

MAIDSTONE BOROUGH COUNCIL

Licensing Committee

MINUTES OF THE MEETING HELD ON THURSDAY 16 JUNE 2016

Present: Councillor Joy (Chairman), and
Councillors Adkinson, Garten, Mrs Grigg, Mrs Hinder,
Joy, McLoughlin, Naghi, Newton, Mrs Robertson,
Springett, Vizzard and Mrs Wilson

1. APOLOGIES FOR ABSENCE

It was noted that apologies had been received from Councillor B Mortimer.

2. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Vizzard would substitute for Councillor B Mortimer, however Councillor Vizzard had advised that he would arrive late to the meeting. Councillor Wilson substituted for Councillor B Mortimer until Councillor Vizzard's arrival.

3. NOTIFICATION OF VISITING MEMBERS

It was noted that Councillor Perry was in attendance as an observer.

4. ELECTION OF CHAIRMAN

RESOLVED: That Councillor Joy be elected Chairman of the Committee for the Municipal Year 2016-17.

5. ELECTION OF VICE-CHAIRMAN

RESOLVED: That Councillor Naghi be elected Vice-Chairman of the Committee for the Municipal Year 2016-17.

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. TO CONSIDER WHETHER ANY ITEMS SHOULD BE TAKEN IN PRIVATE BECAUSE OF THE POSSIBLE DISCLOSURE OF EXEMPT INFORMATION.

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

9. MINUTES OF THE MEETING HELD ON 31 MARCH 2016

RESOLVED: That the minutes of the meeting held on 31 March 2016 be approved as a correct record and signed.

10. LICENSING COMMITTEE ROLES AND RESPONSIBILITIES

John Littlemore, Head of Housing and Community Services, introduced a report recommending a timescale within which new Member training and refresher training should be undertaken by Members of the Committee. The report also clarified the process for Member site visits.

During discussion of licensing training the following was explained:

- Under the constitution the Community, Housing and Environment Committee had the function to oversee the development, review and implementation of the Council's Licensing Strategy and Policies, including making recommendations to Council. The Licensing Committee had input into policies through making recommendations to the Communities, Housing and Environment Committee.
- Members of the Communities, Housing and Environment Committee were not required to undertake licensing training.
- There was no legal obligation for Members of the Licensing Committee to undertake training, however if Members were untrained this could leave a decision with a heightened risk of challenge.
- Should a Member be unable to attend specific dates offered for training, Officers would liaise with the partner authorities of Tunbridge Wells and Sevenoaks to see if there were places available on their training sessions.
- Invitations to attend licensing training would clearly state whether the session was mandatory for all Committee Members, or was particularly targeted at new and untrained Members and Substitute Members.

The Committee discussed the guidance on Members site visits. In response to questions it was set out that:

- Members could not undertake site visits independently in an official capacity. For clarification it was explained that Members would be seen to be acting in an official capacity if they made themselves known to the proprietor or licensee, and advised the licensee that they were a Member of the Committee or were making a visit on behalf of the Licensing Authority.
- Members were not prevented from visiting establishments unofficially.

Councillor Vizzard entered at 6.49 p.m. as a Visiting Member.

Councillor Wilson left the meeting after the vote at 6.59 p.m.

RESOLVED:

1. That it be agreed that training in accordance with paragraph 2.6 of the report of the Head of Housing and Community Services be completed by members and substitutes within 6 months of being selected for the Licensing Committee.
2. That it be agreed that training in accordance with paragraph 2.6 of the report be refreshed every year if required or when statutory or significant guidance changes were made, whichever was the sooner.

For – 10 Against – 0 Abstain - 0

3. That a recommendation to Democracy Committee be made in the following terms:

- a) That the function to oversee the development, review and implementation of the Council's Licensing Strategy and Policies (including making recommendations to Council) be removed from the delegated functions of the Community, Housing and Environment Committee, and inserted into the delegated functions of the Licensing Committee at part 2.1, para. 2.9 of the Constitution;

For – 10 Against – 0 Abstain - 0

- b) That a penultimate sentence be added to part 4.5, para. 1c of the Constitution to read: 'Members will not be eligible to sit on a Licensing Act 2003 sub-committee until training has been completed'.

For – 10 Against – 0 Abstain - 0

11. HACKNEY CARRIAGE SPECIFICATIONS

Councillor Vizzard substituted for Councillor B Mortimer.

John Littlemore, Head of Housing and Community Services, spoke to the report and explained that the recommendation was to amend the policy to include a new vehicle within the Hackney Carriage specifications. The recommendation proposed that authority be delegated to the Head of Housing and Community Services to add or remove vehicle types.

During discussion Members considered whether authority should be delegated to the Head of Housing and Community Services for this issue going forward, or whether vehicles proposed for inclusion should be presented to the Committee for decision.

The recommendations were moved with an amendment to read 'That the Hackney Carriage & Private Hire Licensing Policy is amended to give delegated authority to the Head of Housing and Community Services to add or remove vehicle types to those that are approved for licensing, on the condition that the vehicle has EC Whole Vehicle Type Approval.'

This was seconded and became a substantive motion with 8 votes in favour.

RESOLVED: That it be recommended to Communities, Housing and Environment Committee:

1. That the Hackney Carriage & Private Hire Licensing Policy is amended to include the Peugeot E7 within the definition of approved vehicle; and remove Section 5 relating to the turning circle requirement of Appendix 5A of the Policy;
2. That the Hackney Carriage & Private Hire Licensing Policy is amended to give delegated authority to the Head of Housing & Community Services to add or remove vehicle types to those that are approved for licensing, on the condition that the vehicle has EC Whole Vehicle Type Approval.

For – 7 Against – 1 Abstain – 1

12. ANIMAL ESTABLISHMENT FEES REPORT

Claire Perry, Licensing Partnership Manager, introduced the report on Animal Establishment Fees and explained that a new fee model had been used to ensure that the fee reflects the time taken for the council to process an application.

During discussion it was stated that:

- The licence was not required to keep animals in one place. An example given was that the licence was not required to keep horses, but would be required if the horses were hired out for riding;
- Fees would be reviewed annually;
- A deposit was required for zoos because a specialist vet who was approved by Defra was required to undertake a site visit;
- Vets fees had been removed from the Animal Establishments fees for riding establishments at the request of the establishments concerned. In future vets fees would be invoiced separately by the Environmental Enforcement team. It was expected that the separation of vets fees in this way would lead to a slight increase in cost to the establishments.
- The fees could not be amended to support smaller businesses differently. Since the ruling in the Hemming v Westminster case it

was best practice that the fee charged should reflect the time taken to process the application, and the cost of admin was the same for all applications received. A greater fee could not be charged for some establishments to subsidise the fee for others.

A Member requested that a figure for the minimum and maximum costs for vets fees be provided outside of the meeting.

RESOLVED:

That the fee levels as set out in paragraph 2.7 of the report of the Head of Housing and Community Services – Animal Establishment Fees be approved for implementation as of 4 July 2016.

For – 9 Against – 0 Abstain - 2

13. ANNUAL LICENSING PARTNERSHIP UPDATE REPORT

Claire Perry, The Licensing Partnership Manager, spoke to the report providing an annual update on the Licensing Partnership.

Members congratulated and thanked Mrs Perry and the Licensing team on their performance over the year.

RESOLVED: That the report be noted.

14. URGENT ITEM

The Chairman, in her opinion, decided to take the appointment of group spokespersons as an urgent item due to the length of time until the next meeting.

15. ELECTION OF GROUP SPOKESPERSONS

Nominations were taken for Group Spokespersons, and it was:

RESOLVED: That the Group Spokespersons for the Licensing Committee for the Municipal Year 2016-17 be appointed as follows:

Councillor Adkinson, Labour Group Spokesperson
Councillor Hinder, Conservative Group Spokesperson
Councillor B Mortimer, Liberal Democrat Group Spokesperson
Councillor Newton, Independent Group Spokesperson

16. DURATION OF MEETING

6.30 p.m. to 7.46 p.m.