



**MINUTES of  
LICENSING COMMITTEE  
16 JULY 2024**

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**PRESENT**

Chairperson	Councillor M F L Durham, CC
Vice-Chairperson	Councillor S J N Morgan
Councillors	M G Bassenger, S J Burwood, L J Haywood, A M Lay, N D Spenceley, J C Stilts and M E Thompson

**168. CHAIRPERSON'S NOTICES**

The Chairperson welcomed everyone to the meeting and went through some general housekeeping arrangements for the meeting.

**169. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor E L Stephens.

**170. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 28 November 2023 be approved and confirmed.

**171. DISCLOSURE OF INTEREST**

Councillor L J Haywood declared an other registerable interest due to her being involved in licensing for events, such as street collection and street closure licensing.

Councillor M F L Durham declared an other registerable interest due to him being a personal licence holder.

**172. PUBLIC PARTICIPATION**

There was none.

**173. STATEMENT OF LICENSING POLICY 2024 TO 2029**

The Committee considered the report of the Director of Service Delivery that highlighted the need for Maldon District Council (the Council) as a Licensing Authority, under the Licensing Act 2003 (as amended) (the Act) to publish a Statement of Licensing Policy (the Policy). The report outlined the Council's general approach to upholding licensing objectives when making decisions on applications under the Act. The Council's existing policy was published in January 2019 with an intended

operational lifespan of five years. Consequently, the Policy is now outdated and requires review and renewal.

The Chairperson introduced the report and then deferred to the Head of Environmental Health, Waste and Climate Action to present the detail. The Officer took the Committee through the report advising that the Policy outlined the Council's approach to upholding the four key areas licensing objectives as outlined in paragraph 3.2 of the Officers report. It was noted that Officers had completed a comprehensive review of the existing policy and made a number of proposed changes ensuring that current best practice and updated statutory guidance had been taken into account, which could be found at Appendix A of the report.

In response to a query, the Head of Environmental Health, Waste and Climate Action clarified that if a Temporary Event Notification was submitted late and opposed by the Police or Environmental Health, there wouldn't be enough time for a hearing, resulting in the cancellation of the notification and the event itself.

The Chairperson then moved the recommendations as outlined in the Officer's report. This was duly seconded and agreed.

## **RESOLVED**

- (i) That the revised Statement of Licensing Policy (the Policy) as set out in Appendix A of the report as a 'consultation draft' be agreed;
- (ii) That Officers to commence consultation with the public and key stakeholders for a period of six weeks, as outlined in the report;
- (iii) That subject to only minor or inconsequential amendments / changes arising from comments or feedback received during the consultation process, the Head of Environmental Health, Waste and Climate Action in consultation with the Chairperson of the Licensing Committee, be authorised to make such changes to the Policy;
- (iv) That subject to (i) – (iii) above the revised Statement of Licensing Policy be presented to the Council for adoption.

## **174. STREET COLLECTIONS POLICY**

The Committee considered the report of the Director of Service Delivery that highlighted the need for the Council's existing Street Collections Policy that had been published in November 2018 to be reviewed. This Policy provided guidance relating to charitable street collections on how the Council administers applications for permits, applies the law/regulations and ensures fairness to charities.

The Chairperson introduced the report and then deferred to the Head of Environmental Health, Waste and Climate Action to present the detail. The Officer took the Committee through the report advising that Officers had undertaken a comprehensive review and made appropriate changes to the existing policy to ensure that it reflected the current best practice and updated guidance. He advised that the revised version could be found at Appendix 1 and a summary of the substantive changes to the policy were detailed in paragraphs 3.8.1 to 3.8.8 of the Officers report.

At this point of the meeting Councillors S J Burwood and N D Spenceley declared an other registerable interest in that they were members of Heybridge Rotary Club and took part in street collecting every year with a licence.

In response to issue raised Officers provided the following information:

- Where a collection took place on private land, it would be for the operator of that private land to determine whether that collection could take place or not.
- There was great difficulty in enforcing collections and it was a problem nationally. It would be down to any authorised officer within the Licensing Department or Environmental Services to question whether collectors had a permit and permission to be there. If a collector did not have a licence / permit the only power the Council has was to try to deter members of the public from donating.
- When a licence gets granted a permit and written confirmation would be given to the applicant(s) which included the designated collection time and place requested. If questioned by an authorised officer a collector would need to produce this. The Officer provided further information regarding collections, causing nuisance and begging.
- The Policy outlined any exemptions e.g. the British Legion, and although not exempt provided consideration for organisations like the Rotary Club.
- This Policy did not cover house to house collections, this was part of the 'Police, Factories, etc. (Miscellaneous Provisions) Act 1916. Essex Police were investigating a number of organisations thought to be collecting fraudulently. Members were advised that if concerned, to ask to see a permit and if the collector was unable to produce one then don't donate and report it to the licensing department with any details that could be obtain about the collector.

There being no further discussion the Chairperson moved the recommendations as outlined in the Officers report and proposed an amendment to recommendation (iii) to include in consultation with the Chairperson of the Committee. This was duly seconded and when put to the Committee was agreed.

#### **RESOLVED**

- (i) That the revised Street Collections Policy as set out in Appendix 1 of the report is agreed as a 'consultation draft';
- (ii) That officers to commence consultation with the public and key stakeholders, as outlined in this report;
- (iii) That subject to only minor or inconsequential amendments / changes arising from comments or feedback received during the consultation process, that the Head of Environmental Health, Waste and Climate Action in consultation with the Chairperson of the Committee, be authorised to make such changes to the draft Policy at Appendix 1 of the report;
- (iv) That subject to (i) – (iii) above the revised Street Collections Policy be presented to the Council for adoption.

There being no other items of business the Chairperson closed the meeting at 8.52 pm.

M F L DURHAM, CC  
CHAIRPERSON