. Can I ask the Chairman and officer to look at ways of addressing this? Thank you.

The Chairman responded to this question.

Councillor Sams did not wish to ask a supplementary question of the Chairman.

To listen to the answers to these questions, please follow this link:

<https://www.youtube.com/watch?v=PHBt6vxTkD4>

Note: Councillor Fort arrived at 6.42 p.m. and had no disclosures or lobbying to declare.

23. AGE POLICY - VEHICLES

The Head of Housing and Regulatory Services introduced the report and outlined the previous actions taken by the Committee in extending the permitted age of taxi vehicles. As no concerns had been raised during the initial pilot or extension, it was recommended that the vehicle age policy be amended permanently. A public consultation would be required, with the results to be presented to the Committee before a final decision was made.

In response to questions, the Head of Housing and Regulatory Services stated that any other suggested changes to the policy could be raised within an individual's consultation response and that ending the consultation on a Monday would be raised with the relevant officer.

The Committee expressed support for the proposed consultation, as the vehicle compliance checks were thorough and took into account the vehicles condition and as Covid-19 had affected car usage so older vehicles had lower mileages. The ability for individuals to make suggestions on further policy changes as part of submitting a response was emphasised.

RESOLVED: That a public consultation take place across a 6-week period, to consider permanently changing the entry level requirement for all vehicles to 4 years, 60,000 miles and exit level of 8 years for private hire vehicles as outlined in point 3.1 of the report.

24. MANDATE CARD PAYMENT MACHINES IN HACKNEY VEHICLES

The Head of Housing and Regulatory Services introduced the report, which had been produced in response to public correspondence on the inability to pay taxi

fares by card. Card payments were widely used during the Covid-19 lockdown period, and re-introducing the payment method would be beneficial in terms of safety and practicality for those who could not pay by cash. Card payments would be in addition to cash payments and would only apply to Hackney Carriage Vehicles as private hire vehicles could be pre-booked and paid for.

The Committee expressed support for consulting on the proposed policy change, as it was felt that having both cash and card payment options available would be a positive step.

RESOLVED: That:

1. The consultation on the proposals regarding potential change to the Hackney Carriage and Private Hire licensing policy to require Hackney Carriage vehicles to offer card machine payments by the 1 February 2024 as an option, be agreed; and
2. The consultation be for a six week period with direct engagement with the taxi trade.

25. THE LICENSING PARTNERSHIP - ANNUAL UPDATE

The Head of Licensing Partnership introduced the report, highlighting the performance achieved over the past year and the hard work of the Council's Licensing Officers. There was an error in the report, as point 2.6 referred to the data of the four partnership authorities whereas only the Council's data had been provided within Appendix A to the report.

In response to a question, the Head of Licensing Partnership confirmed that the monthly premises compliance target was seven actions, with the team generally meeting its targets overall.

The Committee thanked the officers for the high-quality work completed and highlighted the value of the service. The performance update was noted.

RESOLVED: That:

1. The performance of the Licensing Partnership be noted as contained within the report; and
2. The Head of the Licensing Partnership continue to provide an annual report to the Licensing Partnership.

26. LICENSING COMMITTEE MEMBER TRAINING 2023/24

The Head of Housing and Regulatory Services introduced the report, outlining the need for the Committee to agree its training programme.

In response to questions, the Lawyer (Contentious) confirmed that the training would be held across one three-hour session, with the date to be confirmed. It was usual for two sessions to be offered where possible, with these arranged to suit the availability of any Committee Members required to undertake the training.

It was noted that the report recommendation should refer to point 2.3 instead of point 2.4.

The Committee requested that the training be made available to all Members, as some Members may want to undertake the training as a refresher or to be able to sit as a Substitute Member. It was requested that Group Leaders also be made aware of the training.

RESOLVED: That:

1. The content of the training as set out in paragraph 2.3 of the report, be agreed; and
2. All new members of the Licensing Committee and those wishing to be substitutes should complete the training by 31 October 2023.

27. MINUTES (PART II) OF THE LICENSING ACT 2003 SUB-COMMITTEE MEETING HELD ON 8 JUNE 2023

RESOLVED: That the item be considered alongside Item 17 – Minutes of the Licensing Act 2003 Sub-Committee held on 8 June 2023.

28. DURATION OF MEETING

6.30 p.m. to 7.17 p.m.