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Date: 18 July 2016
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LICENSING BOARD

26 JULY 2016

A meeting of the Licensing Board will be held at **10.00 am on Tuesday, 26 July 2016** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillor L. Potts (Chairman); Councillors: Dellar (Vice-Chairman), K Coleman-Cooke, Crow-Brown, Curran, Falcon, Matterface, Rogers, Tomlinson, J Fairbrass, Savage, M Saunders, Ashbee, Connor and R. Potts

A G E N D A

Item
No

Subject

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
'To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest Form attached at the back of this Agenda. If a Member declares an interest, they should complete that form and hand it to the Officer clerking the meeting and then take the prescribed course of action.'
3. **MINUTES OF PREVIOUS MEETING** (Pages 1 - 2)
To approve the Minutes of the Licensing Board meeting held on 5 January 2016, copy attached.
4. **LICENSING SUB-COMMITTEE MINUTES**
To approve the minutes of the Licensing Sub-Committee meeting held on **10 February 2016, 10 March 2016 and 12 July 2016**, copies attached.
- 4a **MINUTES OF LICENSING SUB-COMMITTEE 10/02/2016** (Pages 3 - 4)
- 4b **MINUTES OF LICENSING SUB-COMMITTEE 10/03/2016** (Pages 5 - 6)
- 4c **MINUTES OF LICENSING SUB-COMMITTEE 12/07/2016** (Pages 7 - 8)
5. **REPORT ON PROSECUTIONS, APPEALS, LICENSING UPDATE** (Pages 9 - 10)
6. **EXCLUSION OF PUBLIC AND PRESS** (Pages 11 - 12)
7. **APPLICATION FOR GRANT OF LICENCE TO DRIVE PRIVATE HIRE VEHICLES**
(Pages 13 - 14)

Item
No

Subject

Declaration of Interests Form

Public Document Pack Agenda Item 3

LICENSING BOARD

Minutes of the meeting held on 5 January 2016 at 10.00 am in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Linda Potts (Chairman); Councillors K Coleman-Cooke, Crow-Brown, Dellar, Leys, Matterface, Rogers, Tomlinson, J Fairbrass, Savage and M Saunders

340. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Braidwood, Falcon and Curran.

341. DECLARATIONS OF INTEREST

There were no declarations of interest.

342. MINUTES OF PREVIOUS MEETING

Councillor Matterface proposed, Councillor Tomlinson seconded and Members agreed the minutes of the Licensing Board meeting held on 24 November 2015.

343. REPORT ON PROSECUTIONS, APPEALS, LICENSING UPDATE

The Regulatory Services Manager presented the report.

The report was NOTED.

344. REPORT TO CONSIDER ANY REVISION TO THE TARIFF FOR HACKNEY CARRIAGE VEHICLES IN THANET

The Regulatory Services Manager presented the report.

Councillor Tomlinson proposed, Councillor Matterface seconded and Members AGREED the following:

“To make no revisions to the current tariff”.

Meeting concluded : 10.12am

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Public Document Pack Agenda Item 4a

LICENSING SUB COMMITTEE

Minutes of the meeting held on 10 February 2016 at 10.00 am in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillors: Crow-Brown, Matterface and Tomlinson

484. ELECTION OF CHAIRMAN

Councillor Tomlinson proposed, Councillor Crow-Brown seconded and it was agreed that Councillor Matterface be the Chairman.

485. APOLOGIES FOR ABSENCE

There were no apologies.

486. DECLARATIONS OF INTEREST

There were no declarations of interest.

487. APPLICATION FOR VARIATION OF PREMISES LICENCE

Also present:

Officers: Mr Bensted – Regulatory Services Manager
Mrs Bennett – Licensing Team Leader
Mr Evans – Assistant Litigation Solicitor
PC Dennett – Licensing Enforcement Officer

Applicant's representative: Mr Mitchener

The Regulatory Services Manager outlined his report to the Licensing Sub-Committee in respect of application for variation of premises licence at Margate Filling Station, 292 Northdown Road, Margate.

The Kent Police representative addressed the Licensing Sub-Committee and explained the Police objections to the application.

The Sub-Committee asked questions of PC Dennett.

Mr Mitchener addressed the Sub-Committee on behalf of the applicant.

The Kent Police representative asked a question of Mr Mitchener.

The Sub-Committee asked questions of Mr Mitchener.

Further to this discussion, the Licensing Sub-Committee AGREED the following:

“Having heard from applicant's representative, the Licensing Officer and Kent Police we consider there are no overriding issues that would prevent the Sub-Committee granting a licence for 24 hours with conditions that alcohol be served through the hatch between the hours of 23.00 and 5.30, CCTV to be installed and be maintained with a 30 day recording facility. The Sub-Committee has considered the 4 Licensing objectives.”

488. APPLICATION FOR PREMISES LICENCE

Also present:

Officers: Mr Bensted – Regulatory Services Manager
Mrs Bennett – Licensing Team Leader
Mr Evans – Assistant Litigation Solicitor

Applicant's representative: Mr Wiseman

The Regulatory Services Manager outlined his report to the Licensing Sub-Committee in respect of the application for a premises licence at 7 Southwood Road, Ramsgate.

Mr Wiseman addressed the Sub-Committee.

The Sub-Committee asked questions of Mr Wiseman.

Further to this discussion, the Licensing Sub-Committee AGREED the following:

“To grant the application with conditions consistent with the Operating Schedule accompanying the application and the agreed conditions.”

Meeting concluded : 11.20am

Public Document Pack Agenda Item 4b

LICENSING SUB COMMITTEE

Minutes of the meeting held on 10 March 2016 at 10.00 am in Pugin and Rossetti Rooms,
Council Offices, Cecil Street, Margate, Kent.

Present: Councillors Leys, Matterface and Rogers

489. ELECTION OF CHAIRMAN

Councillor Rogers proposed, Councillor Leys seconded and it was agreed that Councillor Matterface be the Chairman.

490. APOLOGIES FOR ABSENCE

There were no apologies for absence.

491. DECLARATIONS OF INTEREST

There were no declarations of interest.

492. APPLICATION FOR PREMISES LICENCE

Also present:

Officers: Mr Bensted – Regulatory Services Manager
Mrs Bennett – Licensing Team Leader
Mrs Cole – Senior Legal Officer

Applicant: Mr Hayden and Mrs Hayden

The Regulatory Services Manager outlined his report to the Licensing Sub-Committee in respect of the application for a premises licence at The Waves, 2 Hengist Road, Minnis Bay, Birchington.

Mr Hayden addressed the Sub-Committee.

The Sub-Committee asked questions of Mr Hayden.

Further to this discussion, the Licensing Sub-Committee AGREED the following:

“To grant the application with conditions consistent with the Operating Schedule accompanying the application and the agreed conditions mentioned at paragraph 2.2 of the report with the additional condition that off sales of cans are prohibited.”

493. APPLICATION FOR TEMPORARY ACTIVITIES

This item was withdrawn.

Meeting concluded: 10.45 am

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Public Document Pack Agenda Item 4c

LICENSING SUB COMMITTEE

Minutes of the meeting held on 12 July 2016 at 10.00 am in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Derek Crow-Brown (Chairman); Councillors K Coleman-Cooke and Matterface

494. ELECTION OF CHAIRMAN

Councillor Matterface proposed, Councillor K. Coleman-Cooke seconded and Members agreed that Councillor Crow-Brown be the Chairman of the Licensing Sub-Committee.

Councillor Crow-Brown in the Chair.

495. APOLOGIES FOR ABSENCE

There were no apologies received at the meeting.

496. DECLARATIONS OF INTEREST

There were no declarations of interest.

497. APPLICATION FOR PREMISES LICENCE

Also present:

Officers: Mr Bensted – Regulatory Services Manager
Mr Evans – Assistant Litigation Solicitor

Applicant: Mr Godwin.

The Regulatory Services Manager outlined his report to the Licensing Sub-Committee in respect of the application for a premises licence at Yarrow Hotel, Ramsgate Road, Broadstairs.

Mr Godwin addressed the Sub-Committee.

The Sub-Committee asked questions of Mr Godwin.

Further to this discussion, the Licensing Sub-Committee AGREED the following:

That having heard from the Regulatory Services Manager and the applicant, to grant the application with conditions consistent with the Operating Schedule accompanying the application and agreed conditions mentioned at paragraph 2.2 and 2.5 of the report.

Meeting concluded: 10.25 am

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REPORT ON PROSECUTIONS, APPEALS, LICENSING UP-DATE

To: Licensing Board – 26th July 2016

By: Regulatory Services Manager

Classification : Unrestricted

Summary This report sets out details of a Licensing up-date since the last Board on 5th January 2016

For information

- a) On the 15th January last the appeal was heard at Canterbury Magistrates' Court of the private hire driver where the Board determined not to renew his licence in September 2015. The Court dismissed his appeal and ordered him to pay TDC costs of £574. The Court stated 'we do not believe that there is any reason to depart from the decision made by the Licensing Board.....We have heard hearsay evidence of a number of complaints – the Council did not immediately suspend his licence and initially advised Mr M and warned him to be careful. In all the circumstances we dismiss this appeal'.
- b) On the 12th February last another driver appeal was heard at Canterbury Magistrates' Court. This was a hackney carriage driver who the Board suspended for twelve months in November 2015. The Court dismissed his appeal and ordered him to pay £546 TDC costs. The Court stated 'having heard the evidence from both sides the Bench favoured the evidence provided by the Council... We take note of the fact that there were six complaints over an eighteen month period... In terms of the evidence...we did not find the appellant credible. There were a number of inconsistencies in his evidence which he was not able to explain to us today. We felt that he was evasive when questioned in court. We note that his memory was somewhat selective, and that it appeared to improve significantly today when compared with the answers he gave on previous occasions to the Council'.
- c) On the 6th May last a Margate Fish & Chip shop proprietor was convicted of exposing alcohol for unauthorised sale at Canterbury Magistrates' Court. He was fined £500 and ordered to pay £250 TDC costs. The alcohol was ordered to be forfeit and his personal licence suspended for six months.

Officer contact: Philip Bensted, Regulatory Services Manager, ext. 7630

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Exclusion of Public and Press

To: **Licensing Board – 26/07/2016**

By: **Democratic Services and Scrutiny Manager**

Classification: **Unrestricted**

Ward: **All wards**

Summary: This report seeks the Committee's approval to exclude the public and press from the meeting on agenda item 6 as it contains exempt information as defined in Paragraphs 1 and 7 of Schedule 12A of the Local Government Act 1972 (as amended).

For Decision

1.0 Introduction

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential or exempt information would be disclosed.

Exempt information – discretion to exclude public

Subject to Article 6 of the Human Rights Act 1998 (right to a fair trial) the public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

2.0 Exempt information

The full rules are set out in Part V and Schedule 12A Local Government Act 1972 (as Amended) and the Relevant Authorities (Standards Committees) Regulations 2001.

3.0 Reason for Exempt Item

The report author has classified Agenda Item 6 as disclosing exempt information under Paragraphs 1 and 7 of Schedule 12A of the Local Government Act 1972 (as amended) thereby excluding the press and public from the meeting whilst this item is debated.

4.0 Corporate Implications

4.1 Financial

There are no direct financial implications.

4.2 Legal

As per Schedule 12A of the Local Government Act 1972 (as amended).

4.3 **Corporate**

None.

4.4 **Equity and Equalities**

There are no specific equity and equality considerations that need to be addressed in this report.

5.0 **Recommendation**

That the public and press be excluded from the meeting on agenda item <<insert agenda item>> as it contains exempt information as defined in Paragraph <<insert paragraph>> of Schedule 12A of the Local Government Act 1972 (as amended).

6.0 **Decision Making Process**

This Committee must agree the recommendation if the press and public are to be excluded.

Contact Officer:	Nick Hughes, Committee Services Manager
Reporting to:	Timothy Howes, Director of Corporate Governance

Corporate Consultation Undertaken

Finance	<i>Matt Sanham, Corporate Finance Manager</i>
Legal	<i>Timothy Howes, Director of Corporate Governance</i>

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THANET DISTRICT COUNCIL DECLARATION OF INTEREST FORM

Do I have a Disclosable Pecuniary Interest and if so what action should I take?

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

Do I have a significant interest and if so what action should I take?

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
 - exercises functions of a public nature; or
 - is directed to charitable purposes; or
 - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992

If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the

matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

Gifts, Benefits and Hospitality

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £25 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

What if I am unsure?

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Democratic Services and Scrutiny Manager well in advance of the meeting.

DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS, SIGNIFICANT INTERESTS AND GIFTS, BENEFITS AND HOSPITALITY

MEETING.....

DATE..... AGENDA ITEM

DISCRETIONARY PECUNIARY INTEREST

SIGNIFICANT INTEREST

GIFTS, BENEFITS AND HOSPITALITY

THE NATURE OF THE INTEREST, GIFT, BENEFITS OR HOSPITALITY:

.....
.....
.....

NAME (PRINT):

SIGNATURE:

Please detach and hand this form to the Democratic Services Officer when you are asked to declare any interests.