

# AGENDA

## LICENSING ACT 2003 COMMITTEE MEETING



Date: Monday 4 August 2014  
Time: 6.45 pm or at the conclusion of  
the Licensing Committee  
whichever is the later  
Venue: Meeting Room 1C, Maidstone  
House

Membership:

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

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1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Disclosures by Members and Officers
5. Disclosures of Lobbying

**Continued Over/:**

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**Issued on 25 July 2014**

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

6. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
7. Minutes of the Meeting held on 14 November 2013 1 - 2
8. Minutes of the Meeting Held on 19 June 2014 3 - 5
9. Future role of the Licensing Committee 2003 and Licensing Committee 6 - 12

## MAIDSTONE BOROUGH COUNCIL

### LICENSING ACT 2003 COMMITTEE

#### MINUTES OF THE MEETING HELD ON 14 NOVEMBER 2013

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

23. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Mrs Gibson.

24. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Black was a substitute for Councillor Mrs Gibson.

25. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

26. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

27. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

28. EXEMPT ITEMS

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

29. MINUTES OF THE MEETING HELD ON 7 OCTOBER 2013

**RESOLVED:** That the Minutes of the Meeting held on 7 October 2013 be approved as a correct record and signed.

30. LICENSING DEREGULATION CONSULTATION

The Head of Housing and Community Services gave an oral report regarding a consultation received on Licensing Deregulation. He informed the Committee that the deadline for the consultation response is 17 December which did not give adequate time for a full report to be prepared and for a further meeting of the Committee to take place.

The Head of Housing and Community Services informed the Committee that the Government were looking to reduce legislation around the low risk areas and that these were listed in the document circulated with the Agenda. He stated that it was not thought the proposals would have a major impact, but could possibly result in a reduction in income due to a decrease in the number of Temporary Event Notice applications received.

The Head of Housing and Community Services recommended that Members submit their comments by email to the Senior Licensing Officer by 1 December 2013. Officers would then draft a response to the consultation taking account of these and circulate this to Political Group Spokespersons for agreement before submitting to the Department for Culture Media & Sport.

**RESOLVED:** That delegated authority be given to the Head of Housing and Community Services to respond to the Licensing Deregulation Consultation, subject to the collation of comments from Members submitted by email by 1 December 2013 and following consultation on the draft response with the Political Group Spokespersons.

31. DURATION OF MEETING

6.30 p.m. to 6.38 p.m.

## **MAIDSTONE BOROUGH COUNCIL**

### **LICENSING ACT 2003 COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON THURSDAY 19 JUNE 2014**

**Present:** Councillor Mrs Joy (Chairman), and  
Councillors Mrs Grigg, Harper, B Mortimer, Newton,  
Perry, Round, Springett and Mrs Wilson

**Also Present:**

1. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Mrs Hinder, Naghi, Mrs Parvin and Parvin.

2. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Springett was substituting for Councillor Mrs Hinder.

It was also noted that Councillor Mrs Wilson was substituting for Councillor Naghi.

3. NOTIFICATION OF VISITING MEMBERS

It was noted that there were no visiting members.

4. ELECTION OF CHAIRMAN

**RESOLVED:** That Councillor Mrs Joy be elected as Chairman of the Committee for the Municipal Year 2014/15.

5. ELECTION OF VICE CHAIRMAN

**RESOLVED:** That Councillor B Mortimer be elected as Vice-Chairman of the Committee for the Municipal Year 2014/15.

6. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

7. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

8. EXEMPT ITEMS

**RESOLVED:** That the items on the agenda be taken in public as proposed.

9. MINUTES OF THE MEETING HELD ON 14 NOVEMBER 2013

The Committee was informed that the Minutes of the meeting held 14 November 2014 had been inadvertently omitted from the Agenda and as such could not be agreed.

RESOLVED: That the Minutes of the meeting held on 14 November 2014 be included on the agenda for the next meeting of the Committee.

10. APPOINTMENT OF POLITICAL GROUP SPOKESPERSONS

Conservative - Councillor Perry  
Independent - Councillor Newton  
Labour – Councillor Harper  
Liberal Democrat - Councillor B Mortimer

11. MEMBERS' FUTURE TRAINING REQUIREMENTS

The Committee considered the Oral Report of the Head of Housing and Community Services which outlined the proposed training for new Members to the Committee.

Two sessions would take place for new Members and substitute Members; one which would cover the Licensing Act 2003 and Gambling Act 2005 with hearings and the second would deal with Street Trading, Sex Establishments and Taxis. The training sessions would also be open to all Members of the Committee, including Substitutes, should they wish to attend.

It was also proposed that there would be a refresher session prior to the meeting on 29 January 2015 which would include any changes and information from the Institute of Licensing Conference.

Members were also made aware of the 2014 Institute of Licensing Conference. It was noted that one Member could attend for the whole Conference or two Members could attend for 1 day each. One day being specifically for Members.

**RESOLVED:** That the oral report be noted. Members would be consulted on who would attend and which option was preferred.

12. URGENT UPDATE ON THE AMALGAMATION OF THE LICENSING AND LICENSING ACT 2003 COMMITTEES

The Chairman requested that the Head of Housing and Community Services gave Members an urgent update on the proposed amalgamation of the Licensing and Licensing Act 2003 Committees as this had been part

of the recommendations from the Peer Review last year and matters needed to be concluded at the earliest opportunity.

The Head of Housing and Community Services stated that he had hoped to present a report to the Committee earlier in the year but events over the early part of the new year such as the flooding incidences had resulted in a delay in producing a report.

He advised that he intended to bring a report to a special meeting of the Licensing Committee and Licensing Act 2003 Committee meetings in August setting out recommendations which would be put to Council at its meeting on 17 September 2014.

Members noted that should Council be minded to approve the recommendations put forward, then it could delegate all matters to the Licensing Committee which would meet the following day to agree a scheme of delegation to Sub Committees and Officers.

**RESOLVED:** That a Special Meeting of the Licensing Committee and Licensing Act 2003 Committee be set up in August to consider a report by the Head of Housing and Community Services on the creation of a single Licensing Committee.

13. DURATION OF MEETING

7 p.m. to 7.10 p.m.

# Agenda Item 9

## **MAIDSTONE BOROUGH COUNCIL**

### **LICENSING ACT 2003 COMMITTEE**

**4 AUGUST 2014**

### **REPORT OF DIRECTOR OF REGENERATION AND COMMUNITIES**

**Report prepared by John Littlemore**

#### **1. FUTURE ROLE OF THE LICENSING ACT 2003 COMMITTEE**

##### 1.1 Issue for Consideration

1.1.1 Following the review of the council's licensing function undertaken by the Local Government Association peer review; this report asks the Committee to consider recommending to Council reducing the number of Committees from two to one to enable a more efficient use of Member and officer resources and improved service to the public.

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

1.2.1 The Licensing Act 2003 Committee recommends Council agrees to combine the Licensing Act 2003 Committee and the Licensing Committee into one functioning committee called the Licensing Committee.

1.2.2 The Licensing Act 2003 Committee recommends Council delegate all permitted licensing functions to the new Licensing Committee.

##### 1.3 Reasons for Recommendation

1.3.1 In October 2013 the council invited the Local Government Association to conduct a peer review of the Licensing function in order to:

- Explore how licensing can more effectively support the council's priorities;
- Review the role and effectiveness of the licensing function, to include the roles of the Cabinet Member and Licensing Committees;
- Examine the future capacity of licensing in light of anticipated future funding reductions.



1.3.2 The Peer Review Team was with the Council from 31 October – 1 November 2013 and during the challenge the team reviewed council policies, performance and customer feedback and interviewed a wide range of people including officers, elected Members and key stakeholders – including business and advisory partners. Using the information gathered the peer review team made a number of recommendations for improvement.

#### 1.4 Feedback from the Peer Review Team

1.4.1 The report provided by the LGA was very complimentary of the Licensing function and the report set out a range of achievements and strengths along with areas for consideration. For ease of reference, the findings are summarised below.

##### 1.4.2 Better support for council priorities:

###### Strengths –

- Existing operational initiatives and projects make a contribution to council and other agencies' priorities. For example:
  - Safer Socialising Award
  - Urban Blue initiative
  - Kent Community Alcohol Partnership
  - Working with fast food establishments to tackle excessive littering
  - Joint working with environmental health, community safety and police on operational activity

###### Areas for consideration –

- Members need to set clear licensing policy, with a strategic steer by the Cabinet (through a systemic review of all policies)
- Members need to have greater trust in licensing officers to undertake their delegated role
- A 'single conversation' between the appropriate portfolio holders from the three boroughs and the Licensing Partnership Manager

##### 1.4.3 Improving the licensing function:

###### Strengths –

- function has emerged from the transition following the creation of the Licensing Partnership and is currently performing well

- feedback from partner agencies/business community praise the quality of the licensing service and commend frontline staff
- widespread agreement between senior members and officers of the need for future improvement

Areas for consideration –

- clarify line management responsibilities (this has now been completed)
- better support for the local economy by, for example, making it more straightforward to hold town centre events
- reviewing the delegations
- move to a single committee

## 1.5 Next Steps

1.5.1 Following feedback from the Peer Review Team to an informal meeting of the relevant Cabinet Member and Members from both Licensing Committees, a report was presented to Cabinet on the 12 February 2014 that considered and agreed a list of recommendations made by the peer review team. The recommendations are outlined in the attached action plan (Appendix A).

1.5.2 An action plan has been developed to enable the peer review recommendations, where appropriate, to be delivered. The action plan provides a timetable for those policies that are either required e.g. a Hackney Carriage & Private Hire Policy, or will be reviewed e.g. the Gambling Act Policy. It is proposed that the delegated authorities relating to these policies are reviewed at the same time to enable a manageable process to update all such delegations. The only exception to this being the Street Trading Policy, as this can be dealt with at an earlier stage by the end of December 2014.

1.5.3 The main purpose of this report is to proceed with the next step to moving to one Licensing Committee by making recommendation to Council to reduce the number of committees from two to one and to delegate all permitted licensing functions to the proposed new Licensing Committee. This will create a new Licensing Committee of 10 – 15 seats which will then decide on further delegations from it to sub committees and officers. A report on that will be presented to the 18<sup>th</sup> September Committee so that there is no gap in the scheme of delegations in operation.

1.6 Alternative Action and why not Recommended

1.6.1 The Committee could choose not to recommend the proposals contained in the report. However, this would lead to a number of improvements not being made.

1.7 Impact on Corporate Objectives

1.7.1 This relates to 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.

1.8 Risk Management

1.8.1 The proposed move from two committees to one committee and the review of delegated authorities will be undertaken with advice from Legal Services, which will ensure that any proposed amendments to the council's decision making structure and procedures will be compliant with the relevant legislation.

1.9 Other Implications

1.9.1

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	

1.9.2 Financial

It is expected that combining the two committees into one will enable modest savings to be delivered through staff time being utilized more efficiently, savings in the reduction of printing and related resources. Only one Chairman will be required and their allowance will need to be

considered by the Joint Independent Remuneration Committee, which will then make a recommendation to Council.

1.9.3 Legal

There is no restriction in law to reducing from two committees to one. However, the statutory framework requires that the committee carrying out Licensing Act 2003 and Gambling Act 2005 functions should be constituted of at least 10 and no more than 15 members of the Council.

1.9.4 The Committee is required to deal with matters in relation to the various functions in accordance with statutory procedures. Policy approval will remain the function of Council together with certain statutory matters such as the adoption of a Late Night Levy or no casino resolutions.

1.10 Relevant Documents

1.10.1 Appendices

Appendix A. The action plan agreed by Cabinet 12 February 2014, updated to include current timetable

1.10.2 Background Documents

1.10.3 Cabinet report 12 February 2014 "Licensing Peer Challenge"

<b><u>IS THIS A KEY DECISION REPORT?</u></b>		<b><u>THIS BOX MUST BE COMPLETED</u></b>	
Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If yes, this is a Key Decision because: .....			
.....			
Wards/Parishes affected: .....			
.....			

## Appendix A

Action	Recommendation from Peer Review	Commentary on progress	Responsible Officer	Date for completion
Improve the functionality of the Maidstone Licensing Team	Clarify the management lines of responsibility so that staff understand reporting lines and scope of roles	Completed. Meeting held with staff and arrangements clarified	John Littlemore	Completed
	Move the Licensing Team into the Community Safety Unit to provide better opportunity for integration with complementary services.	Completed. Staff now situated in the CSU.	John Littlemore	Completed
	Steps to ensure appropriate separation in cases where any conflict of interest may arise.	Protocol for potential conflict of interest completed		
Provide a more efficient decision making process (Officer)	Review the existing delegated powers and clarify the functions that are delegated to officers for decision and ensure policy documents and practice reflects this.	In progress. Report to Committee 18 September 2014 and as policies are reviewed.	John Littlemore	18 September 2014 and ongoing.
Provide a more efficient decision making process (Committee)	Draft report to enable one Committee to perform the functions currently undertaken by the Licensing Committee and Licensing Committee 2003 and to delegate all permitted functions to that Committee.  Draft report for Committee to delegate functions to sub committees.	Extra Ordinary meeting arranged for 4 August to make recommendation to Full Council 17 September for adoption	As above	17 and 18 September 2014.
Provide greater resilience across the Licensing Partnership's three areas	Discussion with the three relevant Heads of Service from Maidstone, Tunbridge Wells and Sevenoaks Councils to identify the opportunities for better support to be provided to each other across the enforcement processes and to cover sickness, leave etc.	Work in progress. Item discussed at Partnership Board and agreement to enable greater support across the 3 Districts	John Littlemore	31 March 2015

	Recommendations to be provided to relevant CLTs.			
Explore the possibility for greater partner alignment in connection with licensing policies and procedures	Cabinet Members from each of the local authority partners to meet and discuss the appetite and capacity for aligning licensing policies.	Agreement for the Portfolio Holders from each District to meet regularly. First meeting held and next meeting to be arranged for the Autumn	Claire Perry	Before end October 2014
Review our Licensing Policies to ensure they support our key priorities wherever possible.	Review existing policies; Consult with the Licensing Committee/Cabinet Member; Make recommendations to the Committee/Cabinet Member/Council..  (NB different routes for different policies).	Review of policies completed.  Taxi policy to be revised first in conjunction with the review of taxi ranks. Consultation on ranks with Taxi representatives completed; internal consultation in progress and due to complete end of July 2014; external consultation to take place in August.  Sexual Entertainment License Policy – was only recently adopted.  Licensing Act 2003 – review once progress of Private Member Bill to introduce a health requirement has progressed  Other licensing policies – review a range of policy decisions and minor statutory requirements to bring into one consolidated policy (Currently these are held in various Committee report decisions as well as policy documents)	John Littlemore  Lorraine Neale  Lorraine Neale  Lorraine Neale  Lorraine Neale	Completed    December 2015  Statutory requirement new LA03 policy by Jan 2016 and GA05 by Jan 2016  September 2015.