

LICENSING COMMITTEE MEETING

Date: Thursday 18 June 2020

Time: 6.30 pm

Venue: Remote Meeting - The Public Proceedings of the Meeting will be broadcast live and recorded for playback on the Maidstone Borough Council Website

Membership:

Councillors Fissenden, Fort, Garten, Mrs Grigg, Hinder, Joy (Chairman), McLoughlin, Naghi, Mrs Robertson, M Rose (Vice-Chairman), J Sams and Springett

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

<u>AGENDA</u>	<u>Page No.</u>
1. Apologies for Absence	
2. Notification of Substitute Members	
3. Urgent Items	
4. Visiting Members	
5. Disclosures by Members and Officers	
6. Disclosures of Lobbying	
7. To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
8. Minutes of the Meeting Held on 27 November 2019	1 - 4
9. Minutes (Part I) of the Licensing Act 2003 Sub-Committee held on 6 December 2019	5 - 6
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11. Presentation of Petitions (if any)	
12. Questions and answer session for members of the public (if any)	

Issued on Wednesday 10 June 2020

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

13. Questions from Members to the Chairman (if any)	
14. Hackney Carriage Fare Increase 2020	14 - 27
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PART II

To move that the public be excluded for the items set out in Part II of the Agenda because of the likely disclosure of exempt information for the reasons specified having applied the Public Interest Test.

	Head of Schedule 12 A and Brief Description	
18. Minutes (Part II) of the Licensing Act 2003 Sub-Committee held on 6 December 2019	Paragraph 1 – Information re any individual Paragraph 2 – Information likely to reveal the identity of and individual Paragraph 3 – Information relating to the financial or business affairs or any particular person (including the authority holding that information)	137 - 140

INFORMATION FOR THE PUBLIC

In order to ask a question at this meeting, please call **01622 602899** or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Tuesday 16 June 2020). You will need to provide the full text in writing.

If your question is accepted, you will be provided with instructions as to how you can access the meeting.

In order to make a statement at the invitation of the Chairman, please call 01622 602899 or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting. You will need to tell us which agenda item you wish to make representations on.

If you require this information in an alternative format, please call **01622 602899** or

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MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY 27 NOVEMBER 2019

Present: Councillor Joy (Chairman), and
Councillors Fissenden, Garten, Mrs Grigg, Hinder,
Mrs Hinder, Mrs Robertson, M Rose and Springett

1. APOLOGIES FOR ABSENCE

It was noted that apologies for absence were received from:

- Councillor Fort
- Councillor McLoughlin
- Councillor J Sams

2. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Purle was present as a substitute for Councillor Fort.

3. URGENT ITEMS

There were no urgent items.

4. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

5. VISITING MEMBERS

There were no Visiting Members.

6. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

7. EXEMPT ITEMS

RESOLVED: That all items be taken in public as proposed, including the Minutes (Part II) of the meeting held on 6 September 2019.

8. MINUTES OF THE MEETING HELD ON 19 SEPTEMBER 2019

RESOLVED: That the Minutes of the meeting held on 19 September 2019 be approved as a correct record and signed.

9. MINUTES (PART I) AND (PART II) OF THE LICENSING ACT 2003 SUB-COMMITTEE HELD ON 6 SEPTEMBER 2019

RESOLVED: That the Minutes (Part I) and (Part II) of the Licensing Act 2003 Sub-Committee held on 6 September 2019 be approved as a correct record and signed.

10. MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE MEETING HELD ON 30 SEPTEMBER 2019

RESOLVED: That the Minutes of the Licensing Act 2003 Sub-Committee meeting held on 30 September 2019 be approved as a correct record and signed.

11. MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE MEETING HELD ON 23 OCTOBER 2019

RESOLVED: That the Minutes of the Licensing Act 2003 Sub-Committee meeting held on 23 October 2019 be approved as a correct record and signed.

12. MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE MEETING HELD ON 6 NOVEMBER 2019

RESOLVED: That the Minutes of the Licensing Act 2003 Sub-Committee meeting held on 6 November 2019 be approved as a correct record and signed.

13. PRESENTATION OF PETITIONS

There were no petitions.

14. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

15. COMMITTEE WORK PROGRAMME

The Committee considered the Work Programme.

RESOLVED: That the Committee Work Programme be noted.

16. REFERENCE FROM COMMUNITIES, HOUSING AND THE ENVIRONMENT COMMITTEE ACTING AS THE CRIME AND DISORDER COMMITTEE

The Committee considered the Reference from the Communities, Housing and Environment Committee, Acting as the Crime and Disorder Committee, which requested a review of the Licensing Act 2003 Policy following the recent serious incident of concern in the town centre.

The Head of Housing and Community Services advised that a review was due to be carried out in the new year of the Licensing Act 2003 Policy and any proposed changes would be brought back to the Committee.

It was noted that whenever a review was undertaken of a premises licence, it looked at what measures could be introduced that were reasonable and proportionate to reduce risk to children from harm and crime and disorder.

The Community Protection Manager advised that the majority of the nightclubs in the town centre had signed up to a voluntary scheme whereby they risk assess every event at their premises and if they determine that the risk is high, they refer this to the Police who would in turn assess whether they needed to take any action and on occasions they had advised the premises to cancel that particular event.

RESOLVED: That a review of the Licensing Act 2003 Policy would be carried out in the new year.

17. LICENCE FEES AND CHARGES 2020/2021

The Senior Licensing Officer presented a report on the Licence Fees and Charges for 2020/21.

It was noted that as there had not been any significant change in the time taken of the various tasks required to produce each licence, the fees had a 2% inflationary increase applied to them in line with the Council's Medium Term Financial Strategy 2020/21 – 2024/25.

RESOLVED: That the fee levels as set out in paragraphs 2.7, 2.9, 2.11, 2.13, 2.15, 2.17 and 2.19 of the report be implemented on 1 April 2020 subject to the consideration of any representations following consultation.

18. UPDATE ON ANIMAL LICENSING ACTIVITIES

The Community Protection Manager presented an update on the first year of the new licensing regime for Animal Licensing Activities.

It was noted that:-

- There had been a 55% increase in the number of licences issued for businesses being regulated. This was set to rise to 82% as there were another 9 businesses known to the Community Protection Team that had or would be making an application in the next six months.
- Animal welfare standards had improved with establishments being star rated, 50% of which had been awarded 5 stars, with a creditable 86% achieving a star rating of 3 or above.
- The fees reflect an increase of the amount of work that has had to be carried out with the businesses, in particular providing advice

and the inspections taking longer due to the forms having to be used from DEFRA.

- The cost for the licences was comparable to other districts in Kent.
- Pre-application advice was being proposed but this would be for the future once the new scheme was fully bedded in.

In response to questions from Members, the Community Protection Manager advised that:-

- An email would be circulated after the meeting from Officers on whether the requirement for a dog to be vaccinated against kennel cough was advisory or mandatory.
- There had not been any prosecutions at present for illegal businesses but there were a number of alleged breaches being investigated.
- Priority was currently being given to registering those who had approached the Council to register.
- The team would encourage members of the public to inform them of any illegal businesses and would speak to the Communications Team to highlight the service and have an article in the Borough Insight magazine.
- If a dog had puppies and the income from the sale of those puppies was more than £1,000 then the breeder would need a licence.
- The Community Protection Manager would circulate a link to where Members would be able to view the animal establishments who are licensed for those activities.
- Animal Rescue Centres were exempt from the new Animal Regulations.

RESOLVED: That

- 1) The update on the implementation of the changes in regulations for animal related activities introduced in October 2018 be noted.
- 2) Option 2, to introduce a revised fee structure from 1st April 2020, be approved as detailed in paragraphs 5.1 to 5.3 of the report.

19. DURATION OF MEETING

6.30 p.m. to 7.30 p.m.

MAIDSTONE BOROUGH COUNCIL

LICENSING ACT 2003 SUB COMMITTEE

MINUTES (PART I) OF THE MEETING HELD ON FRIDAY 6 DECEMBER 2019

Present: Councillor Mrs Joy (Chairman) and
Councillors Garten and M Rose

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that there were no Substitute Members.

3. ELECTION OF CHAIRMAN

RESOLVED: That Councillor Mrs Joy be elected as Chairman for the duration of the meeting.

4. URGENT ITEMS

There were no urgent items.

5. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

6. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

7. EXEMPT ITEMS

RESOLVED: That Agenda Items 8 and 9 be taken in private due to the possible disclosure of exempt information.

8. EXCLUSION OF THE PUBLIC FROM THE MEETING

RESOLVED: That the public be excluded from the meeting for the following item of business because of the likely disclosure of exempt information for the reason specified having applied the Public Interest Test:

**Head of Schedule 12A
and Brief Description**

Driver – Appeal against penalty points

Paragraph 1 - Information relating to any individual
Paragraph 2 – Information which is likely to reveal the identity of an individual
Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Operator – Appeal against penalty points

Paragraph 1 - Information relating to any individual
Paragraph 2 – Information which is likely to reveal the identity of an individual
Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)

9. DRIVER - APPEAL AGAINST PENALTY POINTS

The Sub-Committee considered the appeal of 24 penalty points being issued against the individual as identified in the exempt report.

RESOLVED: That the individual’s Private Hire Driver’s Licence, as identified in the exempt report, be suspended until 27th March 2020 or until he passes one Maidstone Knowledge Test before the 27th March 2020.

10. OPERATOR - APPEAL AGAINST PENALTY POINTS

The Sub-Committee considered the appeal against the six penalty points issued to the operator as identified in the exempt report.

RESOLVED: That the decision to issue six penalty points be retained.

MAIDSTONE BOROUGH COUNCIL

LICENSING ACT 2003 SUB COMMITTEE

MINUTES OF THE MEETING HELD ON MONDAY 13 JANUARY 2020

Present: Councillor Springett (Chairman), and
Councillors B Hinder and Joy

11. APOLOGIES FOR ABSENCE

There were no apologies for absence.

12. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that there were no Substitute Members.

13. NOTIFICATION OF VISITING MEMBERS

It was noted that there were no Visiting Members.

14. ELECTION OF CHAIRMAN

RESOLVED: That Councillor Springett be elected Chairman for the duration of the meeting.

15. URGENT ITEMS

There were no urgent items.

16. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

17. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

18. EXEMPT ITEMS

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

19. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT
2003 FOR 87 - 88 BANK STREET, MAIDSTONE, KENT, ME14 1SD

The Chairman requested that all those persons participating in the hearing identified themselves as follows: -

Chairman – Councillor Springett
Committee Member – Councillor B Hinder
Committee Member – Councillor Joy

Legal Advisor – Mr Robin Harris

Democratic Services Officer – Mrs Caroline Matthews and Miss Oliviya Parfitt who was in attendance as a training exercise

Applicant – Century Buildings (Rochester) Limited
Representing the Applicant – Mr Steven Ross Hutchins

Other parties – Mr Robert Baker and Ms Louisa Beddoes

All parties confirmed that they were aware of the Sub-Committee hearing procedure and that each party had received a copy of the hearing procedure document.

The Chairman explained that:

- The Sub-Committee would allow all parties to put their case fully and make full submissions within a reasonable timeframe.
- The procedure would take the form of a discussion led by the Sub Committee and they would usually permit cross examination conducted within a reasonable timeframe.
- Any persons attending the hearing who behaved in a disruptive manner may be directed to leave the hearing by the Sub Committee (including temporarily) and thereafter the person may submit to the Sub-Committee in writing any information which the person would have been entitled to give orally had the person not been required to leave the hearing.

The Sub-Committee confirmed that they had pre-read all the papers and any other documents contained in the report regarding the hearing.

The Chairman enquired whether any draft conditions had been agreed between the applicant and other parties from which there had been 1 objection.

Other parties confirmed to the Chairman that they wished to formally withdraw their objection. This was due to a discussion between themselves and the applicant, in the presence of the Legal advisor, prior to the meeting. During this discussion, the consequences of a Shadow Licence, as applied for, was explained and the other parties' concerns mitigated.

The Chairman asked the Legal Advisor that the committee would still need to determine the licensing application.

The Chairman invited any questions or statements from both parties.

The applicant's representative stated that there was none.

The objectors thanked the applicant for explaining the implications of applying for a shadow licence, as stated above, prior to the meeting.

The Chairman then invited questions from Members of which there were none.

The Chairman confirmed that the Sub-Committee would approve the Shadow Licence application. It was noted that the Applicant's Representative would receive the Notice in writing, within 5 working days from the date of the meeting.

The Chairman stated that there was a Right of Appeal within 21 days of receiving the written answer to the licence application.

The Meeting concluded at 10:50 a.m.



LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL

**LICENSING ACT 2003
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

NOTICE OF DETERMINATION

Application Ref No: 19/04346/LAPRE

Applicant: Century Buildings (Rochester) Ltd.

Regarding 87-88 Bank Street Maidstone

Date(s) of hearing: 13th January 2020

Date of determination: 13th January 2020

Committee Members: [Chairman]: Councillor Springett
Councillor Hinder (B)
Councillor Joy

Legal Advisor in attendance at hearing(s): Robin Harris, Team Leader
(Contentious), MKLS

Democratic Services Officer in attendance at hearing: Caroline Matthews

Senior Licensing Officer in attendance at hearing: N/A

This was an application for:

- Variation Grant
 Provisional Statement Review Other

for a

- Premises Licence Club Premises Certificate Personal Licence
 Temporary Event Notice

A: Representations, evidence and submissions:

The Committee considered the representations, evidence and submissions of the following parties:

Applicant

- Name: Century Buildings (Rochester) Ltd.
- Legal or other representative: Ross Hutchins

Responsible Authorities

None

Other Persons

Name: Mr Robert Baker and Ms Louisa Beddoes (Note: the objection was withdrawn at the hearing.)

Witnesses and legal representatives in support of interested parties

N/A

Representations considered in the absence of a party to the hearing:

N/A

B: Consideration of the Licensing Act 2003, the Guidance under s. 182 of the Act and the Statement of Licensing Policy of Maidstone Borough Council

The Committee has taken into account the following provisions of the Licensing Act 2003 and the Regulations thereto:

Section 4 which relates to the licensing objectives
Section 16-24 which relate to the grant of a premises licence;
Schedule 1 which relates to Regulated Entertainment

The Committee has taken into account the following provisions of the Guidance under section 182 of the Act:

Chapter 2 which relates to the licensing objectives
Chapter 8 & 9 which relates to premises licences & determinations
Chapter 10 which relates to conditions attached to licences;

The Committee has taken into account the following provisions of its Statement of Licensing Policy:

Chapter 17 which relates to the 4 licensing objectives;
Chapter 17.9 – 17.15 which relates to the prevention of crime and disorder;
Chapter 17.16 – 17.18 which relates to public safety
Chapter 17.19 – 17.22 which relates to the prevention of nuisance;

Chapter 17.23 – 17.26 which relates to the prevention of children from harm;

The Committee has decided to depart from the guidance under section 182 of the Act and or the statement of licensing policy for the following reasons:

N/A

**C: Determination:
The Committee has decided to:**

- Grant the application as applied for.

Reasons for determination:

■ **Prevention of Crime and Disorder**

Reasons (state in full):

The Sub-Committee was satisfied that the operating schedule provided by the applicant was appropriate and proportionate to promote this licensing objective.

■ **Public Safety**

Reasons (state in full):

The Sub-Committee was satisfied that the operating schedule provided by the applicant was appropriate and proportionate to promote this licensing objective.

■ **Prevention of nuisance**

Reasons (state in full):

The Sub-Committee was satisfied that the operating schedule provided by the applicant was appropriate and proportionate to promote this licensing objective.

■ **Protection of children from harm**

Reasons (state in full):

The Sub-Committee was satisfied that the operating schedule provided by the applicant was appropriate and proportionate to promote this licensing objective.

PRINT NAME (CHAIRMAN): Cllr Val Springett

Signed [Chairman]: (sgd) Cllr Val Springett

A copy of the original document is held on file

Date: 13th January 2020

Agenda Item 14

Licensing Committee

18 June 2020

Hackney Carriage Fare Increase 2020

Final Decision-Maker	Licensing Committee
Lead Head of Service	John Littlemore, Head of Housing and Community Services
Lead Officer and Report Author	Lorraine Neale
Classification	Non-exempt
Wards affected	All

Executive Summary

This report sets out the reasons for the request from the Hackney trade for a fare increase.

Purpose of Report

To consider the Maidstone Taxi Proprietor Association's request for an increase in fares for hackney carriage journeys.

This report makes the following recommendations to this Committee:

1. That the table of fares set out in Appendix 3 to this report be agreed.
2. That the Head of Housing and Community Services be authorised to give public notice of the Council's intention to fix this table of fares for Hackney Carriage vehicles in accordance with Section 65(2) of the Local Government (Miscellaneous Provisions) act 1976 to take effect from April 2020.
3. Should objections be received, this matter is brought back to Licensing Committee for consideration within two months of publication.

Timetable

Meeting	Date
Licensing Committee	18 June 2020

Hackney Carriage Fare Increase 2020

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	[Head of Service or Manager]
Cross Cutting Objectives	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	[Head of Service or Manager]
Risk Management	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	[Head of Service or Manager]
Financial	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	[Section 151 Officer & Finance Team]
Staffing	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	[Head of Service]
Legal	<ul style="list-style-type: none"> <i>Under Section 65 of The Local Government (Miscellaneous Provisions) Act 1976, the Council may fix the rate for fares for Hackney Carriage vehicles within the Borough, for time, distance and all other charges in connection with hire of the vehicle. To meet the requirements, it is necessary to advertise the agreed variation and allow for 14 days for any objections to be made</i> 	[Legal Team]
Privacy and Data Protection	<i>No additional impact identified from a data protection or record management perspective.</i>	Equalities and Corporate Policy Officer
Equalities	<i>No impact identified.</i>	Equalities and Corporate Policy Officer
Public Health	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	[Public Health Officer]
Crime and Disorder	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	[Head of Service or Manager]
Procurement	<ul style="list-style-type: none"> <i>No implications have been identified.</i> 	[Head of Service & Section 151 Officer]

2. INTRODUCTION AND BACKGROUND

- 2.1 Under section 65(1) of the Local Government (Miscellaneous Provisions) Act 1976, the Local Authority has the power to set the maximum fares for the hire of a Hackney Carriage vehicle.
- 2.2 The current fares set have been in place for 6 years and the trade has requested a review of the current fare structure. There are currently 48 licensed Hackney Carriages that are allowed to ply for hire in Maidstone. Fares charged by Hackney Carriages cannot be more than the fare set by Maidstone Borough Council. The council do not set the fares for private hire vehicles.
- 2.3 A request has been received from the Maidstone Taxi Proprietors' Association for an increase in fares, by means of a decrease in the meterage on the meter and an increase in the first 550m of hire charge, see letter of request at Appendix 1. The comparison table shows the effect the request will have on fares.

Miles	Current Tariff 1	Proposed Tariff 1	Current Tariff 2	Proposed Tariff 2	Current Tariff 3	Proposed Tariff 3	Av % increase
2 (3.22km)	£6.53	£7.26	£9.80	£10.90	£13.06	£14.54	11.24%
10 (16km)	£24.85	£27.82	£37.32	£41.78	£49.52	£55.74	12.15%
20 (32m)	£47.45	£53.52	£71.72	£80.38	£95.50	£107.24	12.38%
50 (80.4km)	£116.45	£130.62	£174.92	£196.18	£232.90	£261.74	12.23%
Waiting time							
15 mins	£6.64	£7.80	£9.96	£11.70	£13.28	£15.60	
30 mins	£11.48	£13.80	£17.22	£20.70	£22.96	£27.60	

The request will cause an average increase in fares of 11.24% for customers travelling a 2 mile journey on all 3 tariffs.

- 2.4 It is usual practice to review fares on receipt of such a request. The Association have made their request because of increasing effects of inflation. The change in fares relates to the distance travelled and the waiting time.
- 2.5 The Office for National Statistics shows the inflation increase as a table from 2013 – 2020 and an overall increase of 17.49%.

Year	Pound Value	Inflation Rate
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Year	Pound Value	Inflation Rate
2013	£146.36	3.04%
2014	£149.82	2.36%
2015	£151.30	0.99%
2016	£153.92	1.74%
2017	£159.44	3.58%
2018	£163.40	2.48%
2019	£166.34	1.80%
2020	£168.84	1.50%

- 2.6 A comparison of all the Kent authorities for Tariff one as published by Private Hire Monthly (February 2020) for a two mile journey is as follows:-

Council	Cost £ per 2 miles	Proposed
Dartford	£7.10	
Tunbridge Wells	£7.20	
Gravesham	£6.80	
Maidstone	£6.53	£7.26 (11.18%)
Sevenoaks	£7.06	
Swale	£6.80	
Tonbridge and Malling	£7.00	
Ashford	£6.50	
Shepway	£6.20	
Canterbury	£6.40	
Dover	£6.00	
Medway	£6.60	
Thanet	£5.40	

- 2.7 The increase is in line with the level of inflation and is reasonable, as can be seen from the table the increase requested is not disproportionate to the fares charged in other Kent areas. Whilst Maidstone will be the highest fare level it still remains competitive with other authorities. Therefore, it is considered that agreement to the request can be recommended and the scheme of Hackney Carriage fares amended accordingly Appendix 3.
- 2.8 The trade have requested that a "likely fares destination table" be displayed alongside the tariff. The Licensing department very rarely receive complaints of overcharging by Hackney drivers . This table will encourage more complaints being received from the public . The public expectation will be that the fare displayed is set in stone and will be what they are charged, however the cost of a journey can vary. A customer who

is stuck in traffic will have waiting time added to the meter and a 2 mile, tariff 1 journey held up in traffic for 15 minutes will increase from £7.26 to £15.06, this is not clear on that table and therefore the Licensing department does not support this request.

3. AVAILABLE OPTIONS

- 3.1 An increase to the initial hiring charge for tariffs 1, 2 and 3 by reducing the initial distance from 598.5m to 550m and each additional 140.4 m to 125.
 - 3.2 To reduce the waiting from the first 3m 5s to 2m 30s and every additional 37.2s to 30 s.
 - 3.3 Do nothing.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Members consider the contents of the report to determine whether the fare increase should be granted.
 - 4.2 The setting of fares is a statutory duty placed upon the Council and it is the Council's responsibility to strike a balance between setting a fare that is acceptable to the customer and to the taxi driver.
 - 4.3 It is important that the Council, through its licensing functions, protects the public by ensuring that the fares charged by licensed Hackney Carriages are fair and justified and not excessive.
 - 4.4 The last fare increase was 2013.
-

5. RISK

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. [That consideration is shown in this report at [paragraph 4]. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.
-

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Should Members be minded to approve the increase, the Head of Housing and Community Services, be authorised to publicise the proposed fare increase as detailed in the report, and if no objections are received, the proposed fare increase takes effect no less than fourteen days from the date of publication.

- 6.2 Should objections be received, this matter is brought back to this Committee for consideration within two months of publication.
-

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Officers will update the Council Webpages and update the Fare charts currently displayed in Taxis.
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8. REPORT APPENDICES

1. Trade request from trade
 - 2 Current Fare Chart
 - 3 Proposed Fare Chart
-

9. BACKGROUND PAPERS

Local Government (Miscellaneous Provisions) Act 1976

<http://www.legislation.gov.uk/ukpga/1976/57/section/65>

Inflation calculator

<https://www.in2013dollars.com/uk/inflation/2013?amount=146.36>

Private Hire Monthly – Hackney fare table

<https://www.phtm.co.uk/taxi-fares-league-tables>

From: Neil Cox
Sent: 18 January 2020 13:48
To: Licensing (MBC) <Licensing@maidstone.gov.uk>
Subject: Fare Increase

Good afternoon Licensing,

Please see the attached document for our request for a fare increase.

Kind Regards

Neil Cox
Chair
Maidstone Taxi Association

Ms. Lorraine Neale
 Maidstone Borough Council,
 Licensing Department,
 Maidstone House,
 King St,
 Maidstone.

Mr. Neil C Cox
 (ADDRESS REDACTED)

Dear Ms. Neale,

You will be aware that the last time the Hackney Carriage trade had an increase in taxi fares was back in December 2013. The trade have asked me to write to you in order that the Licensing Committee can consider a proposal for such an increase at their earliest convenience.

The detail of our proposal is as follows with the current fare structure alongside.

Tariff 1.

6am to Midnight every day except Sunday

	Current Fare (£.p)	Proposed Distance & Times	Fare
The first 598.5m of hire	2.80	550	3.00
Each additional 140.4m	20p	125	20p
The first 3m 5s of waiting time	2.80	2m 30 s	
Every additional 37.2 s of waiting time	20p	30 seconds	

Tariff 2

50% **above** Tariff 1 rate from Midnight to 6am every day, all of Sunday, Bank Holidays and from 6pm to Midnight on 24th & 31st December.

Tariff 3

Double Tariff 1 rate from 00.00 25th December till 6am on 27th December and 00.00 1st January till 6am 2nd January.

The attached table gives an indication as to what the changes will mean on Tariff 1. This amounts to an increase of 11.7% at 1km (0.6m), 12.5% at 2km (1.25m), 9.4% at 3km (1.9m), 10.2% at 4km (2.5m) and 10.8% at 5km (3.1m). While this may seem a large change I would inform you that inflation has measured 15.5% since 2013 according to the Bank of England website.

I have used metric measurements for ease of calculation and used whole numbers rather than decimals so that the public, trade and MBC can understand the fare structure more easily. I further suggest that the fare chart that we must display by law is about as useful as a chocolate teapot. It is technically accurate but uninformative.

I recommend that the likely fares to any given destination should be displayed alongside the fare chart. To that end can I suggest that the list below of approximately 50 landmark addresses in and around this borough and the likely taxi fares from the town centre displayed for the benefit of the taxi using public. This might help reduce overcharging by some of the drivers. I include those landmarks in alphabetical order after the table of fares.

I look forward to this being discussed at a future Licensing Committee meeting.

Kind Regards

Neil Cox
Chair
Maidstone Taxi Association.

Proposed**Current****3.**

Distance in metres	Fare £.p	Distance in metres	Fare
0 – 550.0	3.00	0 – 598.5	2.80
550.1 – 675.0	3.20	598.6 – 738.9	3.00
675.1 – 800.0	3.40	739.0 – 879.3	3.20
800.1 – 925.0	3.60	879.4 – 1019.7	3.40
925.1 – 1050.0	3.80	1019.8 – 1160.1	3.60
1050.1 – 1175.0	4.00	1160.2 – 1300.5	3.80
1175.1 – 1300.0	4.20	1300.6 – 1440.9	4.00
1300.1 – 1425.0	4.40	1441.0 – 1581.3	4.20
1425.1 – 1550.0	4.60	1581.4 – 1721.7	4.40
1550.1 – 1675.0	4.80	1721.8 – 1862.1	4.60
1675.1 – 1800.0	5.00	1862.2 – 2002.5	4.80
1800.1 – 1925.0	5.20	2002.6 – 2142.9	5.00
1925.1 – 2050.0	5.40	2143.0 – 2283.3	5.20
2050.1 – 2175.0	5.60	2283.4 – 2423.7	5.40
2175.1 – 2300.0	5.80	2423.8 – 2564.1	5.60
2300.1 – 2425.0	6.00	2564.2 – 2704.5	5.80
2425.1 – 2550.0	6.20	2704.6 – 2844.9	6.00
2550.1 – 2675.0	6.40	2845.0 – 2985.3	6.20
2675.1 – 2800.0	6.60	2985.4 – 3125.7	6.40
2800.1 – 2925.0	6.80	3125.8 – 3266.1	6.60
2925.1 – 3050.0	7.00	3266.2 – 3406.5	6.80
3050.1 – 3175.0	7.20	3406.6 – 3546.9	7.00
3175.1 – 3300.0	7.40	3547.0 – 3687.3	7.20
3300.1 – 3425.0	7.60	3687.4 – 3827.7	7.40
3425.1 – 3550.0	7.80	3827.8 – 3968.1	7.60
3550.1 – 3675.0	8.00	3968.2 – 4108.5	7.80
3675.1 – 3800.0	8.20	4108.6 – 4248.9	8.00
3800.1 – 3925.0	8.40	4249.0 – 4389.3	8.20
3925.1 – 4050.0	8.60	4389.4 – 4529.7	8.40
4050.1 – 4175.0	8.80	4529.8 – 4670.1	8.60
4175.1 - 4300.0	9.00	4670.2 – 4810.5	8.80
4300.1 – 4425.0	9.20	4810.6 – 4951.0	9.00
4425.1 – 4550.0	9.40	4951.1 – 5091.4	9.20
4550.1 – 4625.0	9.60	5091.5 – 5231.8	9.40
4625.1 – 4750.0	9.80	5231.9 – 5372.2	9.60
4750.1 – 4875.0	10.00	5372.3 – 5512.6	9.80
4875.1 – 5000.0	10.20	5512.7 – 5653.0	10.00

	Distance In km/miles	Town Centre Rank Fare £.p
Allington Castle	4.5/2.8	9.40
Aylesford Village	5.6/3.5	11.00
Bearsted Green	5.6/3.5	11.00
Bull, Barming	4.3/2.7	9.00
Boxley Village	4.3/2.7	9.00
Burham	8.5/5.3	16.20
Chatham station	14/9.0	25.00
Cherry Tree, Tonbridge Rd	2.9/1.8	6.80
Coxheath centre	6.7/4.2	12.80
Ditton Corner	6.6/4.1	12.60
Downswood	4.6/2.9	9.60
East Malling, King & Queen	8.7/5.4	16.00
East Station	1.6/1.0	4.80
East Farleigh (Bull)	4.7/2.9	10.00
Eccles	8.0/5.0	14.80
Gillingham station	16.0/10.0	27.60
Harrietsham	13.0/8.1	22.00
Headcorn Centre	15.3/9.6	26.00
Hollingbourne Centre	9.6/6.0	15.00
Hospital	4.8/3.0	10.20
Landway, Bearsted	4.5/2.8	9.40
Leisure Centre, Mote Park	2.4/1.5	6.00
Langley	8.0/5.0	14.80
Lenham Square	16.0/10.0	27.60
Linton Crossroads	6.4/4.0	12.40
Maidstone Girls Grammar School	1.6/1.0	4.80
Malta Inn	3.2/2.0	7.40
Marriott Hotel, Bearsted	5.8/3.6	11.40
Mereworth	9.1/6.8	16.60
Mid Kent College, Oakwood Park	2.3/1.4	5.80
Mid Kent Shopping Centre	3.2/2.0	7.40
New Hythe Lane	8.0/5.0	15.00
Northumberland Rd shops	4.0/2.5	8.60
Park Wood Shops	6.0/3.7	11.00
Penenden Heath	2.7/1.7	6.60
Quarry Wood	5.1/3.2	10.40
Queens Rd/Oakwood Park	2.6/1.6	6.40
Rainham (station)	14.7/9.2	25.00
Ringlestone	2.3/1.4	6.00
Rochester	13.4/8.4	23.60
St. Michaels Church, Tonbridge Rd	1.6/1.0	4.80
Strood	17.6/11.0	27.00
Sutton Valence	10.1/6.3	18.00
Tescos Grove Green	4.3/2.7	9.20
20/20 Industrial Estate	4.5/2.8	9.40
Wateringbury crossroads	8.0/5.0	14.80
West Malling (centre)	11.0/6.9	19.80
West Station	0.8/0.5	3.60
Willington Street shops	5.4/3.4	10.80
Yalding	10.6/6.6	19.00



HACKNEY CARRIAGE FARES 2019/20
Effective from 7 December 2013

MAXIMUM FARES FOR DISTANCE AND/OR TIME

Maximum fares for Distance and Time (The appropriate metric measurements is shown in each case)

TARIFF 1

For the first 598.5 metres (654 yards)
 Or 3 minute 5 seconds waiting time or part thereof £2.80

For each additional 140.4 metres (153 yards)
 Or 37.2 seconds waiting time or part thereof £0.20
 (on 24 December up to 6.00pm Tariff 1 applies on 31 December up to 6.00pm Tariff 1 applies)

TARIFF 2

(A) For hirings commenced between midnight and 6.00am and all day Sunday and Bank Holidays 50% above Tariff 1 rate EXCEPT where Tariff 3 applies. (From 6.00pm to Midnight on 24 December Tariff 2 Applies, from 6.00pm to Midnight on 31 December Tariff 2 applies)

For the first 598.5 metres (654 yards)
 Or 3 minute 5 seconds waiting time or part thereof £4.20

For each additional 140.4 metres (153 yards)
 Or 37.2 seconds waiting time or part thereof £0.30

TARIFF 3

(B) For hirings commenced between Midnight 24 December and 6.00am on 27 December Tariff 3 Applies and Midnight on 31 December and 6.00am on 2 January 100% above Tariff 1 rate.

For the first 598.5 metres (654 yards)
 Or 3 minute 5 seconds waiting time or part thereof £5.60

For each additional 140.4 metres (153 yards)
 Or 37.2 seconds waiting time or part thereof £0.40

NOTE: only one of the above charges A or B is payable in respect of one hiring.

EXTRA CHARGES

For vehicles hired for more than two passengers, an extra 10p charge for each additional person, (over two passengers) shall be charged.

FARES FOR TIME

If a Hackney Carriage is hired by time such fare shall be agreed with the hirer at the commencement of the hiring.

TAXIMETER

When a Hackney Carriage furnished with a taximeter is hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for extra charges authorised by the above mentioned table which it may not be possible to record on the face of the taximeter.

CONTAMINATION FEE

A fee of £50 will be permitted to be charged in cases of soiling or fouling within a Hackney Carriage, caused by any person or animal.



HACKNEY CARRIAGE FARES 2020/21
Effective from ? ??? 2020

MAXIMUM FARES FOR DISTANCE AND/OR TIME

Maximum fares for Distance and Time (The appropriate metric measurements is shown in each case)

TARIFF 1

For the first 550 metres (601 yards)
 Or 2 minute 30 seconds waiting time or part thereof **£3.00**

For each additional 125 metres (137 yards)
 Or 30 seconds waiting time or part thereof **£0.20**
 (on 24 December up to 6.00pm Tariff 1 applies on 31 December up to 6.00pm Tariff 1 applies)

TARIFF 2

(A) For hirings commenced between midnight and 6.00am and all day Sunday and Bank Holidays 50% above Tariff 1 rate EXCEPT where Tariff 3 applies. (From 6.00pm to Midnight on 24 December Tariff 2 Applies, from 6.00pm to Midnight on 31 December Tariff 2 applies)

For the first 550 metres (601 yards)
 Or 2 minute 30 seconds waiting time or part thereof **£4.50**

For each additional 125 metres (137 yards)
 Or 30 seconds waiting time or part thereof **£0.30**

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For the first 550 metres (601 yards)
 Or 2 minute 30 seconds waiting time or part thereof **£6.00**

For each additional 125 metres (137 yards)
 Or 30 seconds waiting time or part thereof **£0.40**

NOTE: only one of the above charges A or B is payable in respect of one hiring.

EXTRA CHARGES

For vehicles hired for more than two passengers, an extra 10p charge for each additional person, (over two passengers) shall be charged.

FARES FOR TIME

If a Hackney Carriage is hired by time such fare shall be agreed with the hirer at the commencement of the hiring.

TAXIMETER

When a Hackney Carriage furnished with a taximeter is hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for extra charges authorised by the above mentioned table which it may not be possible to record on the face of the taximeter.

CONTAMINATION FEE

A fee of £50 will be permitted to be charged in cases of soiling or fouling within a Hackney Carriage, caused by any person or animal.

Agenda Item 15

Licensing Committee

18 June 2020

Street Trading Policy 2020

Final Decision-Maker	Licensing Committee
Lead Head of Service	John Littlemore, Head of Housing and Community Services
Lead Officer and Report Author	Lorraine Neale
Classification	Non-exempt
Wards affected	All

Executive Summary

The Street Trading Policy was last reviewed in 2014 and the report sets out suggestions to bring the policy up to date with current practice and regulations.

Purpose of Report

To consider the amended Draft Street Trading Policy.

This report makes the following recommendations to this Committee:

1. To consider the revised draft Street Trading Policy as detailed in this report (Appendix 2) and to provide comments and feedback.
2. Amend the draft policy to reflect any feedback and bring back to Licensing Committee on 17 September 2020 for approval before consultation .
3. To agree the draft amended fee structure together with introducing a non-refundable consultation application fee.

Timetable

Meeting	Date
Licensing Committee	18 th June 2020

Street Trading Policy 2020

CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	[Head of Service or Manager]
Cross Cutting Objectives	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	[Head of Service or Manager]
Risk Management	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	[Head of Service or Manager]
Financial	<ul style="list-style-type: none"> <i>There are no financial implications identified within this report. The Council recovers the costs associated with any application and has an agreed approach to determining the application fees.</i> 	[Section 151 Officer & Finance Team]
Staffing	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	[Head of Service]
Legal	<ul style="list-style-type: none"> The relevant legislation in relation to street trading is contained within Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended). The policy provides a framework for consistent decision-making. 	[Legal Team]
Privacy and Data Protection	<ul style="list-style-type: none"> <i>All records will be held in accordance with Data Protection and records management.</i> 	Equalities and Corporate Policy officer
Equalities	<ul style="list-style-type: none"> <i>Equalities implications are a key consideration of a policy review and will be addressed as part of the consultation process.</i> 	Equalities and Corporate Policy officer
Public Health	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	[Public Health Officer]
Crime and Disorder	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	[Head of Service or Manager]
Procurement	<ul style="list-style-type: none"> <i>No implications have been identified.</i> 	[Head of Service & Section 151 Officer]

1. INTRODUCTION AND BACKGROUND

- 1.1 Maidstone Borough Council has adopted powers under the Local Government (Miscellaneous Provisions) Act 1982 so that any person selling articles in the 'street' must obtain a street trading consent from the Council.
- 1.2 Maidstone Borough Council has a current street trading policy, which sets out the Council's approach for managing street trading, the process for applications and making decisions. (Appendix 1). However, experience has demonstrated that it lacks clarity and is not very helpful to applicants or Officers when determining applications.
- 1.3 The Policy was last updated in 2010 and has been reviewed in order to make it a more comprehensive informative document, the revised Street Trading Policy will be of more benefit to applicants, officers and residents and ensures improved public safety and protection. It will strengthen decision-making and support the Council's position should issues arise.
- 1.4 The process for applying for a street trading consent has not changed significantly but the draft provides a clearer explanation to assist applicants. The proposed alterations to areas of policy are listed below: -

Exemptions

1. Any land in the ownership and control of a public authority or a registered charity have been excluded from the scope of requiring a street trading consent. "Public Authority" means Kent County Council, Maidstone Borough Council or any Parish Council.

In recent years Licensing have been made aware through the Safety Advisory Group of events, usually long established (i:e Bearsted & Thurnham Fayre and Yalding Xmas market) where street trading consents have never been in place. Those applicants are now being advised that they must have them in order to meet legal requirements.

Usually in these instances event organisers circumvent the requirement of obtaining street trading consents by charging an entrance fee into a managed area. Events with an Entrance Fee have also been explained as an exemption in the revised policy.

2. Exemptions for charity stalls with a Street Collection Permit, which will allow for the collection of money for a charitable causes (including through the sale of items).

Type of Consents

1. The different types of consents are laid out; and the process of dealing with consents for multi user consents is clearer.

Applicants

1. All applicants and assistants will now be required to submit a basic criminal check and prove their right to work.

Consultation

1. There will now be a consultation application fee charged at this stage that is non-refundable.

Fees

1. The current fee scheme be amended to that suggested below.

	Current Fee 2020 -21	Proposed Fee
Maidstone Borough Council		
Consultation application fee (applies to all applications)	-	£150.00
Up to 12 trading days New only (on grant)	£32	£32.00
Up to 30 trading days (New & Renewal)	£69	N/A
Up to 90 trading Days (New & Renewal)	£189	N/A
Full year consent (New & Renewal) (on grant)	£405	£255.00
Additional assistants (checks and badges)	-	£50.00
Additional change (additional products)	-	£50.00
Copy/replacement Licence	-	£12.00
Copy/replacement Badge	-	£12.00

1. The non-refundable fee will cover the cost of administering the consultation. This fee must be paid when submitting an application and is non-refundable. The fee covers the administration costs of the consultation exercise that enables Officers to determine suitability of a site and applicant.
2. The proposal is to remove the 30 and 90 day street trading consents, there has been little uptake of this type of consent and as the administration process is the same, regardless of the trading days, it does not really cover the cost to the Council. However, we will continue with the short-term consent 1 – 12 days, as these are more popular. A Street Trader will only be able to apply for one short term/seasonal consent per year.

Conditions

1. Revised conditions will be applied to all new street trading consents that are issued.

Delegation

1. That the Head of Housing and Community Services is delegated to determine applications, including those that receive objections. The Head of Housing and Community Services in exercising his delegated authority will consider whether it is necessary and proportionate for an appeal to be heard by a Licensing Sub Committee based on criteria set out in the revised policy. Currently all appeals are heard by the Licensing Sub Committee on the basis of a written request from the applicant, irrespective of the merits of the case.
-

3. AVAILABLE OPTIONS

- 3.1 To consider the proposed policy and make comments
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The detailed draft Street Trading Policy provides clear advice and information to all persons involved in the consent process. The policy sets out the Council's expectation of the street traders in the district and provides a clearer understanding of what this Council will consider when administering applications, dealing with issues and undertaking any enforcement activities. It will support Licensing Officers in their day to day role in ensuring the Council's licensing aims within this policy are met and ensuring good standards are met and maintained.
 - 4.2 A comprehensive review of Street Trading fees will be conducted to assess the full process at a later date.
-

5. RISK

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.
-

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 The Policy is brought back to this Committee with their feedback included on 18 June 2020
-

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 N/A
-

8. REPORT APPENDICES

1. Current Policy
- 2 Revised Draft Policy

9. BACKGROUND PAPERS

N/A



STREET TRADING CONSENT POLICY

MARCH 2010

MAIDSTONE BOROUGH COUNCIL STREET TRADING CONSENT POLICY

MARCH 2010

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MAIDSTONE BOROUGH COUNCIL STREET TRADING CONSENT POLICY

MARCH 2010

1. Introduction

- 1.1 Maidstone Borough Council 'the Council' has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. Since 1, September 1986, a Consent has been required before trading on any street in the Borough area.
- 1.2 Street trading is the selling, exposing or offering for sale any article in a street subject to some exemptions. The term 'street' includes any road, footway or other area to which the public have access without payment (this can include private land).
- 1.3 This does not include activities such as tables for street café operations from a fixed premises or the siting of 'A' boards on the street as this is not within the remit of this legislation.

2. Aim of Maidstone Borough Council's Street Trading Consent Policy

- 2.1 The aim of this statement of Street Trading Consent Policy is to provide a consistent and transparent approach for the method of determining street trading Consent applications and their ongoing position.
- 2.2 To achieve this aim the Council is committed to partnership working with Kent Police, Kent Highways Services, the trade and local fixed premises businesses.
- 2.3 This policy sets out how we intend to manage the Street Trading Consent function and how we will ensure the process is fair.
- 2.4 The Council has an aim to improve the quality of life in Maidstone.

3. **Scope of the Policy**

3.1 The Council's policy is concerned with the administration of the street trading Consent functions within the Local Government (Miscellaneous Provisions) Act 1982,

- determining first applications
- renewals
- revocation

4. Interpretation

- 4.1 Any words or expressions in this policy have the meanings assigned to them under the 1982 Act. Nothing in the policy should be regarded or interpreted so as to prejudice the 1982 Act.

5. The Maidstone Act 2006

- 5.1 This came into force on 7 September 2006. This removed the exemption for pedlars to act with the authority of a Pedlars Certificate to trade within the Borough. Pedlars must now have a Street Trading Consent to trade on the streets within the Borough of Maidstone.
- 5.2 There is power to seize articles, receptacles and equipment by an officer of the Council or Constable if there is reason to suspect an offence has been committed under this Act.

6. Application Process

- 6.1 Applications must be made in writing on the application form provided by the Council as detailed in Appendix A and be accompanied by a Consent fee. An applicant must be aged 17 or over.
- 6.2 Proposed food business should be registered under the Food Regulations with the Local Authority where their vehicle is based and provide documents as evidence that they are so registered.
- 6.3 Applicants are advised to contact the Development Control section of the Council to check whether planning permission is required.
- 6.4 Determining First Applications – The process on receipt of any application will include a consultation period of 14 days with:-
Ward Members
Parish Council if relevant
Town Centre Management if relevant
Adjacent shops
KCC Highways
MBC Planning and Development Control
MBC Environmental Health Section
MBC Environmental Enforcement
Police

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.

If objections are received the application will be determined by a Sub-Committee consisting of three Members of the Licensing Committee for decision. A hearing will be held following the procedure at page 18.

6.5 Determining Additional Applications For An Agreed Site

Once the application for a site has been agreed in accordance with 6.4 above, the Licensing Manager will be authorised to issue further Street Trading consents for the same site in the exact terms of the

first application subject to a satisfactory Police check being received which would determine good character and their right to work in the United Kingdom.

6.6 Renewals – the process on receipt of a renewal application will be for the Licensing Manager to renew if no complaints have been received following the consultation process the process for first applications will be followed and the matter will be reported to the Licensing Sub Committee (procedure in appendix B).

6.7 Revocation – Any consideration for review of a consent including a decision for revocation will be taken by the Sub-Committee consisting of three Members of the Licensing Committee for decision.

6.8 Applications for Street Trading Consent in Fremlin Walk - Applications must be made in writing on the application form provided by the Council as detailed in Appendix A and be accompanied by a Consent fee. An applicant must be aged 17 or over.

6.9 Proposed food business should be registered under the Food Regulations with the Local Authority where their vehicle is based and provide documents as evidence that they are so registered.

6.10 Applicants are advised to contact the Development Control section of the Council to check whether planning permission is required.

6.11 Applications for Street Trading Consent will be undertaken in 2 stages comprising an application for the site (which could include more than 1 pitch) and then an application from the Street Trader.

6.12 Determining Site Application – An application for a site will be made to the Council and will require a consultation period of 14 days with:-

- Ward Members
- Parish Council if relevant
- Town Centre Management if relevant
- Adjacent shops
- KCC Highways
- MBC Planning and Development Control
- MBC Environmental Health Section
- MBC Environmental Enforcement

Police

If no objections are received the Licensing Manager has delegated power to grant all applications within the Town Centre area subject to consultation with the Chairman and Vice Chairman of the Licensing Committee who can ask that the Application is referred to a Sub-Committee consisting of three Members of the Licensing Committee for decision.

If objections are received the application will be determined by a Sub-Committee consisting of three Members of the Licensing Committee for decision. A hearing will be held following the procedure at page 18. Each agreed site applicant will allocate the pitches in those sites to Traders agreed by the Council.

- 6.13 Determining Site Application from Traders – Traders will apply to the Council to trade in the approved sites and consent will be given subject to the assessment of the site holder and a satisfactory Police check being received which would determine good character and their right to work in the United Kingdom.
- 6.14 Renewals – the process on receipt of a renewal application will be for the Licensing Manager to renew if no complaints have been received following the consultation process the process for first applications will be followed and the matter will be reported to the Licensing Sub Committee (procedure in appendix B).
- 6.15 Revocation – Any consideration for review of a consent including a decision for revocation will be taken by the Licensing Sub Committee.
- 6.16 Any provisions relating to the River Festival will not apply to any agreed sites in Fremlin Walk.

7. Consideration of Applications

7.1 The Council will consider each application on its individual merits and normally grant a Street Trading Consent **unless**, in its opinion, there is:-

- a) not enough space for each applicant to trade in the manner proposed without causing undue interference or inconvenience to persons using the street,
- b) there are already enough traders in the vicinity (from shops or other stalls) in the goods in which the applicant desires to trade,
- c) there is undue concentration of traders trading in the street in which the applicant desires to trade,
- d) the Consent, if granted, will result in nuisance to members of the public, residents or local businesses, due to the likely noise, smell, litter, obstruction, disturbance, or other problems which will be caused by granting the Consent,
- e) the size, nature or appearance of the proposed stall and any associated equipment is inappropriate for the proposed location in terms of amenity or public or highway safety,
- f) the proposed trading hours are outside the usual business hours of shops in the vicinity, except in relation to a trader wishing to sell hot food, which will be considered on a site by site basis,
- g) any additional issues arising from consultation or the particular circumstances of the application.
- h) previous conviction of the applicant (or an assistant) for relevant offences (dishonesty, food safety, health & safety, licensing or other related issues) or unsuitable for other reasonable cause,
- i) failure on a previous occasion to pay Street Trading Consent fees within agreed timescales,
- j) applications for Street Trading Consent on a site where there is already a Consent granted,
- k) there is an earlier application or an application for renewal has been received which will be determined first by the Licensing Sub Committee.

8. Administration, Exercise and Delegation of Function

- 8.1 The powers and duties of the Council with regard to Street Trading Consent may be carried out by the Licensing Sub Committee or Officers acting under delegated authority. Since many of the functions are administrative or compliance monitoring based in nature, in the interest of speed, efficiency and cost effectiveness, the Council supports the principle of delegating routine matters to Officers.
- 8.2 Applications will normally be dealt with by Officers but can be forwarded to the Licensing Sub Committee for determination (see section 6).

9. Conditions applicable to Street Trading Consents

9.1 Conditions will normally be imposed in all cases specifying:-

- a) the place in which the Consent holder is permitted to trade,
- b) the days and times at which the Consent holder is permitted to trade,
- c) description of the types of articles in which the holder is permitted to trade,
- d) the nature, size and type of stall stand etc. which is to be used,
- e) the Street Trading Consent issued by the Council must be conspicuously displayed on the stall/person,
- f) if food is to be sold, the business shall be Food Safety registered,
- g) restrictions on the means the trader may use to attract custom to his stall,
- h) that the suitable receptacle for litter must be provided,
- i) that the location must be left in a clean and tidy condition at the end of the trading hours each day,
- j) that the stall must be removed each day at the end of trading hours unless agreement in writing is obtained from the Council or the owner of the land,
- k) the trader must comply with any reasonable request of a Police Officer or authorised Officer of the Council,
- l) that the trader must produce, to a Police Officer or authorised Officer of the Council, a copy of the Consent on demand,
- m) operators must cease trading immediately upon expiry of Consent.

9.2 The Council considers that each of the above conditions will be reasonably necessary in relation to the majority of Consents granted for the purposes of protecting public safety and the prevention of nuisance and annoyance to local residents, businesses in the locality and members of the public using the street concerned. The Council may also impose such other conditions as it considers reasonably necessary in each particular case and conditions may be varied at any time.

10. Enforcement

- 10.1 Any enforcement action taken by the Council will be in accordance with any adopted enforcement policy, and failure to comply with the conditions may lead to revocation or non-renewal of a Consent. Any person found trading without Consent in the Borough will be subject to enforcement action by the Council.

11. Promotion of Racial Equality

- 11.1 The Council recognises that the Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 places an obligation on all Public Authorities to have regard to the need to eliminate unlawful discrimination, and to promote equality of opportunities and good relations between persons and different racial groups.

12. Human Rights Act 1998

12.1 The Council implements the 1982 Act in a manner consistent with the Human Rights Act 1998.

For enquiries regarding this policy in the Council's area, please contact:-

**Licensing Office
Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent
ME15 6JQ**

01622 602028

licensing@maidstone.gov.uk

LICENSING SUB COMMITTEE

ORDER OF PROCEEDINGS

- a) The Chairman will introduce those present and ensure that everyone understands the procedure to be followed.
- b) The Head of Housing and Community Services will briefly describe the application.
- c) The Applicant will then present his case.
- d) The Objector(s) may then ask the Applicant questions.
- e) Members will then ask the Applicant any questions.
- f) The Objector(s) will then be given the opportunity to present his/her case.
- g) The Applicant may then ask the Objector(s) any questions.
- h) Members will then ask the Objector(s) any questions.
- i) Members may then ask any further questions of clarification from any party.
- j) Both parties will then be asked to sum up, the Objector(s) first followed by the Applicant.
- k) Members will then ask the Head of Housing and Community Services if there are any further matters to be raised before the matter is considered.
- l) The Sub Committee will then decide the appeal and may ask the Applicant, the Objector(s), the Head of Housing and Community Services and any other parties to leave, the Committee Clerk will be the only person apart from Members to be allowed to remain. Any representative of Legal Services (if present) may be requested to remain by the Chairman.
- m) After consideration all parties will be invited to return and the Chairman will announce the decision.

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MAIDSTONE BOROUGH COUNCIL

Review of Street Trading Policy 2020

DRAFT

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INTRODUCTION

1.1 Introduction

The powers to control Street Trading within the Council's area are conferred by Schedule 4 Local Government (Miscellaneous Provisions) Act 1982, which has been adopted by the Council. Under Schedule 4 of the Act, the Council is able to manage Street Trading by designating streets as Consent Streets, Licence Streets, or Prohibited Streets.

This policy sets out the Council's approach for managing street trading in the district and the process for applications and making decisions.

This new revised policy was approved by the Licensing Committee on and came into effect on.....

Street trading consents are processed and issued by the Council's Licensing Department.

Licensing Department
Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent
ME15 6JQ

Tel: 01622 602028

Email: licensing@maidstone.gov.uk

Web: <https://www.maidstone.gov.uk/business/licensing-permits/street-trading>

1.2 Objectives of this Policy

1.2.1 The objectives of this policy are:

a. The Council recognises the valuable contribution that Street Trading can make to the local culture and economy, and the services that Street Traders provide to residents and visitors. Street Trading can provide people with a flexible way of working, to meet the demands of the public where and when such demands arise.

b. Ensure the safety of customers and other persons using the locations where street traders are located.

c. Balance the needs of the wider community, local community and street traders against the needs of those who may be adversely affected by the street trading activities.

d. Provide consistency and transparency in the way in which the Council deals with street trading.

e. Provide applicants and consent holders with advice and guidance on the Council's approach to the administration and enforcement of street trading.

1.3 Review of the Policy

1.3.1 This policy will be kept under review and where any significant amendments are considered necessary these will be approved by the Committee that deals with licensing matters after appropriate and relevant consultations have taken place.

Consultees will include

- Kent Police
- Kent Fire and Rescue
- Kent Highways
- Kent Trading Standards
- Maidstone Planning
- Environmental Health
- Community Protection Team
- Economic Development
- Parish Councils
- Ward Members
- Current Street Traders
- Local businesses
- Residents
- Car parks

Minor amendments that do not impact on the aims and objectives of the policy or reflect changes in legislation will be made with the approval of the Head of Housing and Community Services.

2 WHAT IS STREET TRADING?

2.1 Definitions and Resolution

2.1.1 The Local Government (Miscellaneous Provisions) Act 1982 defines street trading as the selling or exposing or offering for sale any article, including a living thing, in a street.

2.1.2 The Act states that a street includes any road, footway, beach, or other area to which the public have access without payment.

2.1.3 Maidstone Borough Council have designated all land within Maidstone Borough Council's boundary that falls within the above definition of "street", as consent streets. The resolution includes all highways land but will for the purpose of this policy exclude any land in the ownership and control of a public authority or a registered charity.

2.1.4 In paragraph 2.1.3 'ownership and control' means having a sufficient estate or legal interest in the area of land to enable the relevant Public Authority or registered charity to restrict and regulate the use of that area in the public interest. "Public Authority" means Kent County Council, Maidstone Borough Council or any Parish Council.

2.1.5 This change to Policy means that street trading consent is needed for trading on:

- . Streets, laybys, pavements or any land including verges controlled by Kent Highways unless there is payment for entry
- . Streets, laybys, pavements, or any land, including verges which are privately owned and the public can access, unless payment is made for entry. This includes private car parks such as superstore car parks.

2.2 Exemptions from needing Street Trading Consent

2.2.1 The following are exempted in the legislation and do not need street trading consent:

- a. A market that is granted through a charter or order.
- b. A news vendor selling periodicals or newspapers.
- c. Trading at a petrol station.
- d. Trading at a shop or in a street adjoining a shop as part of the business or shop.
- e. Trading as a roundsman who has defined customers and routes. It has been established in law that mobile ice cream sales are not normally deemed to be roundsmen.

Pedlars are not exempt in Maidstone due to the Maidstone Act 2006

This came into force on 7 September 2006. This removed the exemption for pedlars to act with the authority of a Pedlars Certificate to trade within the Borough. Pedlars must now have a Street Trading Consent to trade on the streets within the Borough of Maidstone. There is power to seize articles, receptacles and equipment by an officer of the Council or Constable if there is reason to suspect an offence has been committed under this Act.

2.3 Exemption for individual charity stalls with a Street Collection Permit

2.3.1 Individual charity stalls in a street can apply for a street collection permit which allows collecting money for a charitable cause (including through the sale of items). If a street collection permit is granted there is no requirement for a street trading consent. Please contact the Licensing Team for further information on applying for street collection permits.

2.4 Indoor Market Areas

2.4.1 Indoor market areas do not constitute street trading as they can be classed as shops which are exempt from street trading legislation.

2.5 Events with an Entrance Fee

2.5.1 Events that have an entry fee do not constitute street trading and do not need street trading consent

2.6 Community and Charitable Events

2.6.1 Community and Charitable events on land owned by Kent County Council, Maidstone Borough Council, Parish Councils or a registered charity do not need street trading consent.

2.6.2 Community and charitable events that are held on other land or on public highways (and do not have an entrance fee) will need to apply for a street trading consent. There may be provision for the fee to be waived if criteria are met (see paragraph 7.1.5).

3 TYPES OF CONSENTS

The Council issues the following four types of street trading consent:

3.1 Static Unit Consent

3.1.1 Static street trading consents are issued for a stall or vehicle which returns to one place every day or for regular periods of time. The unit or stall must be removed each day at the end of the trading period unless planning rules allow otherwise.

3.1.2 A static street trading consent may be granted for any period not exceeding 12 months.

3.2 Mobile Unit Consent

3.2.1 Mobile street trading consents are issued to traders who wish to move from place to place. A mobile consent trader must not remain in one place for more than 30 minutes at a time and not return to the same site within 2 hours. A typical mobile consent would be an ice-cream van.

3.2.2 A mobile street trading consent only permits trading within Maidstone Borough Council's area. If the unit goes into areas outside of Maidstone it will also need consent from the relevant authority.

3.2.3 A mobile street trading consent may be granted for any period not exceeding 12 months.

3.3 Short Term Consent

3.3.1 Short Term Single Traders - Short term consents are issued to traders who only want to trade in a particular location for a few days. The consent will normally only be granted for a period between 1 and 12 days.

3.3.2 Short Term Events – Short term consents will cover a number of stalls/traders and may be granted if the following apply:

1. The trading stalls are part of an organised event with an organising group committee/individual and;
2. The event is no more than 7 days.

3.4 Multi User Consent

3.4.1 Multi User consents are issued to specific individuals managing an event.

3.4.2 A Multi User consents can cover a number of stalls.

3.4.3 The Multi User must meet the criteria set below.

- . It has a nominated organiser.
- . It has the approval of the local public authority/landowner.
- . It adds value to the town's trade through the provision of specialist products.
- . It does not operate in detriment to the local community.

3.4.4 If the application is made by an organisation they must nominate a named individual who will be responsible for managing use of the consent.

3.4.5 The consent will be issued for a maximum of 12 months and can be renewed.

3.4.6 The consent holder will be responsible for ensuring compliance with times and location permitted by the consent and the conditions attached at all times whilst the consent is being used to facilitate street trading as well as any relevant bylaws.

3.4.7 The consent holder will be responsible for ensuring that any local residents, businesses or shops are not obstructed by the stall/stalls and that all emergency exits to buildings are kept clear. The consent holder must ensure that stalls can be moved quickly in the event that access is needed for emergency vehicles.

3.4.8 The consent holder will be required to keep records of all traders that trade under the consent which will include:

Event date

Company Name

Individuals Name

Trader Name

DOB

N.I number

Address

Food registration certificate number

Vehicle registration if relevant

Contact details.

Type of goods sold

This information will be required by the Licensing Department

3.4.9 As part of the application process the Council will consult all businesses in the vicinity of the Multi User consent . If, at any point after the grant of the consent, any existing or new occupiers of businesses or residential properties make objection to stalls being located outside of their premises the consent may be reviewed which could result in it being varied or amended.

3.4.10 It should be noted that Multi User Consents may incur other fees and charges from Maidstone Council if the land used belongs to Maidstone Borough Council. This will be in addition to the street trading consent fees.

4 CHOOSING A TRADING LOCATION/PITCH

4.1.1 Before applying for a street trading consent, applicants must first identify a suitable trading pitch or site. It is for the applicant to identify a suitable pitch having regard to the requirements in this policy and their business needs. The Council does not hold a list of available trading pitches.

4.1.2 A suitable pitch must meet the following criteria:

- . Be safe for other street users including traffic and pedestrians.
- . Be safe for customers using the street trading unit.
- . Not cause any potential for obstruction, interference, inconvenience or nuisance to other street users including other traders, traffic and pedestrians.
- . Not cause any potential for nuisance to residents and other businesses for example noise and/or smell.
- . The goods being sold complement and do not conflict with the goods sold by other established retailers within vicinity.

4.1.3 In particular account must be taken of the following:

- . Access roads on industrial estates, where heavy lorries manoeuvre, are generally unsuitable places for static units.
- . Locations close to residential properties are unlikely to be suitable due to the

potential noise and smell nuisance to residents.

- . Lay-bys on main roads must have good visibility to ensure the safety for traffic entering and leaving the trading site/lay-by.
- . There should be suitable parking spaces for customer and trading vehicles.
- . Units should not cause loss of parking spaces to residents or businesses.
- . Units in town centres must not impede the movement of pedestrians or delivery vehicles or block the frontage of shops or access to existing premises.

5 OTHER MATTERS TO CONSIDER BEFORE MAKING AN APPLICATION

5.1 Suitability of the Applicant

5.1.1 Applications cannot be considered from anyone under the age of 17.

5.1.2 When determining an application for the grant or renewal of a street trading consent the council will consider all relevant information relating to the suitability of the applicant to hold such a consent including:

(a) Whether the applicant has any unspent convictions under the Rehabilitation of Offenders Act 1974.

(b) Refusal or neglect in paying fees due to the council in relation to a street trading consent.

5.1.3 Where the criminal conviction certificate provided by the applicant shows current offences (i.e. those that are unspent under the Rehabilitation of Offenders Act 1974, the Council will consider the following:

- . whether the conviction is relevant;
- . the seriousness of the offence;
- . the length of time since the offence occurred;
- . whether there is a pattern of offending behaviour;
- . whether that person's circumstances have changed since the offence occurred;
- . the circumstances surrounding the offence and the explanation offered by that person.

5.1.4 Annex B is a list of the offences that the Council considers relevant to a street trading consent application.

5.2 Goods For Sale

5.2.1 Food - Traders wishing to sell food items must be registered as a food business with the Council in whose area the trading unit is stored when it is not at the trading site. Or, if food is pre-prepared before the unit goes to the trading site, you must be registered with Council in whose area the food preparation is undertaken.

5.2.2 Vehicles on the side of the road -This refers to vehicles placed on the highway and advertised for sale and includes any vehicle displaying signs that name an

individual or business; or displays notices/signs intended to sell the vehicle. This authority may take enforcement action against person who are advertising vehicles for sale on the public highway, currently it is the crime waste team that deal with these matters. For the purposes of this part of the policy public highway includes footpaths and adjacent verges and public open land as well as the road itself. It does not include private land. Where any vehicle is offered for sale on the highway that is not taxed and insured, the Police may also refer it to the DVLA Enforcement Team. Enforcement also may be taken under the Highways Act 1980 and the Clean Neighbourhoods and Environment Act 2005.

5.2.3 Alcohol - If you intend to sell alcohol you will need authorisation under the Licensing Act 2003 in addition to street trading consent. Please contact the Licensing Section for further advice.

5.3 Assistants/Employees

5.3.1 You will be required to check the right to work of any persons you employ to assist you under your street trading consent. Any trader found to allow an illegal worker to work as part of their trading activities is likely to have their street trading consent reviewed and/or revoked.

5.3.2 The Council will require the name, address, date of birth, national insurance number, a basic criminal check (not more than 1 month old) and a photograph of all persons assisting on a regular basis. The basic criminal check must be updated every 3 years. For the purposes of this policy we would consider any person who works on the unit, without the consent holder being present, for more than 14 days a year, as assisting on a regular basis.

5.4 Waste

5.4.1 A street trading consent holder is responsible for disposal of refuse and must not use Council, highway or other public waste bins unless there is a specific arrangement in place. The consent holder has a duty of care to dispose of commercial waste lawfully.

5.4.2 There must be no disposal of liquid waste down the drains or onto the pavement, road or grassland. This includes waste cooking oil.

5.5 Trading Hours

5.5.1 An application should specify what hours the applicant wishes to trade. Evening and night time hours are likely to have more impact on local residents in terms of noise and disturbance. Applications for later times are more likely to raise objections which may lead to those times being refused or conditions imposed.

5.5.2 The consent holder will be permitted 30 minutes preparation time prior to the start of their trading hours in order to set up the trading vehicle and there will be 30

minutes to close down and pack up. Consent holders are not permitted to trade during set up and closing times. Multi User consent holders will be permitted 90 minutes prior and after trading times to set up and close down the stalls.

5.5.3 Trader's who wish to serve hot food and drink between 23:00 and 05:00 will also need a licence for late night refreshment under the Licensing Act 2003. Please contact the Licensing Team for further information.

5.6 Planning Permission

5.6.1 A street trading consent is given to units where the unit is removed every day at the end of the trading period. If a unit is permanently located at a site it is unlikely to require street trading consent but will require planning permission. Units that are removed every day may also require planning permission in addition to street trading consent. This will be dependant on the amount of time and days that the unit is located at the site. Please contact the Planning Section for further advice.

5.6.2 If a unit that holds street trading consent is not removed every day at the end of the trading period and it is considered that the unit is in fact permanently located in one position, then street trading consent may be revoked.

6 HOW TO APPLY FOR STREET TRADING CONSENT (All consent types)

6.1 Advice for New Applicants

6.1.1 On receipt of an application the Council will undertake a consultation exercise in order to seek the views of other agencies and, if relevant, neighbouring businesses and residents. There is a non-refundable fee to cover the cost of administering the consultation.

6.1.2 The consultation process will normally take at least 14 days and a decision will then be normally made within 7 days of the consultation ending.

6.1.3 Once a decision is made to grant a street trading consent there is a consent fee. This must be paid before trading can commence.

6.2 Submitting an Application

6.2.1 The following must be submitted with the initial application:-

- a. Application form.
- b. Notice of Intention.
- c. Proof of eligibility of the applicant to work in the UK (where applicable).
- d. Plan showing the proposed trading location with position of the unit(s) shown in

red. (Not required for mobile units).

e. Written permission from a landowner if the street trading activity is to be carried out on any land owned privately.

f. Payment of a non-refundable consultation fee to cover initial administration and consultation costs (not required for short term consents).

6.2.2 If, following consultation the location is deemed suitable, the following must be submitted before a final decision is made:

a. Third party public liability insurance up to £10,000,000.

b. A Basic Criminal Disclosure check that is not more than 1 month old for the applicant and any person/s that will be assisting on a regular basis. Basic Criminal Disclosure checks can be obtained from the Disclosure and Barring Service. Information can be found online at: <https://www.gov.uk/request-copy-criminal-record> or by calling 03000 200 190. (Not applicable to short term consents).

c. One passport sized photograph of the applicant and any person/s that will be assisting with the trading on a regular basis. (Not applicable to multi user and short term consents).

6.3 Consultation

Consultation Static Consents and Multi User Consents

6.3.1 On receipt of a valid static or multi user application the Council will consult with the following:-

- . Kent Constabulary.
- . Kent Highways.
- . The relevant Parish Council(s).
- . The Maidstone Borough Councillor(s) for the Ward(s) concerned.
- . Environmental Health Officers at Maidstone Borough Council.
- . Planning Officers at Maidstone Borough Council.
- . Where appropriate local residents and businesses within 100 metres of the proposed site.
- .the relevant department/individual when it's in relation to public owned land.

6.3.2 The Council will allow up to 5 working days to begin the 14 days consultation for people/relevant bodies to make comments in relation to the application.

Consultation - Mobile and Short Term Consents

6.3.3 On receipt of a valid mobile or short term consent application the Council will consult with the following:-

- . Kent Constabulary.
- . The relevant Parish Council.
- . Relevant Ward Councillor(s).
- . Environmental Health Officers at Maidstone Borough Council.
- . the relevant department/individual when it's in relation to public owned land.

6.3.4 The Council will allow up to 5 working days to begin the 14 days consultation for people/relevant bodies to make comments in relation to the application.

6.4 Determining Applications

6.4.1 The Head of Housing and Community Services has delegated powers to issue or refuse an application following the consultation period.

6.4.2 Account will be taken of objections and/or letters of support made during the consultation period. The authority will consider the suitability of the site and the applicant taking account of, but not exclusively, the criteria in this policy.

6.4.3 Each application will be decided on its own merits.

6.5 Street Trading Badges

6.5.1 On grant of a street trading consent a street trading identification badge (except for short term consents and multi user consents) will be issued. The badge must be worn by the person it relates to where it can be clearly seen by the public at all times the person is trading. If the badge is lost or damaged the consent holder must contact the Council as soon as possible. A charge will be made for a replacement badge.

7 FEES AND CHARGES

7.1.1 A list of the current street trading consent fees and charges is available by contacting the Licensing Team.

7.1.2 Initial applications (apart from short term consents) must be accompanied by payment of a non-refundable administration fee to cover initial administration and consultation to determine suitability of the site. The consultation exercise will not commence until this payment is made.

7.1.3 Once a decision is made to grant a consent the full consent fee must be paid before the consent will be issued.

7.1.4 The fees will normally be reviewed on an annual basis.

7.1.5 Street trading fees may be waived in relation to charitable or community events at the discretion of the Head of Housing and Community Services. Each event will be judged on its own merits. However the following criteria will be considered:

- . The street trading is part of an organised event with an organising group/committee/individual.
- . The primary purpose of the event is fundraising for a charitable cause or is for the benefit of the community.
- . The event does not take place any more than once a year.
- . Stalls are pre-booked.

7.2 Payment Methods

- . Cheque - made payable to "Maidstone Borough Council".
- . Debit or credit card – Can used at the Council Offices or by telephone to the Licensing hub between normal office opening hours on 01732 227001.

8 RESPONSIBILITIES OF THE CONSENT HOLDER

8.1.1 The consent holder must act in accordance with the conditions attached to the consent.

8.1.2 A street trading consent entitles the applicant to trade lawfully in the location(s) specified in the consent. Please note there are many other users of streets and the consent does not grant exclusive rights of occupation or ownership of a specific location.

8.1.3 A street trading consent is not a permit to disregard other laws or usual restrictions. For example:

- . Always observe parking restrictions and do not obstruct the highway or entry or exit roads to private property.
- . Other relevant legislation such as the Food Hygiene (England) Regulations 2006, Safety At Work etc Act 1974 and Part II, section 34 of the Environmental Protection Act 1990 (disposing of waste) must be complied with.
- . A consent holder must not cause a nuisance to the occupants of neighbouring properties from noise, litter, disposal of waste or any antisocial activity.

8.2 Changes to The Unit

8.2.1 You must contact the Licensing Section if you want to change your unit. You may need to make a new application or a variation application if the change is significant and impacts on the objectives of this policy.

8.3 Changes of Assistants

8.3.1 A consent holder must provide the Licensing Section with a photograph and basic criminal record disclosure that is not more than 1 month old for any new persons that assist on a regular basis. See paragraph 5.3.2 for definition of assisting on a regular basis.

9 RENEWAL

9.1.1 Applications to renew an existing street trading consent must be made at least 21 days prior to the expiry of the existing consent.

9.1.2 A renewal application may be refused if the renewal application is made late.

9.1.3 The following must be submitted with a renewal application

- . Renewal Application Form
- . Renewal Fee
- . Copy of current third party liability insurance up to £10,000

9.1.4 Additional Requirements at Renewal:

. A Basic Criminal Disclosure for the consent holder and any persons that assist on a regular basis from the Disclosure and Barring Service that is not more than 3 years old.

. 1 recently taken passport size photograph of the consent holder and any persons that assist on a regular basis.(Not required for Multi User Consents)

10 TRANSFER OF CONSENTS

10.1.1 Street trading consents are non transferable. If there is an agreement between a current consent holder and a proposed new consent holder to take over an existing unit and location, the original consent holder must surrender their consent and the proposed new consent holder must submit a new application. The proposed new consent holder, who has made the agreement with the existing consent holder, will be given priority in applying for the location provided that the new application is submitted within 5 working days after the current consent holder surrenders their consent. The applicant will need to follow the process for submitting a new application.

11 VARIATION OF CONSENTS

11.1 A street trading consent may be varied to change the conditions attached to the consent. This includes conditions relating to trading times and periods. This does not include a change of consent holder or a change of location. A variation application should be submitted with the following:

- a. Variation Application form.
- b. Notice of Intention.
- c. Written permission for the proposed change from the landowner if the street trading activity is carried out on any land owned privately.
- d. Photograph of the new/changed unit if applicable.
- e. Payment of the non-refundable consultation fee.

11.2 Consultation will be in accordance with the new application process. However if the variation is minor the consultation may be reduced at the discretion of the Head of Housing and Community Services.

12 CONDITIONS ATTACHED TO CONSENTS

12.1 When granting or renewing a street trading consent the Council may attach such conditions to it as they consider reasonably necessary.

12.2 Street trading consents will usually be granted subject to the standard conditions detailed in Annex A to this Policy.

12.3 Where appropriate, additional conditions may be added to a specific consent.

13 REFUSAL, REVOCATION AND APPEALS

13.1 A consent may be revoked at any time by the Council and the Council shall not in any circumstances whatsoever be liable to pay any compensation to the holder in respect of such revocation.

13.2 The Act does not provide an applicant or a consent holder with any direct right of appeal against a decision to refuse the grant, variation or renewal of a street trading consent, the revocation of a street trading consent, or against any restrictions or conditions imposed on a street trading consent.

13.3 If an applicant or any relevant party wishes to make representations in respect of a decision to grant, refuse or revoke a street trading consent the applicant/consent holder/relevant party should put this in writing with the reasons to the Licensing Section within 28 days of being notified of the decision. The request will be reviewed by the Head of Housing and Community Services, who will consider whether it is reasonable and proportionate for an appeal to be heard by the Licensing Sub Committee. The review of the decision will take account of the reasons for the original decision and the representation or any further evidence put forward by the applicant/consent holder/other party.

14 COMPLAINTS AND ENFORCEMENT

14.1 General Principles

14.1.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible members of the trade.

14.1.2 All decisions and enforcement actions taken by the Licensing Authority will be in accordance with the Council's Corporate Enforcement Policy and the principles of consistency, transparency and proportionality set out in the Regulator's Compliance Code.

14.1.3 Consent Holders must allow access to Authorised Officers of the Council and Police Officers at all reasonable times.

14.2 Offences

14.2.1 The following are offences under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 relevant to the Maidstone area:-

- . Engaging in street trading in a consent street without Consent.
- . Breaches of a condition in relation to trading location or unit or trading period.
- . Breaches of a condition attached to the granted Consent.

14.2.2 A person guilty of the above offences may be liable on conviction to a fine of up to £1000.

14.3 Complaints

14.3.1 Where complaints are received regarding the carrying on of street trading activities, these will be investigated in a prompt and professional manner.

14.3.2 If a complaint is found to be justified then the following actions may be taken by Officers:

- . Verbal warning.
- . Written warning.
- . Simple caution.
- . Prosecution.
- . Revoke the Consent.

ANNEX A

STANDARD CONDITIONS APPLICABLE TO HOLDERS OF A STREET TRADING CONSENT THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

It is important that the consent holder should understand and at all times observe these conditions. Any breach of any Condition could result in revocation of the street trading consent.

1 Street trading can only take place in accordance with the times and permissions of the consent.

2 A consent may be revoked at any time by the Council and the Council shall not in any circumstances whatsoever be liable to pay any compensation the holder in respect of such revocation.

3 The consent holder shall return this consent to Maidstone Borough Council immediately on revocation or surrender of the Consent.

4 Any consent holder found to be employing persons who do not have the right to work in the UK will have their consent immediately revoked.

5 A consent cannot be sub-let.

6 Consent holders shall permanently and clearly display on the street trading unit, in a conspicuous position readily visible to the public, the valid consent that has been issued by the Council. (Static and Mobile Consents only).

7 The consent holder and any assistants shall sell/offer for sale only such goods or types of goods as may be specified in the street trading consent granted to the consent holder.

8 The consent holder shall at all times maintain a valid Third Party Public Liability Insurance Policy of at least £10,000,000 to the satisfaction of the Council and shall produce a valid certificate of such insurance at any time upon request by an authorised officer of the Council.

9 The consent holder shall keep his trading site and immediate adjacent area in a clean and tidy condition during permitted trading hours and also leave the site in a clean and tidy condition and unobstructed at the end of each period of use under the terms of this consent. For these purposes the term 'immediate adjacent area' refers to all public land within a 50 metres radius from the trading location over which the public have access.

10 No waste matter shall be discharged into or allowed to enter any highway drain or water course.

11 Every static street trading unit and any vehicles or equipment associated with it shall be removed from the site at the end of the day. The unit must not be left on site when not in use unless explicit written consent has been given by the Head of Housing and Community Services

12 The consent relates only to the unit described in the application or as defined on the certificate of consent.

13 The use of awnings; external display stands and the positioning of tables, chairs and sunshades around the unit are also prohibited without the written permission of the Head of Housing and Community Services.

14 The display of advertising signs, other than on the unit itself, is prohibited without the written permission of the Head of Housing and Community Services. Signage may also require planning permission.

15 Holders of a mobile street trading consent must not trade in one place for more than 30 minutes at a time and must not return to the same location within 2 hours.

16 No street trading unit shall be located and no street trading activity shall be carried on so as to cause obstruction of any street or endanger persons using the street.

17 The consent holder shall not trade in such a way as to cause a statutory or public nuisance to persons using the street, public place, or occupiers of premises in the vicinity. Noise from equipment (including amplified audio equipment) used in connection with the consented street trading activity shall also not give rise to a statutory or public nuisance.

18 The consent holder shall make adequate arrangements to ensure that all persons connected with the operation of the unit have the means and opportunity to visit suitable toilet facilities when necessary. The consent holder shall ensure that the facilities available are made use of.

19 The consent holder shall comply with the requirements of Part II, section 34 of the Environmental Protection Act 1990 with respect to waste resulting from his/her trading. The consent holder will make available the relevant documentation as proof of compliance at the request of an authorised officer of the Council.

20 If, and when required, the consent holder shall present the street trading unit to an officer of the Council for inspection.

21 The Council reserves the right to refuse to renew a static street trading consent if the applicant has not, without reasonable cause, traded at the site on a regular basis in the previous 6 months. In such circumstances the street trading consent may be granted to another applicant.

22 Street trading shall not be carried on at any time unless the appropriate fee for the street trading consent has been duly paid to the Council.

23 The consent Holder shall at all times conduct business in a clean, honest, civil and business like manner without interfering with the business of other traders and consent holders.

24 Nothing contained in these conditions shall relieve the consent holder or their employees or agents from any legal duty or liability and the consent holder shall indemnify the Council in respect of all claims, actions, demands or costs arising from this consent.

25 The Council may vary or make additions to the Conditions applying for any or all street trading consents, at any time.

ANNEXE B

RELEVANT OFFENCES WHEN DETERMINING SUITABILITY OF AN APPLICANT FOR A STREET TRADING CONSENT

a. Dishonesty

A street trading consent will not be granted unless 3 - 5 7 years have lapsed since a conviction for an offence that involves dishonesty, for example theft or fraud, or completion of any sentence imposed whichever is the later.

b. Violence

If an applicant has been convicted for an offence for violence which involves loss of life, a street trading consent will not be granted.

In other cases a street trading consent will not be granted unless 3 – 10 10 years have lapsed since a conviction for an offence relating to violence or completion of any sentence imposed whichever is the later.

c. Drugs

A street trading consent will not be granted unless 5 - 10 10 years have lapsed since a conviction relating to the supply or importation of drugs or completion of any sentence imposed whichever is the later.

A Street trading consent will not be granted unless 3 - 5 5 years have lapsed since a conviction for an offence relating to the possession of drugs or completion of any sentence imposed whichever is the later.

d. Sexual and Indecency Offences

A street trading consent will not be granted where there are convictions for rape, indecent assault, any sexual offence involving children and any conviction for an offence under the Sexual Offences Act 2003, or for indecent exposure.

e. Exploitation

A street trading consent will not be granted if there are convictions relation to exploitation of another individual. This will include slavery, child sexual exploitation and grooming.

f. Motoring Convictions

In most cases, motoring offences are unlikely to be relevant when considering a street trading consent application. However, there may be instances where the offences are of a very serious

nature or may be relevant to the type of street trading activity. In those cases a street trading consent will not be granted unless 3 - 5 5 years have lapsed since any such convictions or completion of any sentence imposed whichever is the later.

g. Street Trading Legislation

The Council takes a serious view on applicants who have been convicted of street trading offences under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. In particular, a street trading consent will not be granted unless 2 years have lapsed since any offence under the 1982 Act or if there is more than one conviction unless 5 years have lapsed.

h. Formal Cautions and Fixed Penalty Notices

For the purposes of these guidelines, the Council will treat Formal Cautions issued in accordance with Home Office guidance and fixed penalty notices as though they were a conviction before the courts.

i. Existing Consent Holders Convicted Of An Offence

The Council may consider revoking the consent if the consent holder is convicted of an offence and in particular there will be concern if the offence falls into one of the categories detailed above.

DRAFT

Licensing Committee

18th June 2020

Busking Guidelines 2020

Final Decision-Maker	Licensing Committee
Lead Head of Service	John Littlemore, Head of Housing and Community Services
Lead Officer and Report Author	Lorraine Neale
Classification	Non-exempt
Wards affected	All

Executive Summary

This report provides details regarding a draft Voluntary Busking Guidance document for street entertaining in the Borough of Maidstone and specifically the Town Centre Appendix 1.

Purpose of Report

To agree a Draft Voluntary Busking Guide and agree a consultation with residents, business organisations that may have an interest before seeking approval to adopt the draft Busking Guidance. It is proposed that a review is undertaken within two years following an initial period.

This report makes the following recommendations to this Committee:

1. To Provide feedback and input on the draft voluntary Busking Guidelines for the Borough of Maidstone and agree a document for consultation.
2. Following any consultation period the Busking Guidelines together with a summary of key consultation comments is brought back to licensing committee for consideration.

Timetable

Meeting	Date
Licensing Committee	18 th June 2020
Communities	
Full Council	

Busking Guidelines 2020

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	[Head of Service or Manager]
Cross Cutting Objectives	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	[Head of Service or Manager]
Risk Management	<ul style="list-style-type: none"> <i>Street entertainers and buskers must take full responsibility for their performance taking reasonable steps to ensure that the performance does not put the public at risk of injury, that the law is observed at all times. It is recommended that all entertainers carry suitable Public Liability insurance.</i> 	[Head of Service or Manager]
Financial	<ul style="list-style-type: none"> <i>Staff resource may be required for enforcement purposes in exceptional circumstances. There may be financial costs involved where legal action may be required.</i> 	[Section 151 Officer & Finance Team]
Staffing	<ul style="list-style-type: none"> <i>There are no licensing implications but this could be subject to review following a trial period</i> 	[Head of Service]
Legal	<ul style="list-style-type: none"> <i>Busking does not generally require a licence under the Licensing Act 2003. Use of legislation under: The Environmental Protection Act 1990, The Highways Act, 1980, The Public Order Act 1986, The Noise and Statutory Nuisance Act 1993, The Anti-Social Behaviour, Crime and Policing Act 2014, Control of pollution Act 1974, Children under the age of 14 are not allowed to busk by law.</i> 	[Legal Team]
Privacy and Data Protection	<ul style="list-style-type: none"> <i>Data collected as part of the consultation will be held securely in line with the Councils data protection and retention policies</i> 	Anna Collier Policy and Information Manager

Equalities	<ul style="list-style-type: none"> <i>Common-sense, care and judgement will be critical in deciding on performance space. Performance should not cause any distress, offence or similar. The Voluntary Guidelines seeks to promote positive community engagement.</i> 	Anna Collier Policy & Information Manager
Public Health	<ul style="list-style-type: none"> <i>Should social distancing measures still be in place due to COVID-19 at the date this busking guidance is adopted those additional implications will be considered and additional separate guidance will be provided to be used in conjunction with the busking guidance around gathering crowds and performers handling cash received from the public</i> 	Senior Public Health Officer
Crime and Disorder	<ul style="list-style-type: none"> <i>There are public spaces where people live and work and as such there is a greater potential for performances to cause unintentional disturbance. The Police also have powers where they consider a public nuisance, obstruction or anti-social behaviour is being caused and may also take action, on receiving a complaint. To minimise the potential impact entertainers and buskers are advised to follow the Voluntary Guidelines</i> 	[Head of Service or Manager]
Procurement	<ul style="list-style-type: none"> <i>No implications have been identified.</i> 	[Head of Service & Section 151 Officer]

2. INTRODUCTION AND BACKGROUND

- 2.1 Maidstone Borough Council is keen to encourage a vibrant street scene providing a platform for performances of music, dance, street theatre or song in public places with the intention of attracting and engaging an audience.
- 2.2 Maidstone Borough Council does not licence street entertainers or buskers but does have an obligation in law relating to noise, obstruction and anti-social behaviour.
- 2.3 The Busking Guidance is intended to encourage good community practice in shared spaces allowing performers and buskers to co-exist with business and residents.

- 2.4 Performances are normally impromptu and informal but will be set within the parameters of the Busking Guidelines. Performers are not paid or hired for performances but may receive contributions from members of the public.
 - 2.5 This report invites the Committee to consider the draft Busking Guidelines and asks for feedback on the contents.
 - 2.6 If Committee agree the document or a document with minor amendments then an 8 week consultation will be undertaken with Local businesses, residents, Musicians' Union, Keep Streets Live Campaign, the Business Improvement District (BID), Kent County Council, Kent County Constabulary, local businesses, residents and Councillors and other stakeholders including internal departments.
-

3. AVAILABLE OPTIONS

- 3.1 To agree to the proposed draft voluntary Busking Guidelines and consultation process.
 - 3.2 Not to agree to consult and adopt the Voluntary Busking Guidelines.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 To agree to the proposed draft voluntary Busking Guidelines and consultation process. The Council is keen to encourage a vibrant street scene and to take a view from local business and residents to measure the level of support for developing a culture within our town centres which supports performances of music, dances, street theatre or song in public places. The Council suggests the performances meet the standards set out in a Voluntary Busking Guidelines for street entertaining and busking in Maidstone.
-

5. RISK

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. [That consideration is shown in this report at [paragraph 4]. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Guidelines.
-

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

6.1 N/A

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 Officers will update the Council Licensing Webpages to include the public consultation

8. REPORT APPENDICES

1.Draft Busking Guidelines

9. BACKGROUND PAPERS

N/A



BUSKING GUIDELINES

Busking

The Live Music Act 2012 took effect from 1st October 2012 with further amendment on 6th April 2015 and allows for certain types of entertainment. Entertainment in the form of busking does not require a licence but we do ask you to comply with these Busking Guidelines.

We categorise 'busking' as any performance of music, dance, street theatre or art in a public space for the purpose of receiving voluntary contributions from members of the public. Busking is an important part of creating a vibrant, exciting, and cosmopolitan atmosphere for residents, visitors, and businesses in Maidstone. As a town we encourage busking and we want to welcome buskers from across the country and beyond. However the council are receiving an increasing number of complaints, often regarding amplified busking, repetitive busking and/or obstructions to highways/access points. This guidance is intended for use by buskers, residents, businesses, the police and the local authority alike. It sets out some key recommendations to promote positive and neighbourly relations between users of shared public spaces in the Town, and will enable the busking community to flourish and exist harmoniously alongside local businesses

These busking guidelines are to be used as a reminder of what the council considers reasonable and neighbourly behaviour. Any behaviour which is deemed to be unreasonable will be investigated and may result in enforcement action.

This best practice guide has been produced collaboratively through engagement and support from a wide range of organisations such as the Musicians' Union, Keep Streets Live Campaign, the Business Improvement District (BID), Kent County Council, Kent County Constabulary, local businesses, residents and Councillors.

For Buskers

No busking pitches are fixed in Maidstone Town Centre and we expect all buskers to take care in their judgement when selecting a pitch from which to perform taking factors such as time of day, the season and the impact of others in the area. Buskers must also work closely with the busking community regarding the swapping/sharing of any pitches as key. The aim is to support a culture of community, consideration and negotiation and encourage constructive dialogue to resolve issues.

There are a range of existing statutory powers relating to noise nuisance, public order and obstruction which is hoped will only be used as a last resort where there are persistent issues. Most issues we hope can be resolved amicably without the need for a formal complaint

There are no fixed times or durations for busking performances during the hours of 8:00 and 23:00.

Amplification by means of an external source, such as a PA system or one requiring a power source is not permitted. Whilst there are no fixed levels for acoustic volume, we ask all buskers to assess the pitch location and adjust their volume accordingly so that it is just above the level of ambient street noise. If your volume is loud enough to be heard inside buildings in the surrounding area or from the opposite side of a street, it is likely this is too loud and would be considered unreasonable. Material should not be repeated in the same pitch, and any more than 2 hours in one pitch would be considered unreasonable. Wind and percussion instruments will likely need dampers and brushes. Using amplified, piercing or repetitive noise will require buskers to move pitches more regularly to prevent disturbance.

Making a reasonable judgement is key to busking in Maidstone town centre. If your act disturbs the regular day to day lives of any neighbouring resident/visitor or business, it is likely a complaint will be received. If you receive a warning due to complaints being received about your act and fail to respond appropriately (e.g. reduce volume), it is likely enforcement action will be taken.

Most complaints about busking apply to a small number of performers and usually relates to noise levels. Buskers are encouraged to make themselves known to those in the vicinity of their performance as a matter of courtesy before they start their performance.

All buskers must be courteous to those around them and must be prepared to adjust out of consideration to others when necessary. Making the appropriate adjustments following a complaint means enforcement would not be necessary.

Acts that include prerecorded backing tracks as a secondary aspect to a performance should be set at an unobtrusive level to avoid causing issues and should not be left running when the performer is not performing.

Regular breaks between performances are encouraged as continuous noise however pleasant can be regarded as intrusive.

As a guide a maximum 45 minutes of performance is appropriate before having a significant break and should not include repeat performances. If you have a limited repertoire of material, then consider moving location instead of repeating your material in the same places.

Buskers should never set up on top of each other and we foster cooperation with each other through negotiation and collaboration encouraging the sharing and swapping of pitches as this build's community, avoids repetition and adds variety to street performances

Enquiries for busking are predominantly for the Town Centre and specifically the following areas: -

Week Street

The area is a key thoroughfare and the most popular area with buskers. It has retail outlets and food establishments along its entire length. Performances must be positioned to one side to allow free access to the public along its length.

Jubilee Square

Jubilee Square is a popular location for street entertainers and circle shows. This area is managed by Maidstone Borough Council and permission is required by any performer that wishes to locate themselves here. It is key to work in conjunction with other buskers to ensure there are regular breaks between performances to allow for access to nearby buildings/businesses.

Fremlin Walk & The Mall (previously Chequers)

These areas are private, and permission would be required from the landowner to busk here. Any performance terms would be imposed by the relevant management companies.

Brenchley Gardens

This area is surrounded by businesses, residences and places of worship and therefore has greater potential for busking disturbances.

Gabriels Hill

This is an area of mainly retail outlets. Performances must be positioned to one side to allow free access to the public along its length.

OTHER MATTERS

Busking does not involve a formal sales transaction, but donations are given to buskers by members of the public on a voluntary basis.

The formal sale of goods and services on the street is covered by Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and if you intend to sell items such as CD's at a fixed price then you will need to apply for Street trading consent

Where the provision of goods or services are clearly a secondary aspect of any busking act i.e. art/portraiture, photographs taken with performers, balloon

sculptures CD's containing a performers music then it must be made clear to the public that they are offered on a voluntary basis. This means the public can engage with any act/performance without any obligation to donate and under this guidance can take an item or request a service without contribution. It is suggested that this be made clear with an appropriate sign and the following wording used

"In order to comply with street trading legislation these CD's (balloons, Pictures etc.) are not being offered for sale, any contribution you make is voluntary and at your discretion. Suggested contribution £???"

Charitable Collections -Requests for donations will require a permit from Maidstone Borough Council

It is recommended that all entertainers carry suitable Public Liability insurance

FOR BUSINESSES AND RESIDENTS

When issues arise the first step should always be to speak directly with the busker regarding your concerns – explain the impact their busking is having on you,

You may draw their attention to this guidance at any point. If this does not resolve the matter please contact ???? on 01622 ???? and an Officer will assist.

It is worth noting that Busking is a lawful activity and if they are following this guidance, they are unlikely to be in breach of any national or local legislation.

Try to find a suitable interval/natural break in their act to make yourself known and have a discussion, they may not be aware they have caused you an issue and may want to resolve it quickly and amicably. Always try to reach a compromise if possible. Suggest a location change, volume adjustment or agree a time period for the duration of their performance that suits you both. Try to remain calm and polite as this will help promote communication and cooperation.

Making a formal complaint should not normally be your first step but a last resort Where attempts at communication have been unsuccessful and a compromise not reached then please contact the Council Offices on the number above.

An Officer will assess the situation at the earliest opportunity and will enquire. as to what attempts have been made to resolve the issue. If it is considered appropriate the Council will ask the busker to amend their performance. Equally if they do not consider there to be an issue, they will let you know this.

Enforcement

Enforcement action will always be a last resort after all other avenues have failed and will be considered on the individual circumstances of each case

If it is assessed that a Buskers is operating outside of the guide the relevant Maidstone Borough Council Officer will ask them to take appropriate action (i.e. reduce volume, move location or cease performance) If the busker refuses to comply a verbal warning will be given

If a further incident is reported where it is possible the Maidstone Borough Council Officer will ask the buskers representatives e.g. other buskers to get involved and try to resolve the issue before issuing a written warning notice/letter

Once a warning notice/letter has been issued to a busker, any further reports will be investigated by a Maidstone Council Enforcement Officer? and a decision will be made as to whether enforcement action will be necessary under the following legislation:

- Environmental Protection Act 1990 states that noise in the street from musical instruments may be a statutory nuisance and the local authority can take action to abate the problem – including issuing a notice and the seizing any equipment being used to create the noise
- Highways Act 1980 forbids buskers to obstruct roads and pavements. ... Children under 14 are not permitted to busk. A street collection licence will be required if busking for charity and street trading laws regulate buskers who sell CDs and other merchandise.
- Public Order Act 1986 allows the Police to act if anyone is seen to be breaching the peace or intimidating others
- The Noise and Statutory Nuisance Act 1993 empowers local authorities to take statutory nuisance action in relation to equipment, including amplified musical instruments used in the streets. We are able to take legal action to abate the nuisance and prohibit its recurrence; this may include the seizure of musical instruments.
- The Anti-Social Behaviour Crime and Policing Act 2014 states that unreasonable and persistent/continuing behaviour which has a detrimental impact can be dealt with by way of a warning, notice, fixed penalty, and a prosecution in the magistrate's court.

- The Control of Pollution Act 1974 states that under no circumstances should amplifiers be operated in the street for any purpose between the hours of 9pm and 8am. Failure to comply can result in prosecution in the magistrate's court.

Formal action will only be taken as a last resort where buskers have repeatedly failed to follow this guidance.

If you require assistance in relation to a complaint, please contact [redacted] on 01622 [redacted] and an Officer will assist.

The Licensing Authority can carry out random spot checks to ensure buskers are complying with all guidelines, and enforcement action will follow when necessary.

Further information and contacts for buskers are all available to view online at

www.Maidstone.gov.uk/busking.

Any enquiries following this guidance can be made to the licensing department at licensing@maidstone.gov.uk or 01622 602028.

Enquiries regarding enforcement can be made to [redacted] Enforcement team at [redacted]

Do you have a brilliant act or are you a musician keen to busk in Maidstone?

If you feel you can add something special to Maidstone's street scene and would like advice on where to perform, please do not hesitate to get in touch with Maidstone Borough Council and we'll be delighted to help advise you.

LICENSING COMMITTEE

18 June 2020

Licensing Partnership update report 2020

Final Decision-Maker	Licensing Committee
Lead Head of Service/Lead Director	John Littlemore
Lead Officer and Report Author	Sharon Bamborough
Classification	Public
Wards affected	All

Executive Summary

To note the performance of the partnership as contained within the report.

This report makes the following recommendations to this Committee:

1. That the performance of the partnership as contained in this report be noted.

Timetable

Meeting	Date
Council	n/a
Other committees	n/a

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	None	Sharon Bamborough
Risk Management	A risk assessment is undertaken on an annual basis regarding the service objectives and reviewed regularly	Sharon Bamborough
Financial	Any financial implications have been dealt with within the body of the report	Sharon Bamborough
Staffing	No impact on Maidstone Borough Council	Sharon Bamborough
Legal	This is a report to update on the progress and performance of the licensing partnership	Sharon Bamborough
Privacy and Data Protection	No impact. This is a report to update on the progress and performance of the licensing partnership	Sharon Bamborough
Equalities	No impact. This is a report to update on the progress and performance of the licensing partnership	Sharon Bamborough
Crime and Disorder	No impact. This is a report to update on the progress and performance of the licensing partnership	Sharon Bamborough
Procurement	No impact. This is a report to update on the progress and performance of the licensing partnership	Sharon Bamborough

2. INTRODUCTION AND BACKGROUND

- 2.1 The Council is a member of the Licensing Partnership with Sevenoaks, Tunbridge Wells Borough Council and London Borough of Bexley, which provides line management responsibilities to their respective licensing enforcement teams and an administration team at Sevenoaks to carry out the processing of licence applications, notices, permits and representations.
- 2.2 The Licensing Partnership has completed 9 years of working together, with London Borough of Bexley becoming a partner as of 31st October 2016.
- 2.3 This arrangement provides each council with sovereignty over its policies and decision making processes whilst operating within a partnership that gives resilience and capacity to deal with the fluctuating demands on the service through the year.
- 2.4 This report is an annual update on the performance and activity of the Licensing Partnership.
- 2.5 In 2009 it was agreed that both the line management and administration of the Council's licensing processes would be undertaken in partnership with Maidstone Borough Council (MBC) and Tunbridge Wells Borough Council (TWBC). It was agreed that the administrative team processing licensing application would be based at the offices of Sevenoaks District Council (SDC) with Licensing Officers continuing to be based at each council.
- 2.6 Each Council retained responsibility for setting its licensing policies, compliance strategies and decision making at Sub and Full Licensing Committees. The Licensing Partnership Manager had line management responsibility for the operation of the administration team and the Licensing Officers of the three councils.
- 2.7 In January 2010 the new Licensing Partnership took effect and the back office functions started to be transferred to the administration team based at SDC. The Licensing Partnership uses a single database to maintain the licensing records for the three authorities. The database structure enables reporting to be carried out on an individual basis and allows for the variances that still exist in the policies and procedures of the three authorities.
- 2.8 The Licensing Partnership is governed by an agreement made between the three councils and the Chief Officer/Heads of Service responsible for licensing at their respective authorities meet four times a year as a Licensing Partnership Board to oversee performance and the direction of the Partnership. John Littlemore, Head of Housing and Community Services at Maidstone Borough Council is currently the Chair of the Licensing Partnership Board.
- 2.9 In 2017, following the unexpected passing of the Licensing Partnership Manger the post was re-evaluated and made a Head of service role. The

current Head of Licensing, Sharon Bamborough, has nearly 30 years' experience in licensing and comes from a London local authority background.

- 2.10 The Head of the Licensing Partnership also represents the south east region (72 authorities) on the LGA Licensing Forum as well co-chairing the London Licensing Managers Forum.

3. 2019-2020 PERFORMANCE

- 3.1 The performance of the Licensing Partnership has been generally high performing despite many challenges of the past year, which included:
- A restructure of the central processing (Hub) team at Sevenoaks
 - Re-design and implementation of many processes which created a considerable amount of work, and
 - staff turnover / shortages within the Hub team
 - addition of new areas of work (special treatments licensing for Bexley moving to Hub team)
 - some special projects to identify and resolve outstanding documentation on taxi licensing

The indicators for each of the four authorities are attached as **Appendix A**.

- 3.2 **Restructure** - The Hub team at Sevenoaks was restructured to deliver better performance and give development opportunities to existing staff. Following consultation and interviews the new structure went live on 1st November 2019. This was largely well received by staff and morale was boosted. The hard work was started on redesigning many of the processes to make them more efficient and but there is still much to review. The Hub team has a new manager (Michael Moss) who will also be a deputy for the Head of Licensing on occasion.
- 3.3 **General** - The Hub team at Sevenoaks has gone through a number of staff changes (mainly due to staff leaving for promotion/progression elsewhere) which has meant that the team has had many new officers trying to learn the job which is a very demanding role in respect of the information they are expected to absorb and processes they need to learn (in the last year there have been 4 new members of staff on a team of six officers).
- 3.4 The general processing and consultation on applications within timeframe has been maintained but there will have been times when performance has slipped due to staff shortages and lack of fully trained team (annual leave etc.)
- 3.5 In respect of the number of In respect of enforcement work, following a revision of the performance measures by the Head of the Partnership in July 2018, much more of the workload of the officers is being reported which is reflective of the total work carried out (previously only compliance visits were being reported). Now, all investigations of

complaints and requests for advice/ information and other site visits are reported in addition to the number of premises compliance visits.

- 3.6 In respect of the applications outstanding more than a month – In respect of the applications outstanding more than a month after consultation – this generally occurs when the application needs to be referred to a hearing.

Key Achievements

- 3.7 The Partnership handled a very large amount of work in 2019/20. The performance measures should be read in conjunction with the entire volumes of work delivered. The headlines of the performance are as follows:
- In this time period, over 10,100 applications, notices, permits and pieces of work were received and carried out.
 - From this total, 2508 pieces of work were for Maidstone.
 - Over 20,000 emails were received in the main Licensing inbox and actioned for all four partners
 - Taking into account the different amounts of time needed for different types of applications, and the differing nature of the work carried out for some of the partners, Maidstone’s share accounted for just over 30% of the work of the entire partnership in 2019/20.
- 3.8 During 2019 – 20 the cost of the Licensing Partnership was just under £498,000 of which Maidstone’s share was just under £155K
- 3.9 Reviews of The Taxi Licensing Policy, Taxi Policy, Street Trading, Fees and an Emissions Policy update which has now been superseded by the carbon neutral were carried out by the Maidstone licensing team.
- 3.10 A deep dive on timings and costings on all processing was undertaken by the Head of Licensing in the summer of 2019 to ensure they were still accurate or needed adjustment. This was a major piece of work which had not been done for many years, and with technology developments and reviews of procedures, it was the right time to do this to ensure the partners could be confident that the costings were fair and based upon recent analysis. This resulted in a slight increase of 1.27% to Maidstone percentage costs for the following years (in the region of £6k).

4. PERFORMANCE AGAINST SERVICE PLAN OBJECTIVES FOR 2018/19

- 4.1 Objective 1 - *To manage the Licensing Partnership to deliver efficiency savings and achieve performance targets.*
- This is ongoing and performance is monitored on a weekly and monthly basis. Please see Appendix A for a report on Key Performance Indicator targets.

- 1:1 meetings with staff are carried out monthly (or as needed) and
- the Licensing Partnership Board meets 4 times a year.

4.2 Objective 2 - *Investigate further undertaking of licensing functions for other local authorities.*

- **Result:** we have not received any requests or expressions of interest during this year and have not actively pursued any due to wanting to focus on the Hub team restructure and the improvements which were needed

4.3 Objective 3 - *Seek further efficiency savings in processes and use of online facilities.*

- Review (ongoing) processes and procedures of Hub team officers and streamline / change to save time on unnecessary record keeping
Result: work in progress (still more to do)
- Consider current practices re face to face meetings (taxis) and pick up of plates – move over to sending by post where appropriate
Result: achieved (resulting in time savings and reduction in costs)
- Explore feasibility of online solutions for document checks for taxi applications to reduce face to face visits the face to face visits
Result: explored, but not feasible currently (no systems available)

4.4 Objective 4 - *Ensure all online forms are implemented and in use by customers and explore other software solutions*

- The library of on line forms should implemented across the four partners – to include new forms for Bexley (Special Treatments) and any updates needed for existing ones
Result: most forms now online and remainder are currently in development (e.g. special treatments)
- Arrange for purchase and installation of electronic record management system, Enterprise (from Idox)
Result: still in testing and hopefully to be rolled out throughout partnership in July/August 2020
- Arrange for purchase and installation of electronic enforcement software for use out and about, called Mobile App (from Idox)
Result: this has been put on hold until further information is obtained about the effectiveness of the technology (some anecdotal evidence from other authorities suggests it may not be as interactive as we thought)

4.5 Objective 5 - *Undertake a programme of training for Members and officers. Ensure all new Members on each Licensing Committee receive appropriate training.*

Result: training has been given as and when required. In addition, the officer at Tunbridge Wells organised a special training session by the

gambling commission which was offered to Members across the partnership. This was very well received.

4.6 Objective 6 - Revision of Policies & Procedures

- Start the review LA03 Policies across the Partnership in readiness for January 2021 when they must come into force
Result: achieved - work has started and continues in the current year.
- Review Street trading policy at Maidstone regarding designation of street trading pitches
Result: *carried over to 2020/21 service plan at request of Maidstone (due to go to licensing committee 18th June 2020)*
- Re-visit (with Legal Services) the approach to street trading in Sevenoaks with a view to assessing what would need to be done to implement such a policy, and report back to Chief Officer (this comes from a discussion at Health Board as to whether anything can be done to stop fast food vans etc. parking up near schools, which contributes to childhood obesity)
Result: Achieved – initial discussion with Legal services and Chief Officer showed no demand for this, therefore, at this time, no need to adopt legislation or implement policy
- Investigate feasibility and implement if approved, the charging for pre-application advice to licence applicants
Result: implemented
- Review outcome of Street trading farmers market consultation at Tunbridge Wells regarding designation of a farmers market, and take to committee with appropriate recommendations
Result – achieved and due to go to committee in June 2020
- A review of the Hub Team Admin procedures and update where necessary
Result: A lot of progress has been made in streamlining and updating procedures but due to high number of procedures and practices and Hub Team restructure this could not be completed in year – carried over to 2020/21 service plan for completion
- To review taxi policies in Maidstone, Tunbridge Wells and Sevenoaks as needed.
Result: Achieved
- To deliver the implementation of the ULEV taxi charging points in conjunction with Kent CC following successful bid for funding
Result: partly achieved (work in progress).

4.7 Objective 7 - Health, Safety and Well Being of Staff

- Ensure risk assessments are carried out and reviewed as appropriate and at least once a year.
Result: achieved
- Ensure 1:1 meetings are carried out on a regular basis.
Result: achieved

The new service plan for 2020/21 is attached as Appendix B

5. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: End of year performance statistics
- Appendix 2: Licensing Partnership Service Plan for 2020/21

6. BACKGROUND PAPERS

- None.

Licensing - Maidstone - Monthly Performance - 2019/20













Code	LIC 006				
Short Name	Length of time from validation to issue of HC and dual driver licences (Percentage within 10 days)				
	Value	Target	Status	Issued within 10 days	Total number issued
April 2019	100%	90%		2	2
May 2019	100%	90%		1	1
June 2019	100%	90%		1	1
July 2019	100%	90%		1	1
August 2019	100%	90%		2	2
September 2019	100%	90%		3	3
October 2019	100%	90%		1	1
November 2019	100%	90%		1	1
December 2019	100%	90%		3	3
January 2020	100%	90%		1	1
February 2020	100%	90%		2	2
March 2020	100%	90%		4	4

Code	LIC 007				
Short Name	Length of time from validation to issue of PH driver licence (Percentage issued within 10 days)				
	Value	Target	Status	Issued within 10 days	Total number issued
April 2019	50%	90%		2	4
May 2019	100%	90%		7	7
June 2019	100%	90%		3	3
July 2019	100%	90%		6	6
August 2019	100%	90%		1	1
September 2019	100%	90%		5	5
October 2019	100%	90%		5	5
November 2019	100%	90%		1	1
December 2019	0%	90%		0	1
January 2020	100%	90%		5	5
February 2020	100%	90%		1	1

March 2020	100%	90%		5	5
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Code LIC 008

Short Name Percentage of PHO licences issued within 10 days

	Value	Target	Status	Issued in 10 days	Total number issued
April 2019	50%	90%		1	2
May 2019	100%	90%		2	2
June 2019	100%	90%		1	1
July 2019	100%	90%		5	5
August 2019	100%	90%		2	2
September 2019	100%	90%		1	1
October 2019	100%	90%		1	1
November 2019	100%	90%		4	4
December 2019	50%	90%		1	2
January 2020	100%	90%		1	1
February 2020	100%	90%		1	1
March 2020	100%	90%		1	1

Code LIC 010

Short Name Premises compliance

	Value	Target	Status	Numerator	Denominator
April 2019	18	15			
May 2019	15	15			
June 2019	15	15			
July 2019	19	15			
August 2019	15	15			
September 2019	15	15			
October 2019	19	15			
November 2019	16	15			
December 2019	14	15			
January 2020	15	15			
February 2020	15	15			
March 2020	8	15			

Code LIC 017

Short Name	The percentage of renewal invitations sent out by deadline				
	Value	Target	Status	No. sent within deadlines	No. of renewal invitations
April 2019	100.00%	95.00%		2	2
May 2019	100.00%	95.00%		1	1
June 2019	100.00%	95.00%		1	1
July 2019	100.00%	95.00%		3	3
August 2019	100.00%	95.00%		7	7
September 2019	100.00%	95.00%		12	12
October 2019	100.00%	95.00%		44	44
November 2019	100.00%	95.00%		7	7
December 2019	100.00%	95.00%		52	52
January 2020	100.00%	95.00%		32	32
February 2020	100.00%	95.00%		57	57
March 2020	100.00%	95.00%		24	24

Code	LIC 018				
Short Name	The percentage of valid temporary event notices processed within one working day of receipt				
	Value	Target	Status	No. processed in one working day	Total no. event notices received
April 2019	97.37%	95.00%		37	38
May 2019	95.00%	95.00%		19	20
June 2019	100.00%	95.00%		17	17
July 2019	100.00%	95.00%		18	18
August 2019	100.00%	95.00%		15	15
September 2019	84.78%	95.00%		39	46
October 2019	100.00%	95.00%		50	50
November 2019	94.83%	95.00%		55	58
December 2019	94.12%	95.00%		16	17
January 2020	100.00%	95.00%		20	20
February 2020	100.00%	95.00%		21	21
March 2020	100.00%	95.00%		13	13

Code	LIC 019				
Short Name	Taxi Compliance				
	Value	Target	Status	Numerator	Denominator

April 2019	17	15			
May 2019	23	15			
June 2019	19	15			
July 2019	17	15			
August 2019	20	15			
September 2019	24	15			
October 2019	35	15			
November 2019	19	15			
December 2019	28	15			
January 2020	31	15			
February 2020	15	15			
March 2020	11	15			










Code	LIC 020				
Short Name	Where continuation fees not received and action taken within a month of overdue date				
	Value	Target	Status	action within month of due date	no of renewal fees not received
April 2019	100%	95%		4	4
May 2019	100%	95%		4	4
June 2019	100%	95%		4	4
July 2019	100%	95%		3	3
August 2019	100%	95%		8	8
September 2019	100%	95%		13	13
October 2019	100%	95%		5	5
November 2019	100%	95%		2	2
December 2019	100%	95%		1	1
January 2020	100%	95%		2	2
February 2020	100%	95%		47	47
March 2020	100%	95%		18	18

Code	LIC 021				
Short Name	Percentage of continuation fees invoices issued 1 month in advance of fee being due				
	Value	Target	Status	No of invoices sent by due date	No of invoices due
April 2019	100%	95%		14	14













May 2019	100%	95%		32	32
June 2019	100%	95%		32	32
July 2019	100%	95%		56	56
August 2019	100%	95%		114	114
September 2019	100%	95%		95	95
October 2019	100%	95%		75	75
November 2019	100%	95%		5	5
December 2019	100%	95%		2	2
January 2020	100%	95%		23	23
February 2020	100%	95%		66	66
March 2020	100%	95%		27	27

Code	LIC 022				
Short Name	The percentage of driver and operator licenses issued within 10 days of validation (Hub Team)				
	Value	Target	Status	No issued within 10 days	Total no licenses issued
April 2019	80.00%	90.00%		4	5
May 2019	100.00%	90.00%		4	4
June 2019	100.00%	90.00%		3	3
July 2019	100.00%	90.00%		7	7
August 2019	100.00%	90.00%		4	4
September 2019	100.00%	90.00%		5	5
October 2019	100.00%	90.00%		3	3
November 2019	100.00%	90.00%		6	6
December 2019	87.50%	90.00%		7	8
January 2020	100.00%	90.00%		3	3
February 2020	100.00%	90.00%		4	4
March 2020	100.00%	90.00%		5	5






Code	LIC 023				
Short Name	Percentage of Private Hire Operator licenses issued within 10 days of validations				
	Value	Target	Status	No issued within 10 days	Total no licenses issued
April 2019	50.00%	90.00%		1	2
May 2019	100.00%	90.00%		2	2
June 2019	100.00%	90.00%		1	1








July 2019	100.00%	90.00%		5	5
August 2019	100.00%	90.00%		2	2
September 2019	100.00%	90.00%		1	1
October 2019	100.00%	90.00%		1	1
November 2019	100.00%	90.00%		4	4
December 2019	50.00%	90.00%		1	2
January 2020	100.00%	90.00%		1	1
February 2020	100.00%	90.00%		1	1
March 2020	100.00%	90.00%		1	1













Code	LIC 024
Short Name	Percentage of Hackney Carriage driver licenses issued within 10 days of validation







	Value	Target	Status	No issued within 10 days	Total no licenses issued
April 2019	100.00%	90.00%		1	1
May 2019	100.00%	90.00%		1	1
June 2019	100.00%	90.00%		1	1
July 2019	100.00%	90.00%		1	1
August 2019	100.00%	90.00%		1	1
September 2019	100.00%	90.00%		1	1
October 2019	100.00%	90.00%		1	1
November 2019	100.00%	90.00%		1	1
December 2019	100.00%	90.00%		3	3
January 2020	100.00%	90.00%		1	1
February 2020	100.00%	90.00%		1	1
March 2020	100.00%	90.00%		1	1







Code	LIC 025
Short Name	Percentage of dual driver licenses issued within 10 days of validation













	Value	Target	Status	No issued within 10 days	Total no licenses issued
April 2019	100.00%	90.00%		2	2
May 2019	100.00%	90.00%		1	1
June 2019	100.00%	90.00%		1	1
July 2019	100.00%	90.00%		1	1
August 2019	100.00%	90.00%		1	1

September 2019	100.00%	90.00%		3	3
October 2019	100.00%	90.00%		1	1
November 2019	100.00%	90.00%		1	1
December 2019	100.00%	90.00%		3	3
January 2020	100.00%	90.00%		1	1
February 2020	100.00%	90.00%		2	2
March 2020	100.00%	90.00%		3	3

Code	LIC 026				
Short Name	Percentage of unopposed applications for new and variation of premises licences processed within 2 calendar months (from date of validation to issue date)				
	Value	Target	Status	No. processed within 2 months	Total applications received
April 2019	100%	95%		4	4
May 2019	100%	95%		7	7
June 2019	100%	95%		4	4
July 2019	100%	95%		2	2
August 2019	100%	95%		3	3
September 2019	100%	95%		3	3
October 2019	100%	95%		1	1
November 2019	100%	95%		7	7
December 2019	100%	95%		7	7
January 2020	100%	95%		2	2
February 2020	100%	95%		1	1
March 2020	100%	95%		4	4

Code	LIC 027				
Short Name	The percentage of valid personal licences processed within 2 weeks (Hub Team)				
	Value	Target	Status	No. processed within two weeks	Total number of licences
April 2019	77.78%	95.00%		7	9
May 2019	100.00%	95.00%		3	3
June 2019	100.00%	95.00%		4	4
July 2019	100.00%	95.00%		14	14
August 2019	100.00%	95.00%		6	6
September 2019	100.00%	95.00%		21	21

October 2019	100.00%	95.00%		21	21
November 2019	75.00%	95.00%		6	8
December 2019	87.50%	95.00%		7	8
January 2020	85.71%	95.00%		6	7
February 2020	100.00%	95.00%		8	8
March 2020	90.91%	95.00%		10	11

Code	LIC 028				
Short Name	Action after suspension - Licensing officers resolve by 31 March				
	Value	Target	Status	Number resolved	Number needed resolving
April 2019	100%	95%		1	1
May 2019	100%	95%		2	2
June 2019	100%	95%		3	3
July 2019	100%	95%		1	1
August 2019	100%	95%		11	11
September 2019	100%	95%		6	6
October 2019	100%	95%		4	4
November 2019	100%	95%		1	1
December 2019	100%	95%		1	1
January 2020	100%	95%		1	1
February 2020	100%	95%		5	5
March 2020	100%	95%		4	4

Licensing - Sevenoaks - Monthly Performance - 2019/20

Code	LPI_LIC 001(s)
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Short Name		The percentage of renewal invitations sent out by deadline				
	Value	Target	Status	No. sent within deadlines	No. of renewal invitations	Annual
April 2019	100%	95%	✓	1	1	95%
May 2019	100%	95%	✓	2	2	95%
June 2019	100%	95%	✓	2	2	95%
July 2019	100%	95%	✓	1	1	95%
August 2019	100%	95%	✓	2	2	95%
September 2019	100%	95%	✓	2	2	95%
October 2019	100%	95%	✓	42	42	95%
November 2019	100%	95%	✓	25	25	95%
December 2019	100%	95%	✓	89	89	95%
January 2020	100%	95%	✓	47	47	95%
February 2020	100%	95%	✓	41	41	95%
March 2020	96.52%	95%	✓	111	115	95%

Code		LPI_LIC 002(s)				
Short Name		The percentage of valid personal licences processed within 2 weeks (Hub Team)				
	Value	Target	Status	No. processed within two weeks	Total number of licences	Annual
April 2019	85.71%	95%	⚠	6	7	95%
May 2019	100%	95%	✓	5	5	95%
June 2019	100%	95%	✓	4	4	95%
July 2019	100%	95%	✓	7	7	95%
August 2019	100%	95%	✓	2	2	95%
September 2019	100%	95%	✓	10	10	95%
October 2019	100%	95%	✓	10	10	95%
November 2019	100%	95%	✓	3	3	95%
December 2019	100%	95%	✓	6	6	95%
January 2020	100%	95%	✓	4	4	95%
February 2020	100%	95%	✓	1	1	95%
March 2020	100%	95%	✓	3	3	95%

Code		LPI_LIC 003(s)				
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Short Name		Percentage of unopposed applications for new and variation of premises licences processed within 2 calendar months (from date of validation to issue date)				
	Value	Target	Status	No. processed within 2 months	Total applications received	Annual
April 2019	100%	95%	✓	2	2	95%
May 2019	100%	95%	✓	1	1	95%
June 2019	100%	95%	✓	5	5	95%
July 2019	100%	95%	✓	4	4	95%
August 2019	100%	95%	✓	1	1	95%
September 2019	100%	95%	✓	5	5	95%
October 2019	100%	95%	✓	1	1	95%
November 2019	100%	95%	✓	2	2	95%
December 2019	100%	95%	✓	2	2	95%
January 2020	100%	95%	✓	2	2	95%
February 2020	100%	95%	✓	1	1	95%
March 2020	100%	95%	✓	3	3	95%

Code		LPI_LIC 004(s)				
Short Name		The percentage of valid temporary event notices processed within one working day of receipt				
	Value	Target	Status	No. processed in one working day	Total no. event notices received	Annual
April 2019	97.14%	95%	✓	34	35	95%
May 2019	100%	95%	✓	14	14	95%
June 2019	100%	95%	✓	11	11	95%
July 2019	100%	95%	✓	17	17	95%
August 2019	87.5%	95%	⚠	7	8	95%
September 2019	100%	95%	✓	48	48	95%
October 2019	98.18%	95%	✓	54	55	95%
November 2019	100%	95%	✓	55	55	95%
December 2019	100%	95%	✓	11	11	95%
January 2020	100%	95%	✓	31	31	95%
February 2020	100%	95%	✓	28	28	95%
March 2020	95%	95%	✓	19	20	95%

Code		LPI_LIC 005(s)				
Short Name		The percentage of driver and operator licenses issued within 10 days of validation (Hub Team)				
	Value	Target	Status	No issued within 10 days	Total no licenses issued	Annual
April 2019	75%	90%		3	4	90%
May 2019	100%	90%		11	11	90%
June 2019	100%	90%		14	14	90%
July 2019	100%	90%		8	8	90%
August 2019	100%	90%		6	6	90%
September 2019	100%	90%		8	8	90%
October 2019	91.67%	90%		11	12	90%
November 2019	90.91%	90%		10	11	90%
December 2019	95.45%	90%		21	22	90%
January 2020	100%	90%		21	21	90%
February 2020	100%	90%		13	13	90%
March 2020	100%	90%		10	10	90%

Code		MPI_LIC 003(s)				
Short Name		Premises compliance				
	Value	Target	Status	Numerator	Denominator	Annual
April 2019	13	15				180
May 2019	9	15				180
June 2019	9	15				180
July 2019	16	15				180
August 2019	26	15				180
September 2019	11	15				180
October 2019	11	15				180
November 2019	8	15				180
December 2019	16	15				180
January 2020	23	15				180
February 2020	20	15				180
March 2020	18	15				180

Code		MPI_LIC 004(s)				
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Short Name	Taxi Compliance					
	Value	Target	Status	Numerator	Denominator	Annual
April 2019	15	15				180
May 2019	4	15				180
June 2019	3	15				180
July 2019	6	15				180
August 2019	24	15				180
September 2019	9	15				180
October 2019	9	15				180
November 2019	8	15				180
December 2019	12	15				180
January 2020	6	15				180
February 2020	0	15				180
March 2020	0	15				180

Code	MPI_LIC 005a(s)					
Short Name	Percentage of Hackney Carriage driver licenses issued within 10 days of validation					
	Value	Target	Status	No issued within 10 days	Total no licenses issued	Annual
April 2019	100%	90%		2	2	90%
May 2019	100%	90%		7	7	90%
June 2019	100%	90%		11	11	90%
July 2019	100%	90%		4	4	90%
August 2019	100%	90%		3	3	90%
September 2019	100%	90%		6	6	90%
October 2019	100%	90%		4	4	90%
November 2019	83.33%	90%		5	6	90%
December 2019	100%	90%		10	10	90%
January 2020	100%	90%		15	15	90%
February 2020	100%	90%		7	7	90%
March 2020	100%	90%		5	5	90%

Code	MPI_LIC 005b(s)					
Short Name	Percentage of Private Hire driver licenses issued within 10 days of validations					

	Value	Target	Status	No issued within 10 days	Total no licenses issued	Annual
April 2019	100%	90%		1	1	90%
May 2019	100%	90%		3	3	90%
June 2019	100%	90%		2	2	90%
July 2019	100%	90%		3	3	90%
August 2019	100%	90%		2	2	90%
September 2019	100%	90%		1	1	90%
October 2019	85.71%	90%		6	7	90%
November 2019	100%	90%		4	4	90%
December 2019	90%	90%		9	10	90%
January 2020	100%	90%		4	4	90%
February 2020	100%	90%		5	5	90%
March 2020	100%	90%		4	4	90%

Code	MPI_LIC 005c(s)
Short Name	Percentage of Private Hire Operator licenses issued within 10 days of validations

	Value	Target	Status	No issued within 10 days	Total no licenses issued	Annual
April 2019	0%	90%		0	1	90%
May 2019	100%	90%		1	1	90%
June 2019	100%	90%		1	1	90%
July 2019	100%	90%		1	1	90%
August 2019	100%	90%		1	1	90%
September 2019	100%	90%		1	1	90%
October 2019	100%	90%		1	1	90%
November 2019	100%	90%		1	1	90%
December 2019	100%	90%		2	2	90%
January 2020	100%	90%		2	2	90%
February 2020	100%	90%		1	1	90%
March 2020	100%	90%		1	1	90%

Code	MPI_LIC 006(s)
Short Name	Percentage of continuation fees invoices issued 1 month in advance of fee being due

	Value	Target	Status	No of invoices sent by due date	No of invoices due	Annual
April 2019	100%	95%	✓	30	30	95%
May 2019	100%	95%	✓	15	15	95%
June 2019	100%	95%	✓	8	8	95%
July 2019	100%	95%	✓	92	92	95%
August 2019	100%	95%	✓	125	125	95%
September 2019	100%	95%	✓	58	58	95%
October 2019	100%	95%	✓	27	27	95%
November 2019	100%	95%	✓	6	6	95%
December 2019	100%	95%	✓	12	12	95%
January 2020	100%	95%	✓	4	4	95%
February 2020	100%	95%	✓	35	35	95%
March 2020	100%	95%	✓	15	15	95%

Code	MPI_LIC 007(s)
Short Name	Where continuation fees not received and action taken within a month of overdue date

	Value	Target	Status	action within month of due date	no of renewal fees not received	Annual
April 2019	100%	95%	✓	1	1	95%
May 2019	100%	95%	✓	4	4	95%
June 2019	100%	95%	✓	2	2	95%
July 2019	100%	95%	✓	5	5	95%
August 2019	100%	95%	✓	3	3	95%
September 2019	100%	95%	✓	2	2	95%
October 2019	100%	95%	✓	3	3	95%
November 2019	100%	95%	✓	2	2	95%
December 2019	100%	95%	✓	1	1	95%
January 2020	100%	95%	✓	70	70	95%
February 2020	100%	95%	✓	88	88	95%
March 2020	100%	95%	✓	5	5	95%

Code	MPI_LIC 008(s)
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Short Name		Action after suspension - Licensing officers resolve by 31 March				
	Value	Target	Status	Number resolved	Number needed resolving	Annual
April 2019	100%	95%	✓	1	1	95%
May 2019	100%	95%	✓	1	1	95%
June 2019	100%	95%	✓	1	1	95%
July 2019	100%	95%	✓	1	1	95%
August 2019	100%	95%	✓	1	1	95%
September 2019	100%	95%	✓	3	3	95%
October 2019	100%	95%	✓	2	2	95%
November 2019	100%	95%	✓	1	1	95%
December 2019	100%	95%	✓	1	1	95%
January 2020	100%	95%	✓	1	1	95%
February 2020	100%	95%	✓	14	14	95%
March 2020	100%	95%	✓	1	1	95%

Licensing - Tunbridge Wells - Monthly Performance - 2019/20

Code	LPI_LIC 001(TW)					
Short Name	The percentage of renewal invitations sent out by deadline - Tunbridge Wells					
	Value	Target	Status	No. sent within	No. of renewal	Annual

				deadlines	invitations	
April 2019	100%	95%	✓	1	1	95%
May 2019	100%	95%	✓	1	1	95%
June 2019	100%	95%	✓	1	1	95%
July 2019	100%	95%	✓	1	1	95%
August 2019	100%	95%	✓	5	5	95%
September 2019	100%	95%	✓	9	9	95%
October 2019	100%	95%	✓	37	37	95%
November 2019	100%	95%	✓	16	16	95%
December 2019	100%	95%	✓	75	75	95%
January 2020	100%	95%	✓	34	34	95%
February 2020	100%	95%	✓	7	7	95%
March 2020	96.92%	95%	✓	63	65	95%

Code	LPI_LIC 002(TW)
Short Name	The percentage of valid personal licences processed within 2 weeks (Hub Team) - Tunbridge Wells

	Value	Target	Status	No. processed within two weeks	Total number of licences	Annual
April 2019	100%	95%	✓	7	7	95%
May 2019	100%	95%	✓	5	5	95%
June 2019	100%	95%	✓	6	6	95%
July 2019	100%	95%	✓	3	3	95%
August 2019	100%	95%	✓	2	2	95%
September 2019	100%	95%	✓	8	8	95%
October 2019	100%	95%	✓	5	5	95%
November 2019	80%	95%	✗	4	5	95%
December 2019	100%	95%	✓	5	5	95%
January 2020	100%	95%	✓	5	5	95%
February 2020	100%	95%	✓	12	12	95%
March 2020	100%	95%	✓	7	7	95%

Code	LPI_LIC 003(TW)
Short Name	Percentage of unopposed applications for new and variation of premises licences processed

within 2 calendar months (from date of validation to issue date) - Tunbridge Wells						
	Value	Target	Status	No. processed within 2 months	Total applications received	Annual
April 2019	100%	95%	✓	1	1	95%
May 2019	100%	95%	✓	5	5	95%
June 2019	100%	95%	✓	5	5	95%
July 2019	100%	95%	✓	1	1	95%
August 2019	100%	95%	✓	2	2	95%
September 2019	100%	95%	✓	5	5	95%
October 2019	100%	95%	✓	4	4	95%
November 2019	100%	95%	✓	1	1	95%
December 2019	100%	95%	✓	1	1	95%
January 2020	100%	95%	✓	4	4	95%
February 2020	100%	95%	✓	3	3	95%
March 2020	100%	95%	✓	1	1	95%

Code	LPI_LIC 004(TW)					
Short Name	The percentage of valid temporary event notices processed within one working day of receipt - Tunbridge Wells					
	Value	Target	Status	No. processed in one working day	Total no. event notices received	Annual
April 2019	84.09%	95%	✗	37	44	95%
May 2019	100%	95%	✓	8	8	95%
June 2019	100%	95%	✓	22	22	95%
July 2019	100%	95%	✓	18	18	95%
August 2019	100%	95%	✓	8	8	95%
September 2019	97.37%	95%	✓	37	38	95%
October 2019	97.96%	95%	✓	48	49	95%
November 2019	94.34%	95%	⚠	50	53	95%
December 2019	100%	95%	✓	14	14	95%
January 2020	100%	95%	✓	24	24	95%
February 2020	100%	95%	✓	27	27	95%
March 2020	100%	95%	✓	20	20	95%

Code	LPI_LIC 005(TW)					
Short Name	The percentage of driver and operator licenses issued within 10 days of validation (Hub Team) - Tunbridge Wells					
	Value	Target	Status	No issued within 10 days	Total no licenses issued	Annual
April 2019	75%	90%		3	4	90%
May 2019	100%	90%		11	11	90%
June 2019	100%	90%		14	14	90%
July 2019	100%	90%		8	8	90%
August 2019	100%	90%		6	6	90%
September 2019	100%	90%		8	8	90%
October 2019	91.67%	90%		11	12	90%
November 2019	90.91%	90%		10	11	90%
December 2019	95.45%	90%		21	22	90%
January 2020	100%	90%		21	21	90%
February 2020	100%	90%		13	13	90%
March 2020	100%	90%		10	10	90%

Code	MPI_LIC 003(TW)					
Short Name	Premises compliance - Tunbridge Wells					
	Value	Target	Status	Numerator	Denominator	Annual
April 2019	18	15				180
May 2019	1	15				180
June 2019	23	15				180
July 2019	13	15				180
August 2019	21	15				180
September 2019	4	15				180
October 2019	5	15				180
November 2019	22	15				180
December 2019	23	15				180
January 2020	11	15				180
February 2020	10	15				180
March 2020	0	15				180

Code	MPI_LIC 004(TW)					
Short Name	Taxi Compliance - Tunbridge Wells					
	Value	Target	Status	Numerator	Denominator	Annual
April 2019	15	15				180
May 2019	35	15				180
June 2019	14	15				180
July 2019	54	15				180
August 2019	22	15				180
September 2019	24	15				180
October 2019	26	15				180
November 2019	33	15				180
December 2019	49	15				180
January 2020	30	15				180
February 2020	35	15				180
March 2020	14	15				180

Code	MPI_LIC 005d(TW)					
Short Name	Percentage of Dual driver licenses issued within 10 days of validation - Tunbridge Wells					
	Value	Target	Status	No issued within 10 days	Total no licenses issued	Annual
April 2019	90.91%	90%		10	11	90%
May 2019	100%	90%		6	6	90%
June 2019	100%	90%		8	8	90%
July 2019	90%	90%		9	10	90%
August 2019	100%	90%		6	6	90%
September 2019	100%	90%		6	6	90%
October 2019	100%	90%		5	5	90%
November 2019	80%	90%		4	5	90%
December 2019	100%	90%		4	4	90%
January 2020	100%	90%		8	8	90%
February 2020	87.5%	90%		7	8	90%
March 2020	90%	90%		9	10	90%

Code	MPI_LIC 005c(TW)					
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Short Name	Percentage of Private Hire Operator licenses issued within 10 days of validations - Tunbridge Wells					
	Value	Target	Status	No issued within 10 days	Total no licenses issued	Annual
April 2019	100%	90%		1	1	90%
May 2019	100%	90%		2	2	90%
June 2019	100%	90%		1	1	90%
July 2019	100%	90%		2	2	90%
August 2019	100%	90%		1	1	90%
September 2019	100%	90%		3	3	90%
October 2019	66.67%	90%		2	3	90%
November 2019	0%	90%		0	2	90%
December 2019	100%	90%		3	3	90%
January 2020	100%	90%		2	2	90%
February 2020	100%	90%		3	3	90%
March 2020	100%	90%		1	1	90%













Code	MPI_LIC 006(TW)					
Short Name	Percentage of continuation fees invoices issued 1 month in advance of fee being due - Tunbridge Wells					
	Value	Target	Status	No of invoices sent by due date	No of invoices due	Annual
April 2019	100%	95%		5	5	95%
May 2019	100%	95%		18	18	95%
June 2019	100%	95%		17	17	95%
July 2019	100%	95%		63	63	95%
August 2019	100%	95%		94	94	95%
September 2019	100%	95%		65	65	95%
October 2019	100%	95%		50	50	95%
November 2019	100%	95%		6	6	95%
December 2019	100%	95%		13	13	95%
January 2020	100%	95%		27	27	95%
February 2020	100%	95%		69	69	95%
March 2020	100%	95%		25	25	95%








Code		MPI_LIC 007(TW)				
Short Name		Where continuation fees not received and action taken within a month of overdue date - Tunbridge Wells				
	Value	Target	Status	action within month of due date	no of renewal fees not received	Annual
April 2019	100%	95%	✓	2	2	95%
May 2019	100%	95%	✓	4	4	95%
June 2019	100%	95%	✓	4	4	95%
July 2019	100%	95%	✓	4	4	95%
August 2019	100%	95%	✓	2	2	95%
September 2019	100%	95%	✓	6	6	95%
October 2019	100%	95%	✓	10	10	95%
November 2019	100%	95%	✓	1	1	95%
December 2019	100%	95%	✓	2	2	95%
January 2020	100%	95%	✓	5	5	95%
February 2020	100%	95%	✓	17	17	95%
March 2020	100%	95%	✓	1	1	95%






Code		MPI_LIC 008(TW)				
Short Name		Action after suspension - Licensing officers resolve by 31 March - Tunbridge Wells				
	Value	Target	Status	Number resolved	Number needed resolving	Annual
April 2019	100%	95%	✓	1	1	95%
May 2019	100%	95%	✓	1	1	95%
June 2019	100%	95%	✓	1	1	95%
July 2019	100%	95%	✓	3	3	95%
August 2019	100%	95%	✓	4	4	95%
September 2019	100%	95%	✓	3	3	95%
October 2019	100%	95%	✓	15	15	95%
November 2019	100%	95%	✓	1	1	95%
December 2019	100%	95%	✓	1	1	95%
January 2020	100%	95%	✓	6	6	95%
February 2020	100%	95%	✓	1	1	95%













March 2020	100%	95%		1	1	95%
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Licensing - Bexley - Monthly Performance - 2019/20








Code	LPI_LIC 001(B)					
Short Name	The percentage of renewal invitations sent out by deadline - Bexley					
	Value	Target	Status	No. sent within deadlines	No. of renewal invitations	Annual
April 2019	100%	95%		2	2	95%
May 2019	100%	95%		1	1	95%
June 2019	100%	95%		1	1	95%
July 2019	100%	95%		3	3	95%
August 2019	100%	95%		6	6	95%
September 2019	100%	95%		2	2	95%
October 2019	100%	95%		18	18	95%
November 2019	100%	95%		75	75	95%
December 2019	100%	95%		1	1	95%
January 2020	100%	95%		13	13	95%
February 2020	100%	95%		26	26	95%
March 2020	84.62%	95%		11	13	95%

Code	LPI_LIC 002(B)					
Short Name	The percentage of valid personal licences processed within 2 weeks (Hub Team) - Bexley					
	Value	Target	Status	No. processed within two weeks	Total number of licences	Annual
April 2019	80%	95%		4	5	95%
May 2019	93.75%	95%		15	16	95%
June 2019	92.31%	95%		12	13	95%
July 2019	100%	95%		11	11	95%
August 2019	71.43%	95%		5	7	95%
September 2019	100%	95%		10	10	95%
October 2019	100%	95%		10	10	95%













November 2019	81.82%	95%		9	11	95%
December 2019	100%	95%		7	7	95%
January 2020	100%	95%		13	13	95%
February 2020	100%	95%		8	8	95%
March 2020	100%	95%		6	6	95%

Code	LPI_LIC 003(B)					
Short Name	Percentage of unopposed applications for new and variation of premises licences processed within 2 calendar months (from date of validation to issue date) - Bexley					
	Value	Target	Status	No. processed within 2 months	Total applications received	Annual
April 2019	100%	95%		3	3	95%
May 2019	100%	95%		7	7	95%
June 2019	100%	95%		9	9	95%
July 2019	100%	95%		4	4	95%
August 2019	100%	95%		3	3	95%
September 2019	100%	95%		4	4	95%
October 2019	100%	95%		3	3	95%
November 2019	100%	95%		2	2	95%
December 2019	100%	95%		6	6	95%
January 2020	100%	95%		3	3	95%
February 2020	100%	95%		2	2	95%
March 2020	100%	95%		1	1	95%

Code	LPI_LIC 004(B)					
Short Name	The percentage of valid temporary event notices processed within one working day of receipt - Bexley					
	Value	Target	Status	No. processed in one working day	Total no. event notices received	Annual
April 2019	83.78%	95%		31	37	95%
May 2019	90.91%	95%		10	11	95%
June 2019	95%	95%		19	20	95%
July 2019	100%	95%		8	8	95%
August 2019	100%	95%		8	8	95%

September 2019	100%	95%		50	50	95%
October 2019	98%	95%		49	50	95%
November 2019	96.43%	95%		81	84	95%
December 2019	100%	95%		28	28	95%
January 2020	100%	95%		26	26	95%
February 2020	100%	95%		27	27	95%
March 2020	100%	95%		15	15	95%

Code	MPI_LIC 003(B)
Short Name	Premises compliance - Bexley

	Value	Target	Status	Numerator	Denominator	Annual
April 2019	50	30				360
May 2019	69	30				360
June 2019	65	30				360
July 2019	34	30				360
August 2019	99	30				360
September 2019	36	30				360
October 2019	77	30				360
November 2019	54	30				360
December 2019	59	30				360
January 2020	41	30				360
February 2020	51	30				360
March 2020	35	30				360

Licensing Service Plan 2020/21

Licensing
Partnership



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1. Who we are

Team	Licensing Partnership comprising London Borough of Bexley, Maidstone Borough Council, Sevenoaks District Council and Tunbridge Wells Borough Council
Head of Service	Sharon Bamborough
Chief Officers	Gary Stevenson (Tunbridge Wells), John Littlemore (Maidstone), Richard Morris (Sevenoaks) and David Bryce-Smith (LB of Bexley)

Our Structure Chart

Head of Licensing Partnership
1 FTE

Sevenoaks District Council

Tunbridge Wells

Maidstone Borough Council

London Borough of Bexley

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Licensing Partnership Manager
1FTE
Senior Licensing Technician – 2 FTE
Licensing Technician – 3 FTE + 1 PT (21 hrs)
Licensing Assistant – 1FTE

Senior Licensing Officer - 2 FTE

Senior Licensing Officer – 1FTE

Licensing Officer 1FTE

Part time Licensing Admin Officer. 20 hours

Senior Licensing Officer 1FTE

Licensing Officer 1 FTE

Part time Licensing Admin Officer (15 hours)

Licensing Enforcement Officer 1FTE

Principal Licensing Officer 1FTE

Part Time Licensing Officer 18 hours (Tues & Thurs)

Contact Centre

Gateway

Gateway

2. What we do

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Key Tasks	<ul style="list-style-type: none">■ Manage and oversee the Licensing Partnership.■ Seek to promote the licensing objectives of the relevant legislation.■ Our aim is to protect the public but also allow legitimate businesses within the area to prosper.■ To ensure that the legitimate taxis and private hire trade are able to provide a safe mode of transport to the residents and users within the Partnership's area.■ Compliance – ensure compliance of licensed premises, activities and events following grant of respective licences, permits and / or notices.■ To ensure that unlicensed premises, taxis/private hire and activities are investigated and appropriate action is taken.■ To enhance customer service while ensuring compliance with legislation.■ Fulfilling statutory duty whilst optimising cost savings and maintaining individual client's Council sovereignty.■ Take advantage of economies of scale to buy services and optimise the collaborative working between partners
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3. 2020/21 Service Objectives

Objective 1	To oversee and lead the Licensing Partnership to deliver efficiency savings and achieve performance targets	Responsible Officer	Sharon Bamborough
Performance Measure	Description	2020/21 Target or Outcome (to be achieved by 31.03.2021)	
LPI LIC 001	Send out renewal invitations for all licences/permits etc. 2 months before the expiry date of the licence and if a valid renewal application is not received before the expiry of a licence send a failure to renew letter out within 1 week of the licence expiring and advise the appropriate Authorities accordingly. (Hub Team)	95%	
LPI LIC 002	The percentage of valid personal licences processed within 2 weeks (Hub Team)	95%	
LPI LIC 003	Percentage of <i>unopposed</i> applications for new and variation of premises licences processed within 2 calendar months (from date of validation to issue date) [All]	95%	
LPI LIC 004	The percentage of valid temporary event notices served on Responsible Authorities within one working day of receipt (Hub Team)	95%	
LPI LIC 005	The percentage of driver and operator licences issued within 10 days of validation (Hub team)	90%	
MPI LIC 05a	Percentage of Hackney Carriage driver licences issued within 10 days of validation (Hub team)	90%	
MPI LIC 05b	Percentage of Private Hire driver licences issued within 10 days of validations	90%	
MPI LIC 05c	Percentage of Private Hire Operator licences issued within 10 days of	90%	

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	validations	
MPI LIC 017	<p>Taxi Compliance (licensing officers at Sevenoaks, Tunbridge Wells and Maidstone):-</p> <ul style="list-style-type: none"> • start action/investigation on receipt of complaints/intelligence within 5 working days (includes visits/letters/interviews etc) • reactive/proactive enforcement investigations ongoing/completed • warnings / penalty points issued • vehicle compliance checks 	Non London partners only: 15 actions per month per authority
MPI LIC 018	<p>Premises compliance (all licensing officers throughout partnership) :-</p> <ul style="list-style-type: none"> • notice checks to be carried out within one week of initial display • start action/investigation on receipt of complaints/intelligence within 5 working days (includes visits/letters/interviews etc) • carry out proactive visits in accordance with risk rating system • attend enforcement meetings/briefings/collaborate with partners on multi-agency approach 	<p>Non London partners – 15 actions per month per authority</p> <p>Bexley – 30 actions per month</p>
MPI LIC 019	<p>(for partners where Hub team arrange annual fee collection -does not apply to Bexley)</p> <p>(i) Send out invoices for continuation fees for licences/permits issued under the Licensing Act 2003 and Gambling Act 2005 at least 1 month in advance of the fee being due</p> <p>(ii) Where those fees are not received by the due date, take action to suspend/revoke licence/permit within 1 month of the fee being due.</p> <p>(Hub Team)</p>	95%
MPI LIC 020	<p>Action after suspension - Licensing officers to visit /establish status and resolve by 31 March each year</p> <p>(all licensing officers throughout partnership)</p>	95%

Link to Sevenoaks Corporate Plan	Providing value for money	Link to Sevenoaks Community Plan	Safe Communities
Link to Maidstone Strategic Plan	Keeping Maidstone an attractive place for all - Ensuring there are good leisure and cultural attractions		
Link to Tunbridge Wells Key Objectives in the Vision	Providing Value	Link to Strategic Compass	To ensure we operate in a business-like way
Link to Bexley Corporate Plan (Shaping our Future Together)	Innovation and self sufficiency		

Objective 2	Be open and proactive about undertaking of licensing functions for other local authorities.	Responsible Officer	Licensing Partnership Board
Performance Measure	Description	2020/21 Target or Outcome	
Action	Make enquiries with potential partners to undertake licensing functions for a 5 th partner.	Further functions carried out for other partners.	
Action	Implement the required processes/changes to ensure an additional partner is integrated within the Licensing Partnership	A smooth integration of any additional partners	
Link to Sevenoaks Corporate Plan	Providing value for money	Link to Sevenoaks Community Plan	Safe Communities
Link to Maidstone Corporate Priorities	Securing a successful economy for Maidstone Borough		
Link to Bexley corporate plan	Innovation and self sufficiency – a commercial approach		
Link to Tunbridge Wells Corporate Priorities	To support a prosperous borough	Link to Strategic Compass	Providing value

Objective 3	Seek further efficiency savings in processes and use of online facilities		Responsible Officer	Sharon Bamborough
Performance Measure	Description		2020/21 Target or Outcome	
Action	Review (ongoing) processes and procedures of Hub team officers and streamline / change to save time on unnecessary record keeping		A reduction in time spent by Hub Team staff completing basic processing which should allow for better target achievement To be achieved by 31/03/2021	
Action	A move towards paper free workplace for Hub team		Better working environment, less risk of filing errors/backlogs reduction in the time spent by To be achieved by 31/03/2021.	
Link to Sevenoaks Corporate Plan	Supporting and developing the local economy	Link to Sevenoaks Community Plan	Safe Communities	
Link to Bexley corporate plan	Innovation and self sufficiency – a commercial approach	Link to Maidstone Corporate Priorities	Securing a successful economy for Maidstone Borough	
Link to Tunbridge Wells Corporate Priorities	To support a prosperous borough	Link to Strategic Compass	Providing value	

Objective 4	Ensure all online forms are implemented and in use by customers and explore other software solutions	Responsible Officer	Sharon Bamborough
Performance Measure	Description	2020/21 Target or Outcome	
Action	The library of on line forms should implemented across the four partners – to include new forms for Bexley (Special Treatments) and any updates needed for existing ones (eg animal licensing)	Complete the introduction/update of all online forms. To be achieved by 31/12/2020	
Action	Complete testing and go live with electronic record management system, Enterprise (from Idox)	Increased efficiency and monitoring tools, with enhanced reporting options To be achieved by 31/08/2020	
Link to Sevenoaks Corporate Plan	Supporting and developing the local economy	Link to Sevenoaks Community Plan	Safe Communities
Link to Bexley corporate plan	Innovation and self sufficiency – a commercial approach	Link to Maidstone Corporate Priorities	Securing a successful economy for Maidstone Borough
Link to Tunbridge Wells Corporate Priorities	To support a prosperous borough	Link to Strategic Compass	Providing value

Objective 5	Undertake a programme of training for Members and officers. Ensure all new Members on each Licensing Committee receive appropriate training.		Responsible Officer	Sharon Bamborough
Performance Measure	Description	2020/21 Target or Outcome		
Action	Deliver a programme of training to the Members and officers.	Train any new members to Licensing committee and ad hoc training to any other new members appointed for all partners To be achieved by 31/03/2021		
Action	Hold morning/afternoon sessions where new Members can visit the Licensing Partnership's Administration Team.	To be achieved by 31/03/2021		
Link to Sevenoaks Corporate Plan	Keeping the district safe	Link to Sevenoaks Community Plan	Safe Communities	
Link to Bexley corporate plan	Growth that benefits all – the right skills for jobs of today and tomorrow	Link to Maidstone Corporate Priorities	Securing a successful economy for Maidstone Borough – range of Employment Skills and opportunities across the Borough	
Link to Tunbridge Wells Corporate Priorities	Our People	Link to Strategic Compass	To have relevant skills	

Objective 6	Revision of Policies & Procedures		Responsible Officer	Sharon Bamborough/Lorraine Neale/Sharon Degiorgio/Samantha Laing/Michael Moss
Performance Measure	Description		2020/21 Target or Outcome	
Action	Complete the review Licensing Act 2003 Policies across the Partnership in readiness for January 2021 when they must come into force		Achieve statutory obligations. To be achieved by 31/12/2020	
Action	Review Street trading policy at Maidstone regarding designation of street trading pitches		To reduce the cost burden of processing each request and/or reduce the number of requests To be achieved by 31/03/2021	
Action	A review of the Hub Team Admin procedures and update where necessary		To improve efficiency, reduce mistakes and speed up processing To be achieved by 31/03/2021	
Action	To review taxi policies in Maidstone, Tunbridge Wells and Sevenoaks as and when needed.		To respond to changing needs of public and trade and to keep in line with corporate objectives To be achieved by 31/03/2021	
Action	Adapt procedures and requirements in the face of the Coronavirus pandemic to support the trade whilst adhering to regulations		On-going	
Link to Sevenoaks Corporate Plan	Supporting and developing the local economy	Link to Sevenoaks Community Plan	Safe Communities	

Link to Bexley corporate plan	Innovation and self sufficiency – a commercial approach	Link to Maidstone Corporate Priorities	Securing a successful economy for Maidstone Borough
Link to Tunbridge Wells Corporate Priorities	To support a prosperous borough	Link to Strategic Compass	Providing value

Objective 7	Health, Safety and Well Being of Staff		Responsible Officer	Sharon Bamborough
Performance Measure	Description		2020/21 Target or Outcome	
Action	Ensure risk assessments are carried out and reviewed as appropriate and at least once a year.		Risk assessments are in place and are reviewed. To be achieved by 31/03/2021	
Action	Ensure 1:1 meetings are carried out on a regular basis.		All Senior Licensing Officers and Licensing Partnership Manager to ensure meetings take place and are documented.	
Action	Ensure any H&S workplace requirements related to the 2020 pandemic are adhered to and workable solutions are in place.		All Senior Licensing Officers and Licensing Partnership Manager to ensure requirements are adhered to	
Link to Sevenoaks Corporate Plan	Supporting and developing the local economy	Link to Sevenoaks Community Plan	Safe Communities	
Link to Bexley corporate plan	Innovation and self sufficiency – a commercial approach	Link to Maidstone Corporate Priorities	Securing a successful economy for Maidstone Borough	
Link to Tunbridge Wells Corporate Priorities	To support a prosperous borough	Link to Strategic Compass	Providing value	

4. Measuring our Performance

Performance Indicators and Target Setting

Code	Description	Collection period	2020/21 target
LPI LIC 001	Send out renewal invitations for all licences/permits etc. 2 months before the expiry date of the licence and if a valid renewal application is not received before the expiry of a licence send a failure to renew letter out within 1 week of the licence expiring and advise the appropriate Authorities accordingly. (Hub Team)	Monthly	95%
LPI LIC 002	The percentage of valid personal licences processed within 2 weeks (Hub Team)	Monthly	95%
LPI LIC 003	Percentage of <i>unopposed</i> applications for new and variation of premises licences processed within 2 calendar months (from date of validation to issue date) [All]	Monthly	95%
LPI LIC 004	The percentage of valid temporary event notices served on Responsible Authorities within one working day of receipt (Hub Team)	Monthly	95%
LPI LIC 005	The percentage of driver and operator licences issued within 10 days of validation (Hub team)	Monthly	90%
MPI LIC 05a	Percentage of Hackney Carriage driver licences issued within 10 days of validation (Hub team)	Monthly	90%
MPI LIC 05b	Percentage of Private Hire driver licences issued within 10 days of validation (Hub team)	Monthly	90%

Code	Description	Collection period	2019/20 target
MPI LIC 05c	Percentage of Private Hire Operator licences issued within 10 days of validation (Hub team)	Monthly	90%
MPI LIC 012	Length of time from validation to issue of HC vehicle licence (MPI) - target 10 working days (Hub team)	Monthly	average number of days
MPI LIC 013	Length of time from validation to issue of PH vehicle licence (MPI) - target 10 working days (Hub team)	Monthly	average number of days
MPI LIC 017	<p>Taxi Compliance (licensing officers at Sevenoaks, Tunbridge Wells and Maidstone):-</p> <ul style="list-style-type: none"> start action/investigation on receipt of complaints/intelligence within 5 working days (includes visits/letters/interviews etc) reactive/proactive enforcement investigations ongoing/completed warnings / penalty points issued vehicle compliance checks 	Monthly	Non London partners only: 180 each (equates to 15 actions per month per authority)
MPI LIC 018	<p>Premises compliance (all licensing officers throughout partnership)</p> <ul style="list-style-type: none"> notice checks to be carried out within one week of initial display start action/investigation on receipt of complaints/intelligence within 5 working days (includes visits/letters/interviews etc) carry out proactive visits in accordance with risk rating system 	Monthly	Non London partners – 180 each (equates to 15 actions per month per authority) Bexley – 360 (equates to 30 actions per month)

	<ul style="list-style-type: none"> attend enforcement meetings/briefings/collaborate with partners on multi-agency approach 		
Code	Description	Collection period	2019/20 target
MPI LIC 019	<p>(for partners where Hub team arrange annual fee collection)</p> <p>Send out invoices for continuation fees for licences/permits issued under the Licensing Act 2003 and Gambling Act 2005 at least 1 month in advance of the fee being due and where those fees are not received by the due date to take action to suspend/revoke licence/permit within 1 month of the fee being due. (Hub Team)</p>	Monthly	95%
MPI LIC 020	<p>Action after suspension - Licensing officers to visit /establish status and resolve by 31 March each year (all licensing officers throughout partnership)</p>	Annual	95%

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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