

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON

THURSDAY 18 SEPTEMBER 2014

Present: Councillor Parvin (Chairman), and
Councillors Mrs Blackmore, Mrs Joy, Long,
B Mortimer, Naghi, Newton, Mrs Parvin, Perry, Powell
and Springett

1. APOLOGIES FOR ABSENCE

It was noted that apologies had been received from Councillors Mrs Grigg, Mrs Hinder and Round.

2. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Mrs Springett was a substitute for Councillor Round, Councillor Mrs Blackmore was a substitute for Councillor Mrs Hinder and Councillor Long was a substitute for Councillor Mrs Grigg.

3. NOTIFICATION OF VISITING MEMBERS

Councillor Cuming attended as an observer.

4. ELECTION OF CHAIRMAN

Councillor Parvin was elected Chairman of the Committee for the remainder of the Municipal Year 2014/15.

5. ELECTION OF VICE CHAIRMAN

The appointment of Vice-Chairman was deferred until the next meeting.

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. APPOINTMENT OF POLITICAL GROUP SPOKESPERSONS

RESOLVED: That the following Members be appointed as Spokespersons for their respective Political Groups for the remainder of the Municipal Year 2014/15:-

Conservative – Councillor Parvin
Independent – Councillor Newton
Labour – Councillor McKay
Liberal Democrat – Councillor Mrs Joy

10. REPORT OF THE DIRECTOR OF REGENERATION AND COMMUNITIES - LICENSING COMMITTEE DELEGATIONS

The Head of Housing and Community Services advised Members that following the decision of Council to form one Licensing Committee and delegate all permitted licensing functions to it, the new Committee would need to consider further delegations to sub-committees and officers.

RESOLVED: That the delegated authorities as set out in Appendix A to the report of the Director of Regeneration and Communities be approved.

11. REPORT OF THE HEAD OF POLICY AND COMMUNICATIONS - SPECIAL RESPONSIBILITY ALLOWANCE

Councillor Parvin considered that as he could gain financially as a result of the decision he would leave the meeting for this item. Councillor Mrs Parvin indicated that for the same reason she would not speak or vote on this item. Councillor Mrs Joy was elected Vice-Chairman for the duration of this item.

The Committee were asked to consider an appropriate remuneration for the Chairman of the new Licensing Committee which would be recommended to the Joint Independent Remuneration Panel.

RESOLVED to RECOMMEND to the Joint Independent Remuneration Panel that the special responsibility allowance for the Chairman of Licensing Committee be retained at £2,332 per annum and that consideration be given to a possible remuneration for Vice-Chairmen generally.

12. REPORT OF THE DIRECTOR OF REGENERATION AND COMMUNITIES - LICENSING COMMITTEE STREET TRADING POLICY

The Head of Housing and Community Services advised Members of proposed changes to the procedures for dealing with Street Trading applications. Under the current system if no objections to an application for a pitch outside the town centre are received, the Head of Housing and Community Services can grant the consent but if the application is for the town centre, it would be subject to consultation with the Chairman and Vice-Chairman of the Committee, who could refer it to the full Licensing Committee for determination. If there were any objections, there would

be a hearing before the full Committee.

Members were asked to consider a change being that the decisions on all applications that receive no representation are delegated to the Head of Housing and Community Services. It was noted that there was not a clear reason why streets outside of the town centre should be treated in a different way from the town's. The current system could be open to challenge.

Therefore under the proposal the new form of words within the 2010 Licensing Policy at paragraphs 6.4 and 6.12 would 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".

However, Members did not feel that there were good reasons to change the current policy which provided safeguards for a relatively small number of applications and decided that any differentiation by area should be dealt with by all cases borough wide with no objection being subject to consultation with the Chairman and Vice-Chairman prior to any officer decision and therefore:-

RESOLVED: That the following changes be made to the Street Trading Policy document at paragraphs 6.4 and 6.12 respectively:-

If no objections to a Street Trading application are received the Head of Housing and Community Services be given delegated powers to grant consent, subject to consultation with the Chairman and Vice Chairman of the Licensing Committee who might ask for the application to be referred to a Sub-Committee consisting of three Members of the Licensing Committee for decision.

13. DURATION OF MEETING

6.30 p.m. to 7.30 p.m.