

**Medway Council**  
**Meeting of Licensing and Safety Committee**  
**Wednesday, 31 August 2016**  
**6.00pm to 6.45pm**

**Record of the meeting**

**Subject to approval as an accurate record at the next meeting of this committee**

**Present:** Councillors: Bhutia, Bowler, Carr (Vice-Chairman),  
Mrs Diane Chambers (Chairman), Fearn, Godwin, Griffin, Hicks,  
McDonald, and Pendergast

**Substitutes:** Councillor Purdy (Substitute for Councillor Etheridge)

**In Attendance:** DC Gill Angus, Kent Police  
Vicky Nutley, Planning and Licensing Lawyer  
Stephen Platt, Democratic Services Officer  
Alison Poulson, Licensing and Local Land Charges Manager

**241 Apologies for absence**

Apologies for absence were received from Councillors Etheridge and Kemp.

**242 Record of meeting**

The record of the meeting of the Committee held on 27 January 2016 and the Joint Meeting of Committees held on 18 May 2016 were agreed as correct and signed by the Chairman.

**243 Urgent matters by reason of special circumstances**

There were none.

**244 Declarations of disclosable pecuniary interests and other interests**

Disclosable pecuniary interests

There were none.

Other interests

There were none.

**245 Licensing Act 2003 - Enforcement Report on Licensing Matters**

**Discussion:**

The Committee considered the annual reports on licensing compliance and enforcement from Kent Police and the Licensing Authority covering the period April 2015 to March 2016. The Licensing Officer, Kent Police, reported that Medway had the highest number of licensed premises within the North Division and highlighted the benefit of close working relationships between the Divisional Licensing Unit and licence holders and Designated Premises Supervisors (DPS). Working in partnership with the local authority, premises were visited whenever there was a change of DPS to provide a point of contact and discuss the licensing conditions to ensure that they were fit for purpose for the venue and were understood by the DPS. Enforcement action was seen as a last resort but would be taken when compliance visits had not achieved the desired outcome.

In relation to crimes generated from pubs and clubs, it was reported that there was a correlation between the number of victims of crime and offenders aged over 30. This was considered to be linked to the increased use of cocaine in this particular age group. Reported incidences of spiked drinks and grievous bodily harm had not been high in Medway during the year.

The success of operation REPEL was reported to the Committee. This had been instigated to focus on gang members believed to be involved in drug dealing at premises within Medway. Working with the premises management and door staff, Kent Police had provided a knife arch to assist with the searching policies at the premises. The operation had resulted in arrests for assault and possession of drugs and had sent a positive message that this type of offending would not be tolerated.

In conclusion the Licensing Officer, Kent Police, advised the Committee that there had been an increase in the number of Temporary Event Notices and also applications for new premises licences and the Unit had been successful in requesting that additional conditions be attached to licences where appropriate.

Members thanked the Licensing Officer, Kent Police for her comprehensive report. They commented on issues such as high strength alcoholic drinks and so called 'pre-loading' where customers consumed alcohol at home before going to a pub or club. The Licensing Officer, Kent Police advised the Committee that door staff were aware of this practice and would not admit customers to their premises if they were drunk. Preventative measures were also discussed and Members were advised that the use of plastic bottles instead of glass was restricted by the higher cost and shorter shelf life of products in plastic bottles. The use of Scan Net, an ID verification and entry scanning system, was also discussed.

It was noted that this would be the last meeting attended by the Licensing Officer, Kent Police and on behalf of the Committee, the Chairman thanked her for her achievements in Medway and wished her well in her new role.

## **Licensing and Safety Committee, 31 August 2016**

Next, the Council's Licensing and Local Land Charges Manager introduced her report for April 2015 to March 2016 which covered the changes to the structure of the Licensing Team; the various types of applications dealt with by the Team and compliance and enforcement undertaken by the Team. The report also included graphical information showing the monthly volumes/trends of a range of applications received and the monthly volumes/trends of complaints/service requests received and dealt with by officers. It was noted that very few complaints were received in relation to the Licensing Act 2003. Most complaints were taxi related and included issues such as the poor condition of vehicles, incidences of overcharging and poor driving.

In conclusion, the Licensing and Local Land Charges Manager reported that it had been an extremely challenging year due to the increasing volume of applications and the variety of compliance and enforcement action undertaken. With the new structure of the team in place, the next step was to look at new ways of working to enable an improved service to customers at no additional cost.

Members thanked the Licensing and Local Land Charges Manager for her thorough report.

### **Decision:**

The Committee considered and noted the reports prepared and presented by Kent Police and the Licensing Authority.

## **246 Delegation to the Licensing Sub-Committee - Scrap Metal Dealers Act 2013**

### **Discussion:**

The Committee considered a report seeking agreement to a proposal that the Licensing Sub-Committee undertake an advisory role in respect of applications received under the Scrap Metal Dealers Act 2013. With the agreement of the Leader and Cabinet, the Council had given the Licensing Committee and the Licensing Sub-Committee this quasi-judicial advisory role and the Committee was asked to delegate this function to the Sub-Committee.

It was noted that the Leader had given delegated authority to the Chief Legal Officer to determine such applications and associated matters. Where there was an intention to refuse an application, the applicant was given a time line of no less than 14 days from the date of notice to confirm in writing their intention to make representations. A further reasonable time line was then given for the representations to be submitted. It was proposed that, if representations were received, a meeting of the Licensing Sub-Committee be convened in order for Members to hear representations from all sides and advise the Chief Legal Officer of their recommended course of action, to refuse, revoke, vary, grant a licence.

The Committee was advised that, until such time as the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 were amended, the function of licensing scrap metal dealers had to be the responsibility of the Leader and Cabinet.

## Licensing and Safety Committee, 31 August 2016

### Decision:

The Committee:

- a) Delegated to the Licensing Sub-Committee its function of acting in an advisory quasi-judicial capacity to the Chief Legal Officer, when considering representations from applicants for licences under the Scrap Metal Dealers Act 2013 where the authority is minded to refuse, vary or revoke a licence.
- b) Agreed to add the following paragraph to the terms of reference of the Licensing Sub-Committee:  
  
“To act in an advisory quasi-judicial capacity to the Chief Legal Officer, when considering representations from applicants for licences under the Scrap Metal Dealers Act 2013 where the authority is minded to refuse, vary or revoke a licence.”
- c) Recommended that the Monitoring Officer, who has delegated authority to make minor changes to the Constitution, amend the terms of reference of the Licensing Sub-Committee accordingly.

### 247 Delegations to the Chief Legal Officer - Licensing Act 2003

#### Discussion:

The Committee considered a report seeking the Committee's agreement to the delegation of specific functions to the Chief Legal Officer concerning the procedure for Licensing Act 2003 hearings held under the provisions of the Licensing Act 2003 (Hearings) Regulations 2005.

It was noted that the regulations set out the procedure to be followed for hearings held under the Act and the proposed delegations to the Chief Legal Officer included the right to dispense with a hearing if all parties agree; the power to extend time limits and adjourn/re-arrange hearings; the submission of supporting information; and irregularities which may arise.

#### Decision:

The Committee:

- a) Delegated to the Chief Legal Officer its functions in relation to the procedure for hearings held under the Licensing Act 2003, as set out in Appendix 1 to the agenda report.
- b) Recommended that the Monitoring Officer, who has delegated authority to make minor changes to the Constitution, amend the Employee Scheme of Delegation accordingly.

**Licensing and Safety Committee, 31 August 2016**

**Chairman**

**Date:**

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