

MAIDSTONE BOROUGH COUNCIL

Licensing Committee

MINUTES OF THE MEETING HELD ON THURSDAY 29 SEPTEMBER 2016

Present: Councillor Joy (Chairman), and
Councillors Greer, Mrs Hinder, McLoughlin, B
Mortimer, Naghi, Newton, Mrs Ring, Mrs Robertson, J
Sams, Springett and Webb

28. **APOLOGIES FOR ABSENCE**

It was noted that apologies had been received from Councillors Garten and Grigg.

29. **NOTIFICATION OF SUBSTITUTE MEMBERS**

The following Substitute Members were noted:

- Councillor Ring for Councillor Garten;
- Councillor Webb for Councillor Grigg.

30. **NOTIFICATION OF VISITING MEMBERS**

There were no Visiting Members.

31. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

32. **DISCLOSURES OF LOBBYING**

There were no disclosures of lobbying.

33. **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.

34. **MINUTES OF THE MEETING HELD ON 5 SEPTEMBER 2016**

RESOLVED: That the minutes of the meeting held on 5 September 2016 be approved as a correct record and signed.

35. **REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - REVISED STATEMENT OF PRINCIPLES FOR GAMBLING ACT 2005 POLICY**

The Head of Housing and Community Services introduced the report detailing a full review of the Statement of Licensing Principles for the Gambling Act 2005 following a light touch review in January 2016.

The Committee was advised that an external barrister had been appointed to take an overview on the revision and had confirmed that it was compliant with new guidance.

The Committee provided feedback on the Statement and put forward the following amendments:

- The table at appendix 7 to the Statement required updating to the most recent version;
- Page 4 of the Statement - sentence to be amended to read 'In exercising its functions under this part the Licensing Authority shall aim to permit the use of premises for gambling in so far as it complies with -';
- Page 15 - deletion of the repetition of a statement regarding duplication of other regulatory regimes;
- Page 19 - deletion of the repetition of a bullet point.

With regard to page 12 of the Statement it was noted that there appeared to be a contradiction between whether or not evidence of anti-social behaviour within an area could be taken into account when deciding to allow a gambling establishment to open. The Licensing Partnership Manager explained that, taking the Gambling Commission's guidance together with recent legislation, no regard could be given to anti-social behaviour within an area, however the locality of the premises should be taken into consideration.

A Member asked who defined proportionate intervention and remedy as listed on page 15. The Head of Housing and Community Services clarified that enforcement policy was used by local authority officers to guide the determination of proportionate action.

RESOLVED:

1. That a 12 week consultation be undertaken on the proposed revised Maidstone Borough Council's Statement of Licensing Principles / Gambling Policy, attached as Appendix A to the report of the Head of Housing and Community Services and as amended by committee.
2. That a further report be received after the conclusion of the consultation to consider any comments prior to formally recommending a revised Statement of Licensing Principles for the Gambling Act 2005 to Council for adoption.
3. That authority be delegated to the Head of Housing and Community Services to make minor changes to the document including those identified at the meeting.

For – 12

Against – 0

Abstain – 0

36. REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - DRAFT LICENSING COMPLIANCE AND ENFORCEMENT POLICY

The Head of Housing and Community Services presented the draft Licensing Compliance and Enforcement Policy.

During discussion it was explained that the document would ensure consistency across the Licensing Partnership and enhance resilience.

RESOLVED:

1. That the draft Licensing Compliance and Enforcement Policy be recommended to Communities, Housing and Environment Committee for adoption.
2. That authority be delegated to the Head of Housing and Community Services to make any typographical or similar minor amendments to the Policy prior to publication.

For – 12 Against – 0 Abstain – 0

37. REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - DEMONSTRATION AND ORAL REPORT FROM THE HEAD OF HOUSING AND COMMUNITY SERVICES ON THE PROPOSED INTRODUCTION OF A ONLINE TAXI DRIVER KNOWLEDGE TEST

The Licensing Partnership Manager advised the committee that the online taxi driver knowledge test was almost complete and was in the process of being tested. A link would be circulated to Members outside of the meeting for their feedback.

In response to questions it was explained that:

- There was no restriction on the number of times applicants could re-take the online test, however there may be a set time period which would have to elapse before the test could be taken again.
- The pass rate was set at 80% however this was open to adjustment.
- There were no plans to retrospectively test existing drivers.

The Licensing Partnership Manager explained that an item would be brought to the next meeting of the committee to address any questions that arose from Members exploration of the online test.

RESOLVED: That the oral report be noted.

38. DURATION OF MEETING

6.30 p.m. to 7.15 p.m.