

**Medway Council**  
**Meeting of Licensing and Safety Committee**  
**Wednesday, 7 March 2018**  
**6.00pm to 6.26pm**

**Record of the meeting**

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

- Present:** Councillors: Bhutia, Carr (Vice-Chairman), Mrs Diane Chambers (Chairman), Etheridge, Godwin, Griffin, Hicks, McDonald and Pendergast
- Substitutes:** Councillors:  
Maple (Substitute for Bowler)
- In Attendance:** Jan Guylor, Head of Legal Services/Deputy Monitoring Officer  
Alison Poulson, Licensing and Local Land Charges Manager  
Michael Turner, Democratic Services Officer  
Vicky Nutley, Planning and Licensing Lawyer

**792 Apologies for absence**

An apology for absence was received from Councillor Bowler.

**793 Record of meeting**

The record of the meeting held on 24 October 2017 was agreed and signed by the Chairman as correct.

**794 Chairman's announcements**

The Chairman referred to agenda item no 8 (Shared Licensing Service between Gravesham Borough Council and Medway Council) and advised that the Chief Legal Officer had decided to withdraw this item and submit a revised paper with more detail to the June Committee. Officers advised that it was anticipated the proposals would now be considered by the Business Support Overview and Scrutiny Committee on 5 July, followed by Cabinet on either 10 July or 10 August and then Council in July or October. This meant the proposed implementation date of 1 October could still be met but if it slipped to 1 November than that would not cause any operational difficulties.

The Chairman announced that this would be Alison Poulson's last meeting of the Committee as Licensing and Local Charges Manager before her retirement. She remarked that it had been a pleasure to work with Alison and she was proud of the licensing system Alison had put in place. Alison would be greatly missed and on behalf of the Committee she wished her well for the future.

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

There were none.

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

Disclosable pecuniary interests

There were none.

Other significant interests

There were none.

Other interests

There were none.

**797 Licensing Act 2003 - Review of the Council Statement of Licensing Policy**

**Discussion:**

The Committee were advised that the Council was required to publish a 'Statement of Licensing Policy' that set out the policies the Council would generally apply to promote the licensing objectives when making decisions on applications made under the Licensing Act 2003.

Members were asked to consider the comments received following the public consultation on the draft Statement of Licensing Policy and to make recommendations to Council on 26 April 2018.

The Licensing and Local Land Charges Manager advised that consultation had consisted of the following:

- A 12 week consultation period (from 1 November to 31 January), details of which had been advertised in the press, on the Council website and at all Council Hubs and Libraries.
- Letters/emails had been sent advertising the consultation, with the web link to the document, to all Medway councillors and MP's, responsible authorities and existing licensed premises.
- Two days of drop in sessions at St Georges Centre where officers were present to answer any questions.
- Officer attendance at the following meetings in order to detail the changes being made and the introduction of the Cumulative Impact Policies.

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- 7 November – Medway Licenced Victuallers Association.
- 23 November – Chatham High Street PACT meeting
- 5 December – Brompton PACT meeting
- 7 December – All Saints PACT meeting
- 11 January – Rochester City Centre Forum Meeting

Twenty responses to the consultation had been received, the contents of which were detailed at Appendix B.

A diversity Impact assessment had also been carried out and was detailed at Appendix C.

Members welcomed the draft Statement of Licensing Policy which they considered to be well written as well as incorporating lessons learned during the lifetime of the current policy. Whilst the number of people who had responded to the consultation was low this was not a result of a lack of effort in attempting to engage with the public. Moreover, Members commented that they were satisfied that, based on their discussions with constituents, there was general support amongst Medway residents for the revised draft policy.

### **Decision:**

The Committee agreed to recommend approval of the draft Statement of Licensing Policy to Council on 26 April 2018 for use from 1 May 2018.

## **798 Gambling Act 2005 - Review of the Council Statement of Gambling Policy**

### **Discussion:**

The Committee were advised that the Council was required to publish a 'Statement of Licensing Principles', referred to in the Council's Constitution as the Statement of Gambling Policy, that set out the policies the Council would generally apply to promote the licensing objectives when making decisions on applications made under the Act.

The report provided Members with information and guidance on a revised Statement of Gambling Policy under the Gambling Act 2005 and asked for approval for public consultation.

The Licensing and Local Land Charges Manager advised that the document was required to be reviewed every 3 years.

The main changes proposed in the draft policy for consultation were listed at Appendix 3 and included:

- Links to the Council Plan had been inserted setting out visions and values to reflect local policy direction and key aims and objectives of strategic partners within Medway.
- Sections had been amended to improve clarity.
- New sections had been added in respect of health and risk.

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The benefits of approving the draft new policy for consultation were that the Licensing Authority would have a secure foundation on which to determine applications in a way that clearly promoted the licensing objectives, protected residents and allowed the vision for the Council to be achieved through a clear, fair and robust licensing process underpinned by the policy.

A Member asked for advice on the impact on the consultation process if the Government were to make a change to gambling legislation either during the 12 week consultation period or after this period had ended. Members were advised that if this was to happen during the 12 week consultation period then, depending on the significance of the change, the draft policy would either be amended to incorporate the change or consultation would take place on the proposed change. This also applied to the period between the consultation ending and full Council making a decision. If this was to happen after Council had agreed the policy then, if it was a significant change, the Council would need to consider whether to start the consultation process again.

In response to a question about the extent of the consultation process, the Committee was advised that the draft policy would be available on the Council's website and Community Hubs, all councillors and MPs would be advised as well as licence holders. Due to poor turnout at drop in sessions last time, these would not be held.

### **Decision:**

The Committee agreed:

- a) to authorise officers to place the draft Statement of Gambling Policy at Appendix 1 to the report on the Council's website, advertise it and consult with all relevant interested parties, and;
- b) that the results of the consultation be reported back to a future Licensing and Safety Committee together with a revised draft Statement of Gambling Policy, prior to consideration by Business Support Overview and Scrutiny Committee and Cabinet and recommendation to Full Council for approval.

### **799 The Determination of Applications for the Registration of Land as Town or Village Green - Delegations to the Licensing Sub-Committee and the Chief Legal Office**

#### **Discussion:**

Members considered a report which sought the Committee's agreement to the delegation of determining applications for the registration of land as a town or village green, where representations had 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.

The report advised that the Committee itself may still exercise any functions it

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had delegated to a Sub-Committee or an Officer.

The report proposed that a mediation meeting between all parties to the application should be held before the application was referred to Members to see if agreement on the issues could be reached.

In response to a question about the process where the proposed village green was on Council owned land, the Committee were advised that, if it was a proposal from the Council, then the Council could dedicate the land without a hearing. If the proposal came from a third party where the Council was the landowner then this would be dealt with in the same way as proposed in the report.

A Member queried whether the option of registering land as an asset of community value should be included in the new process. Officers advised that guidance on this was available on the Council's website.

A Member made the point that it would be more transparent if there were objective criteria to determine whether applications went to the Committee or the Sub-Committee. Officers replied that it was envisaged that most applications would come to the sub-committee but where the arguments were more balanced then they would probably be referred to the Committee. A Member made the point that a two tier system predicated on how likely the application was to succeed would be difficult to explain to an applicant who considered they had a strong case and disagreed with a decision to refer it to the sub-committee. Following a discussion, Members agreed that it would be preferable for all applications to follow the same decision making route and that this should be the sub-committee.

### **Decision:**

The Committee agreed to:

- a) note that town and village green registration is a function of the Licensing and Safety Committee and not the Planning Committee and that the Constitution requires amendment to clarify this;
- b) delegate the function 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;
- c) as a result of the previous decision set out at b) above, agree two of the proposed delegations to the Chief Legal Officer with regard to the registration of land as a town or village green, – i.e (i) and (iii) but not (ii) as set out in paragraph 3.6.1 of the report, and;
- d) note that the Monitoring Officer, who has delegated authority to make minor changes to the Council's Constitution, will amend the Constitution to reflect these delegations.

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**800 Shared Licensing Service between Gravesham Borough Council and Medway Council**

As noted earlier (see minute no 3) this report had been withdrawn .

**Chairman**

**Date:**

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