

Licensing Committee

Minutes of the meeting held on 16 January 2024 commencing at 7.00 pm

Present: Cllr. Clack (Chairman)

Cllr. Abraham (Vice-Chairman)

Cllrs. Edwards-Winsor, Esler, Barnett, Clayton, Ferrari, Leaman and Lindop

Apologies for absence were received from Cllrs. Waterton, Barnes, Haslam and Skinner

15. Minutes

Resolved: That the minutes of the Licensing Committee held 20 September 2023, and the Licensing Hearing held on 4 July 2023, be approved and signed by the Chairman as a correct record.

16. Declarations of interest

There were none.

17. Actions from the previous meeting

There were none.

18. Gambling Act 2005: Licence Fees from April 2024

The Head of Licensing Partnership presented the report, which set out the proposed levels of fees and charges for gambling licenses for 2024-25. The fees ensured that the Council complied with its statutory duty and ensured that the Gambling Licensing service remained self-financing. The fees had been increased in line with inflation where possible; some fees had reached their maximum limits.

In response to questions, the officer clarified that new casinos under the Gambling Act 2005 were not permitted to be built in the district, and that the fees set for these licenses were irrelevant.

Resolved: That the level of fees and charges as set out below be approved from 1 April 2024:

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NEW APPLICATIONS AND ANNUAL FEES	New Application proposed fee	New Application maximum fee possible	New Application current fee	Annual Fee proposed	Annual Fee maximum possible	Annual Fee currently	
Existing Casinos	n/a	n/a	n/a	n/a	n/a	n/a	
New Small Casino	8000	(8000)	8000	5000	(5000)	4850	
New Large Casino	10000	(10000)	10000	8376	(10000)	7828	
Bingo Club	2654	(3500)	2480	931	(1000)	870	
Betting Premises (excluding Tracks)	3000	(3000)	3000	600	(600)	600	
Tracks	2080	(2500)	1944	931	(1000)	870	
Family entertainment Centres	2000	(2000)	1944	750	(750)	715	
Adult Gaming centre	2000	(2000)	1944	750	(750)	750	
Temporary Use Notice	269	(500)	251	n/a	n/a	n/a	
OTHER APPLICATIONS	Application to Vary	Application to Transfer	Application for Re-Instatement	Application for Provisional Statement	Licence Application (provisional Statement holders)	Copy Licence	Notification of Change
	£	£	£	£	£	£	£
Existing Casinos	n/a	n/a	n/a	n/a	n/a	n/a)	n/a)
New Small Casino proposed fee	4000	1800	1800	8000	3000	14	35
New Small Casino maximum fee possible	(4000)	(1800)	(1800)	(8000)	(3000)	(25)	(50)
<i>New Small Casino current fee</i>	4000	1800	1800	8000	3000	13	32
New Large Casino proposed fee	5000	2150	2150	10000	4931	14	35
New Large Casino maximum fee possible	(5000)	(2150)	(2150)	(10000)	(5000)	(25)	(50)
<i>New Large Casino current fee</i>	4776	2150	2150	10000	4608	13	32
	Application to Vary	Application to Transfer	Application for Re-Instatement	Application for Provisional Statement	Licence Application (provisional Statement holders)	Copy Licence	Notification of Change
Bingo Club proposed fee	1750	1200	484	2654	1200	14	35
Bingo Club maximum fee possible	(1750)	(1200)	(1200)	(3500)	(1200)	(25)	(50)
<i>Bingo Club current fee</i>	1750	1200	452	2480	1200	13	32
Betting Premises proposed fee	1500	1200	459	2080	1200	14	35

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NEW APPLICATIONS AND ANNUAL FEES	New Application proposed fee	New Application maximum fee possible	New Application current fee	Annual Fee proposed	Annual Fee maximum possible	Annual Fee currently	
Betting Premises maximum fee possible	(1500)	(1200)	(1200)	(3000)	(1200)	(25)	(50)
<i>Betting Premises current fee</i>	1500	1200	429	1944	1200	13	32
Tracks proposed fee	1250	950	459	2027	950	14	35
Tracks maximum fee possible	(1250)	(950)	(1200)	(2500)	(950)	(25)	(50)
<i>Tracks current fee</i>	1250	950	429	1894	950	13	32
FEC's* proposed fee	1000	950	459	2000	950	14	35
FEC's maximum fee possible	(1000)	(950)	(950)	(2000)	(950)	(25)	(50)
<i>FEC's current fee</i>	1000	950	429	1938	950	13	32
Adult Gaming Centre proposed fee	1000	1200	466	2000	1200	14	35
Adult Gaming Centre maximum fee possible	(1000)	(1200)	(950)	(2000)	(1200)	(25)	(50)
<i>Adult Gaming Centre current fee</i>	1000	1200	435	1938	1200	13	32
TUN** proposed fee	n/a	n/a	n/a	n/a	n/a	14	35
TUN maximum fee possible	n/a	n/a	n/a	n/a	n/a	(25)	(50)
<i>TUN current fee</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	13	32

*FECs = Family Entertainment Centres

** TUN – Temporary Use Notice

19. Sexual Entertainment Licensing Fees

Members considered the report which set out the level of fees and charges for a Sexual Entertainment Licence. The fees were increased in line with inflation. The officer advised that they not received or processed an application within the District in the past year.

In response to questions, the officer explained that there was one business in the district which the department liaised with, monitoring their practices to ensure enforcement action was not needed.

Resolved: That the level of fees and charges, as set out in the table below, be approved with effect from 1 April 2024

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Type of Application	Fee
New Application	3896
Renewal Application	3896
Transfer Application	1953

20. Licensing Pavement fees and charges

The Head of Licensing Partnership presented the report, which set out the proposed revision of the Pavement Licensing Policy, and the proposed fees for pavement licence applications. These would take effect upon the commencement of Schedule 22 of the Levelling-up and Regeneration Act 2023.

The officer set out the background to this legislation. Prior to July 2020, Kent County Council controlled pavement licensing. This was under the purview of the District Council through temporary regulations in the Business & Planning Act 2020, to fast track the process during the pandemic. Fees were capped at £100 for an application, and licences could be issued for a minimum of 3 months and a maximum of 1 year. The Levelling-up and Regeneration Act 2023 would formalise the transfer of pavement licensing to the District Council, including enforcement powers. Fees would be capped at £500 for new applications, and £350 for renewals. This Act had received royal assent but a commencement date had not been set.

The officer outlined the proposed revision to the policy, and the proposed fees. The policy was being amended to be in line with the legislation, and new parts were added regarding enforcement. Fees were proposed on a cost recovery basis, covering site assessments, compliance work, and admin. Typos within the revision would be fixed before publication.

In response to questions, the officer explained that this policy had been agreed at Tunbridge Wells Borough Council and Maidstone Borough Council. Town and Parish Councils were not consulted on any licensing applications. A pavement licence would not allow establishments to leave furniture on the pavement permanently, as this would represent an obstruction of a highway and would require planning permission. Applicants would need public liability insurance up covering up to £5million. A standard pavement licence would not begin earlier than 7am, or end later than 11pm, though there were exceptions for some premises which had pre-existing outdoor licences until 1am.

The officer further explained that Bank Street, Sevenoaks had a single pavement licence which covered the whole street.. This licence was held by the Council, and officers liaised with businesses on the street regarding having seating on the pavement. This was part of a regeneration scheme for the area and did not involve fees, though businesses were required to submit normal applications to participate.

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This would not be continued beyond September – businesses would be required to apply for individual licences to continue operating on the pavement.

Members discussed the report, and identified typos for correction, including the changing of “footpaths” to “footways” within the policy.

Resolved: that:

- a) the proposed draft revision of the Pavement Licensing Policy, as set out in the appendix to the minutes, be adopted, to take effect upon commencement of Schedule 22 of the Levelling-up and Regeneration Act 2023; and
- b) the proposed fees for applications, as set out in the appendix to the minutes, be approved, to take effect upon commencement of Schedule 22 of the Levelling-up and Regeneration Act 2023.

21. Review of Statement of Hackney Carriage & Private Hire Policy

The Head of Licensing Partnership presented the report, which set out the revised Statement of Hackney Carriage & Private Hire Policy. The policy had been the subject of a 7 week consultation, and the recommendation was that all changes proposed to the draft policy (shown in red at appendix a to the report) should be agreed unless Members were minded otherwise. The policy would mandate that carriages accept card payments, and have the facility to do so. This had been approved by multiple other authorities in Kent, including Maidstone, Tunbridge Wells, and Medway Councils, on the basis of customer care and safety. The officer proposed that the words “These may include:” be added into the section of the policy covering Other Offences, to improve the grammar.

Members discussed the report. They were advised that although consultation responses had been received there was no feedback specifically relating the deadline for replacing card machines if they were faulty, and that leeway could be given to extend the 2-day deadline if required. Members discussed the deadline, and felt that it was too short. It was proposed that 5 working days would be fairer for drivers, and avoid issues with deliveries and post. It was moved from the Chair that the deadline be extended to 5 days.

Resolved: That the deadline for arranging repair/replacement for faulty card payment systems be changed to 5 working days.

In response to questions, the officer outlined the enforcement system for mandatory acceptance of card payments. Passengers would let the council know if their card payments were refused. Warnings and penalty points would be issued, and repeat offenders would face significant consequences. Members discussed the procedure for when card payments could not be accepted, noting that the most common issue

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raised in the consultation was the lack of mobile connectivity in rural parts of the district. The officer explained that it was anticipated that drivers would be aware of any possible dead zones, and could arrange for payment beforehand, or notify the customer and resolve the situation between them. It was noted that coverage for card readers in the district was good. Members suggested that officers investigate the possibility of a journey being completed, but card payment then being refused by the driver, and how this could be resolved, to avoid any risks to customers.

Members further discussed mandatory card payments, noting concerns in the consultation responses regarding tipping and transaction costs. The officer advised that additional costs could not be added to fares to offset transaction fees. The officer explained that mandatory card payments were proposed due to a significant increase in complaints from customers, reporting that they had been refused rides as they could only pay by card. This was a safety concern.

Members asked further questions of clarification. The officer explained that points would be issued for outright refusal to accept card payment, and that serial offenders would be investigated. A malfunction in the card payment mechanism, leading to an inability to accept card payments, did not constitute a refusal. Receiving 12 points within a 12 month period would invite further enforcement action, including suspension or the revocation of the driver's licence, where appropriate. Officers advised that the policy would be reviewed within one year.

Resolved: that the revised Statement of Hackney Carriage and Private Hire Policy 2024-2029, attached as an appendix to the minutes, subject to the alterations resolved, be adopted as from 1 April 2024.

22. Work Plan

The Work Plan was noted.

THE MEETING WAS CONCLUDED AT 8.28 pm

CHAIRMAN