

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

THURSDAY 18 SEPTEMBER 2014

REPORT OF DIRECTOR OF REGENERATION AND COMMUNITIES

Report prepared by John Littlemore

1. LICENSING COMMITTEE STREET TRADING POLICY

1.1 Issue for Consideration

1.1.1 This report asks the Committee to consider the current Street Trading Policy and to make amendments to bring the policy up to date and enable the process to consent street trading to be more efficient.

1.2 Recommendation of the Head of Housing and Community Services

1.2.1 The Licensing Committee approves amendments to the Licensing Policy agreed in 2010 to reflect the proposals contained in 1.3.5 and 1.3.6 in this report. Where appropriate, the policy is amended to replace 'Licensing Manager' with the Head of Housing and Community Services.

1.3 Reasons for Recommendation

1.3.1 The peer challenge in 2013, conducted by the Local Government Association, recommended that greater scope be given to officers in exercising their delegated powers without restriction. This would enable timely decisions to be made and would possibly help reduce associated costs by reducing the number of applications that are heard by Members and full Committee which could have been dealt with at the officer and sub-committee level. Applications considered to be controversial by the Head of Service would continue to be referred to the Committee in the normal way as per the Constitution.

1.3.2 Currently if there are no objections to an application for a pitch outside the town centre, the Head of Housing and Community Services can grant the consent but if the application is for the town centre it is subject to consultation with the Chairman and Vice Chairman of the Committee, who may refer it to Licensing Committee for determination. If there are any objections there is a hearing before the full Committee.

1.3.3 Similarly, under the current scheme if the application is for renewal then the Licensing Manager (now Head of Housing and Community Services) may grant the renewal if there have been no complaints. If there are objections the matter is referred to the Committee.

1.3.4 In order to provide greater consistency it is proposed that all applications that receive no representation are delegated to the Head of Housing and Community Services to make the decision. There is no clear reason why streets outside of the town centre should be treated in a different way from the town. The current system suggests a two tiered approach between the town centre and all other consented areas which could be open to challenge, as similar traders or the same applicant could be treated differently depending on where they are seeking the consent when there is no clear reason to do so.

1.3.5 The amended procedure refers to having a Licensing sub-committee rather than just committee. As a result the penultimate paragraph of 6.12 of the 2010 Licensing Policy will need amending to reflect this change. This proposed amendment will enable greater efficiency, reduce costs and help avoid delay by need to call a full Licensing Committee for a hearing.

1.3.6 The wording of the 2010 Licensing Policy at paragraphs 6.4 and 6.12 sets out the Licensing Manager's delegated power in relation to granting applications. The new form of words will read:

"If no objections are received the Head of Housing and Community Services has delegated power to determine the application.

If objections are received the application will be determined by a licensing sub-committee of 3 members of Licensing Committee. A hearing will be held following the attached procedure."

1.4 Alternative Action and why not Recommended

1.4.1 The Committee could choose not to recommend the proposals contained in the report. However, the opportunity exists to promote more efficient decision making within the licensing function.

1.5 Impact on Corporate Objectives

1.5.1 The amended delegated powers will enable the council to promote all three corporate priorities: For Maidstone to have a growing economy; For Maidstone to be a decent place to live; and Corporate and Customer Excellence

1.6 Risk Management

1.6.1 The proposed amendments to the delegated authorities have been undertaken with advice from Legal Services, to ensure that any proposed amendments to the council's decision making structure and procedures will be compliant with the relevant legislation.

1.7 Other Implications

1.7.1 There are no other implications arising from this report.

1.7.2

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

1.8 Relevant Documents

1.8.1 Appendices
None

1.8.2 Background Documents

1.8.3 Full Council report 12 February 2013

1.8.4 Licensing Policy 2010

IS THIS A KEY DECISION REPORT?

THIS BOX MUST BE COMPLETED

Yes

No

If yes, this is a Key Decision because:

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Wards/Parishes affected:

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