

Medway Council
Meeting of Licensing and Safety Committee
Tuesday, 24 October 2017
6.00pm to 6.35pm

Record of the meeting

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

- Present:** Councillors: Bhutia, Mrs Diane Chambers (Chairman), Etheridge, Fearn, Godwin, Hicks, Kemp, McDonald and Pendergast
- Substitutes:** Councillors:
Johnson (Substitute for Bowler)
- In Attendance:** Barbara Murray, Public Health Project Co-ordinator Vicky Nutley, Planning and Licensing Lawyer
Stephen Platt, Democratic Services Officer
Alison Poulson, Licensing and Local Land Charges Manager

415 Apologies for absence

Apologies for absence were received from Councillors Bowler and Carr.

416 Record of meeting

The record of the meeting held on 29 August 2017 was agreed and signed by the Chairman as correct.

417 Urgent matters by reason of special circumstances

There were none.

418 Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Other interests

There were none.

419 Licensing Act 2003- Licensing Policy Considerations

Discussion:

The Committee considered a report seeking approval to commence a public consultation in respect of the draft Statement of Licensing Policy which included cumulative impact and stress area policies. The Licensing and Local Land Charges Manager advised Members that the aim was for the final document to be used as a good practice guide by all involved in the application process under the Licensing Act 2003. It would also serve as a tool for officers to encourage improved practice in existing licensed premises.

The Licensing and Local Land Charges Manager proposed that a 12 week consultation period should run from 1 November 2017 to 31 January 2018 and she set out the methods by which the consultation would take place. Details would be advertised in the press, on the Council's website and at all Council hubs and libraries. Letters and emails would be sent to all Medway Councillors and MPs, responsible authorities and existing licensed premises. In addition, drop in sessions would be held at the St Georges Centre on Thursday 23 November 2017 and Tuesday 9 January 2018. The outcome of the consultation and any recommended amendments to the draft Statement of Licensing Policy would be submitted to the Licensing and Safety Committee at its meeting on 7 March 2018 when the Committee would be asked to recommend the revised Statement to Full Council on 26 April 2018 for implementation from 1 May 2018.

A Member questioned why the draft document stated that the Council 'may' adopt a cumulative impact policy rather than 'will' and was advised that this gave the Council the flexibility to adapt to particular circumstances. The cumulative impact policies for specific locations would be appended to the Statement of Licensing Policy and these could be amended without the requirement to review the whole document.

Clarification was also sought on when a premises licence would not add to the cumulative impact. Officers advised that this could include restaurants and champagne bars.

With regard to the proposed consultation, it was suggested that residents groups, community associations and Parish Councils be added to the list of consultees. The Licensing and Local Land Charges Manager said that, when advising Councillors of the consultation, she would offer to attend meetings of such groups to present the draft Statement of Licensing Policy. A Member suggested that it also be discussed at the Rural Liaison Committee at its meeting on 16 January 2018.

Members commended officers for the clarity of the draft policy document.

Decision:

The Committee :

- a) authorised officers to place the draft Statement of Licensing Policy on the Council's website, advertise it and consult with all relevant interested parties; and
- b) agreed that the results of the consultation be reported back to a future meeting of the Licensing and Safety Committee when the Committee would be asked to recommend the revised Statement of Licensing Policy to Full Council for approval.

420 SEV Policy Considerations

Discussion:

The Licensing and Local Land Charges Manager advised the Committee that officers had reviewed the statement of policy in respect of sex establishments in conjunction with existing premises and were of the opinion that no changes were required at this time. It was proposed that the policy be kept under review and that officers report back any amendments that may be required as a result of changes in legislation, case law or for any other reason.

Decision:

The Committee:

- a) agreed that there be no change to the existing policy; and
- b) agreed that the Chief Legal Officer keep the policy under review and report back to the Committee should there be a need to consult on proposed amendments in light of changes in legislation, case law or for any other reason.

421 The Determination of Applications for the Registration of Land as a Town or Village Green - Delegations to the Licensing Sub-Committee and the Chief Legal Officer

Discussion:

The Committee considered a report seeking the Committee's agreement to the delegation of determining applications for the registration of land as a town or village green, where representations have been received and not withdrawn, to the Licensing Sub-Committee. The report also sought agreement to the delegation of functions to the Chief Legal Officer. These were to authorise the determination of applications where no objections to registration had been received and also to authorise the instruction of counsel and make arrangements for an inquiry when necessary.

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Members expressed concern about the proposals and requested further information on the options for determining village green applications before considering the most appropriate way forward.

Decision:

The Committee deferred consideration of this matter to a future meeting of the Licensing and Safety Committee to allow further consideration to be given to the options for determining village green applications.

Chairman

Date:

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