

MAIDSTONE BOROUGH COUNCIL

Licensing Committee

MINUTES OF THE MEETING HELD ON THURSDAY 29 JANUARY 2015

Present: Councillors Mrs Blackmore, Cuming, Mrs Grigg, Mrs Joy, B Mortimer, Naghi, Newton, Perry, Round and Sargeant

14. **COUNCILLOR PETER PARVIN**

Councillor Mrs Blackmore, Leader of the Council, paid tribute to and led one minute's silence in memory of Councillor Parvin, Chairman of the Committee, who died on 27 January 2015.

15. **APOLOGIES FOR ABSENCE**

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

16. **NOTIFICATION OF SUBSTITUTE MEMBERS**

The following substitute Members were noted:

Councillor Mrs Blackmore for Councillor Mrs Parvin
Councillor Cuming for Councillor Mrs Hinder
Councillor Sargeant for Councillor Powell

17. **NOTIFICATION OF VISITING MEMBERS**

There were no visiting Members.

18. **ELECTION OF VICE CHAIRMAN**

RESOLVED: That Councillor Round be elected Vice-Chairman of the Committee for the remainder of the Municipal Year 2014-15.

19. **URGENT ITEMS**

The Vice-Chairman decided to take the item Election of Chairman as being, in his opinion, an urgent item to allow the processes of the Committee to continue following the sad death of Councillor Parvin.

20. **ELECTION OF CHAIRMAN**

RESOLVED: That Councillor Mrs Joy be elected Chairman of the Licensing Committee for the remainder of the Municipal Year 2014-15.

Or her election the Chairman took the Chair.

The Chairman decided to take the item Election of Conservative Group Spokesperson as, in her opinion, an urgent item to allow the processes of the Committee to continue.

21. ELECTION OF CONSERVATIVE GROUP SPOKESPERSON

RESOLVED: That Councillor Round be elected Conservative Group Spokesperson for the remainder of the Municipal Year 2014-15.

22. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

23. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

24. EXEMPT ITEMS

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

25. MINUTES OF THE MEETING HELD ON 18 SEPTEMBER 2014

RESOLVED: That the minutes of the Meeting held on 18 September 2015 be agreed as a correct record and signed.

26. REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - REVIEW OF TAXI RANK PROVISION

The Head of Housing and Communities, John Littlemore, introduced the report on the Review of Taxi Rank Provision. Members were informed that the consultation period for the Hackney carriage proprietors started on 25 April 2014 and finished on 16 May 2014, from which two suggestions arose:

- 1) Establishing permanent taxi rank bays in the lower High Street following the completion of the High Street redevelopment.
- 2) Swapping the current taxi rank outside of 'Lush' in the upper High street/top of Gabriel's Hill with the disabled parking spaces outside of NatWest Bank on the opposite side of the road.

Further consultations were undertaken on these two suggestions, with a request for any further suggestions, among Disabled and Community Groups including the Police, Schools, Churches and various Trusts to name a few, and Transport Integration Stakeholders. Although only 13

responses were returned, the results indicated that the current provision of ranks was no longer considered suitable for the Towns needs and alternative provisions should be investigated and actioned. The Head of Housing and Community therefore proposed that Members consider establishing a working group to undertake a formal process of investigation of options.

In response to questions Members were advised that:

- There had not been a review of all taxi ranks as these were amended in response to increases and decreases in need in different areas.
- Kent Police were one of the statutory bodies that would be consulted on changes to taxi ranks.

Members expressed concern regarding options that would affect the provision and placement of disabled parking bays, however the Committee was mindful that a review of taxi ranks should be considered separately from a review of disabled parking bays, and therefore that reference to disabled parking bays should be removed from the consultation.

Consequently a Member proposed that a working group should not be requested to progress suggestion 2) but would not be precluded from discussion and consideration any comments that arose. This was seconded and agreed by the Committee.

RESOLVED: That Members note the responses received to date and agree that the review of taxi ranks and their hours of operation, including the local and practical issues associated with their provision, be progressed through the establishment of a working group made up of representatives of the trade and officers who will report back to Members subject to the following amendment:

That the first option arising from the consultation form the subject of the working group, namely establishing permanent taxi ranks bays in the lower High Street following the completion of the High Street redevelopment – without this precluding discussion and consideration of comments that arose.

27. **REPORT OF HEAD OF HOUSING AND COMMUNITY SERVICES - LICENSING PARTNERSHIP UPDATE**

Claire Perry, Licensing Partnership Manager, presented the annual report of the Licensing Partnership and an update on future projects.

During discussion it was noted that:

- A Temporary Event Notice (TEN) was statutory and could not be amended by Local Authorities. These were notices that were countersigned by Licensing, rather than applications that could be granted or refused. The Police or Environmental Health could object

to an event based on the licensing objectives if the event was found to breach the terms of the notice.

- Events held in Maidstone's parks are usually managed by outside organisations, and usually work within TENs and statutory rules. Licenced events in parks that do not sell alcohol usually are held under the authorisation of Premises Licenses rather than TENs. If statutory nuisance levels were breached then Environmental Health would serve notice.
- The Deregulation Bill (which was at the report stage at the time of the meeting) proposed to amend the Licensing Act 2003 and introduce a new form of authorisation, the Part 5A notice, which would enable prescribed bodies (e.g. community organisations or small businesses which sold alcohol as an ancillary part of a wider service) to sell alcohol without having to use one of the existing forms of authorisation. It would also increase the maximum number of temporary events that may be given to the same premises in a year from 12 to 15. The matter of deregulation was stated as a concern for some Members, mindful of the effect this could have on rural areas in particular, as it was suggested that it required action after the event in response to complaints rather than preventing nuisance.

RESOLVED: That the report be noted.

28. REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - DRAFT HACKNEY AND PRIVATE HIRE LICENSING POLICY

The Head of Housing and Communities, John Littlemore, introduced the draft Hackney and Private Hire Policy and explained that the Council has a number of separate policies, guidance notes and conditions relating to hackney carriage and private hire licensed vehicles, drivers and operators but no single document that could be referred to as the 'taxi licensing policy'. The draft Hackney and Private Hire Policy would act as a consolidating document.

The proposed changes included:

- The alignment of Disclosure and Barring Service (DBS) and medical checks with licence renewals which occur three yearly;
- Permitting GPs to submit medical evidence on a bespoke form rather than a Maidstone prescribed form;
- The alignment of MBC policy with Passenger service Vehicle and heavy Goods licence requirements by accepting the production of Group 2 medical certification not less than 6 months old, and licensing drivers with insulin dependence at C1; and
- The introduction of a penalty point system to deal with breaches of licence conditions.

In response to questions it was noted that:

- Parties that were consulted included Maidstone's hackney and private hire drivers, Councillors, MPs and MEPs, Neighbouring Authorities, Local businesses and residents, the West Kent CCG, Kent Police and KCC among others.
- The Communications team would be instrumental in ensuring that the consultation was eliciting meaningful responses.
- Criminal records checks are provided by the embassy for foreign nationals and show a record of the preceding five years. Foreign nationals are required to hold a UK licence for a full year and have a good conduct certificate from the embassy in order to apply for a hackney or private hire licence. Medicals are undertaken by a Doctor in Maidstone.
- The new penalty points scheme was already in effect in Sevenoaks DC and Tunbridge Wells BC to deal with minor indiscretions. This reduced the need to bring minor issues to a sub-committee. If a range of minor indiscretions were identified then this would be brought to sub-committee.
- There were some typographical errors in the draft document which the Head of Housing and Communities noted.

The Head of Housing and Communities advised Members that the intention was to complete the consultation and return with the results to the first meeting of the next Municipal Year.

RESOLVED:

That the draft Taxi Licensing Policy be approved for consultation, with the Head of Housing and Community Services to report responses back to the Licensing Committee in 2015 together with the proposed final policy, and that the Head of Housing and Community Services be given delegation to amend the typographical and other minor errors in the document.

29. DURATION OF MEETING

6.30 p.m. to 7.20 p.m.