

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

**MINUTES OF THE MEETING HELD ON THURSDAY 17 SEPTEMBER
2020**

Present: Councillors Brindle, Fissenden, Garten, Mrs Grigg,
Hinder, Joy (Chairman), Naghi, Purle, Mrs Robertson,
M Rose, J Sams and Springett

38. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Fort.

39. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

40. URGENT ITEMS

There were no urgent items.

41. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

42. VISITING MEMBERS

There was no Visiting Members.

43. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

44. EXEMPT ITEMS

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

45. MINUTES OF THE MEETING HELD ON 18 JUNE 2020

RESOLVED: That the Minutes of the meeting held on 18 June 2020 be agreed as a correct record and signed at a later date.

46. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from Members of the Public.

47. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

48. CODE OF CONDUCT TRAINING REQUIREMENTS

The Democratic and Electoral Services Manager introduced the report and referenced the 'Licensing Committee Roles and Responsibilities' report presented to the Committee in 2016, where it was agreed that refresher training would be provided annually if required. However, the Council's Constitution did require existing Members of the Committee to receive annual refresher training and the proposed new wording within the report would remove this requirement and enabled the previously sought flexibility.

The Democratic and Electoral Services Manager confirmed that the online training recently provided to Members was to ensure compliance to the Constitution prior to a recent Licensing Act 2003 Sub-Committee Hearing. The Committee would be able design and agree a suitable training programme at a later date.

Several Members expressed concern with the online training provided as it was not agreed by the Committee but understood its necessity for Constitutional compliance and to avoid legal challenge.

RESOLVED: That the new wording set out in paragraph 4.2 be recommended to Council for the Code of Conduct for Councillors and Officers dealing with Licensing Matters.

49. STREET TRADING POLICY 2020

The Senior Licensing Officer introduced the report on the revised draft Street Trading Policy, which had been updated in recognition of the feedback received from the Committee from the draft's consideration at the 18 June 2020 meeting.

It was confirmed that the 8-week consultation proposed was considered a reasonable time frame and that the application fee reflected the use of officer time in assessing the application. In relation to Community and Charitable Events, the previous wording used had been removed due to legal constraints that prohibited its use, but that the use of multi-user consents and further considerations to waive the fees could be considered.

RESOLVED: That

1. The revised Street Trading Policy, attached at Appendix 2 of the report, be agreed for consultation purposes;
2. The draft amended fee structure which introduces a non-refundable consultation application fee, be agreed;

3. Delegated authority be given to the Head of Housing and Community Services to make minor amendment to the policy; and
4. Following the 8-week consultation period, the policy together with a summary of key consultation comments is brought back to the licensing committee for consideration, be agreed.

50. STATEMENT OF LICENSING POLICY 2021-2026

The Senior Licensing Officer introduced the report which contained the proposed Statement of Licensing Policy at Appendix 1 to the report. The Licensing Act 2003 required that a statement be published every five years with the existing policy to expire on 6 January 2021. It was confirmed that deterrence of knife crime measures and the Covid-19 impact and response had been included within the statement.

The Senior Licensing Officer confirmed that the longest consultation period could be 7-weeks, instead of the 6-weeks proposed, due to the internal processes involved in the Statement's approval and implementation for 7 January 2021.

RESOLVED: That

1. The Statement of Licensing Policy attached at Appendix 1 to the report be agreed for consultation purposes, subject to the amendment of the following:
 - a. The 'Covid-19 Impact and Response' sub-heading be amended to read 'Highly Contagious Communicable Diseases Impact and Response' and that the second 'Covid-19' within the section be replaced by 'Highly Contagious Communicable Diseases';
 - b. The typographical error within the section on the Deterrence of knife crime measures be corrected; and
2. The 6-week consultation period be agreed.

51. DURATION OF MEETING

6.30 p.m. to 7.40 p.m.