
Licensing Committee

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Monday, 24 June 2024 from 7.00 pm - 7.45 pm.

PRESENT: Councillors Derek Carnell (Chair), Ann Cavanagh (Substitute for Councillor Mark Last), Tim Gibson, Carole Jackson, Ben J Martin, Lee-Anne Moore, Tara Noe, Tom Nundy, Chris Palmer, Terry Thompson (Substitute for Councillor Rich Lehmann), Angie Valls and Tony Winckless (Vice-Chair).

PRESENT (VIRTUALLY): Councillor Paul Stephen.

OFFICERS PRESENT: Steph Curtis, Philippa Davies, Chris Hills, Jo Thomas and Helen Ward.

APOLOGIES: Councillors Simon Clark, Mark Last and Rich Lehmann.

60 **Emergency Evacuation Procedure**

The Chair outlined the emergency evacuation procedure.

61 **Minutes**

The Minutes of the Meetings held on 13 February 2024 (Minute Nos. 624 – 630) and 15 May 2024 (Minute Nos. 27 – 28) were taken as read, approved and signed by the Chair as correct records.

The Chair accepted the Minutes of the following Licensing Sub-Committee meetings:

26 March 2024 (Minute Nos. 791 – 794)
22 April 2024 – 10 am (Minute Nos. 836 – 839)
22 April 2024 – 12 pm (Minute Nos. 840 – 843).

62 **Declarations of Interest**

No interests were declared.

63 **Public Session**

There were no registered speakers.

64 **Pavement Licence policy amendments**

The Licensing Team Leader introduced the report as set out in the agenda papers. She drew attention to paragraph 4.2 in the report which reflected the changes to the fees charged for applications, which had been increased by the Levelling Up and Regeneration Act 2003. This allowed Licensing Authorities to charge a maximum of £500 for a new application and £350 for a renewal application. The Licensing Team Leader said a watching brief would be kept and the fees would be reviewed in a year's time.

The Chair invited Members to make comments, and these included:

- This was a very good report;
- acknowledged the reasons for the increased fees, but considered the increase was drastic;
- increased fees could have a detrimental impact on small businesses and the borough's high streets;
- the Council could not operate at a loss;
- the Council should carry out costings before the fees were increased; and
- welcomed the new enforcement powers the Council would have.

In response to questions raised by Members, the Contentious Lawyer, Mid-Kent Legal confirmed that the fees set out in the report did not cover enforcement costs, as the legislation made separate provision for charges for certain enforcement matters. She explained that unlike some licensing fees, the fees set out in the report were not required to be subject to a consultation process. The Licensing Team Leader explained that the fees were collected at the point of an application being submitted/renewed.

Resolved:

(1) That after Members' consideration of the proposed draft revision of the Swale Borough Council Pavement Licence Policy 2023 – 2026, made in response to recent changes in legislation, be approved.

(2) That the proposed fees, as set out in the report, be approved.

(3) That it be recommended to the Policy and Resources Committee that the policy be approved and published.

65 Scrap Metal Policy

The Licensing Officer introduced the report as set out in the agenda papers. She explained that three responses to the consultation had been received and the comments and responses were set out in Appendix II to the report.

Resolved:

(1) That the comments made in the evaluation grid attached to the report as Appendix II be noted.

(2) That following an eight-week consultation, the draft Scrap Metal Policy as set out in Appendix I to the report, be approved.

(3) That it be recommended to the Policy and Resources Committee that the policy be approved and published.

66 Gambling Policy

The Licensing Team Leader introduced the report as set out in the agenda papers.

The Chair invited Members to make comments, and these included:

- This was a very thorough report;
- would welcome an appendix detailing the different categories of gaming machines;

- referring to recommendation (3), considered, due to the damaging impacts of gambling that it needed to be scrutinised by the Licensing Committee; and
- the impact of noise and light pollution from gambling premises should be considered.

In response, the Contentious Lawyer explained that The Gambling Act 2005 had different objectives to the Licensing Act, and as such noise and light pollution were not necessarily going to be considered relevant for the purposes of objections. The Licensing Team Leader confirmed that an appendix detailing the different categories of gaming machines would be included within the policy.

Resolved:

- (1) That after consideration of the draft Statement of Principles, the document and any relevant amendments be noted.**
- (2) That the consultation process, as outlined be noted and officers be instructed to proceed with the same.**
- (3) That officers be given delegated authority to refer the Statement of Principles straight to the Policy and Resources Committee for consideration and approval at the end of the consultation period, prior to formal adoption by Full Council, subject to there being no significant amendments or comments.**
- (4) That an appendix detailing the different categories of gaming machines be included within the policy.**

Chair

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All minutes are draft until agreed at the next meeting of the Committee/Panel