

Date: 18 December 2017
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LICENSING BOARD

4 JANUARY 2018

A meeting of the Licensing Board will be held at **10.00 am on Thursday, 4 January 2018** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

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

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 3 - 4)

To approve the Minutes of the Licensing Board meeting held on 10 October 2017, copy attached.

4. **LICENSING SUB-COMMITTEE MINUTES** (Pages 5 - 6)

To approve the minutes of the Licensing Sub-Committee meeting held on **7 December 2017**, copy attached.

5. **REPORT ON PROSECUTIONS, APPEALS, LICENSING UPDATE** (Pages 7 - 8)

6. **TO CONSIDER ANY REVISION TO THE TARIFF FOR HACKNEY CARRIAGE VEHICLES IN THANET** (Pages 9 - 14)

Declaration of Interests Form

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Public Document Pack Agenda Item 3

LICENSING BOARD

Minutes of the meeting held on 10 October 2017 at 10.00 am in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

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

384. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J Fairbrass, Connor and R. Potts.

385. DECLARATIONS OF INTEREST

There were no declarations of interest.

386. MINUTES OF PREVIOUS MEETING

Councillor Rogers proposed, Councillor Crow-Brown seconded and Members agreed the minutes of the Licensing Board meeting held on 25 July 2017.

387. LICENSING SUB-COMMITTEE MINUTES

Councillor Tomlinson proposed, Councillor K Coleman-Cooke seconded and Members agreed the minutes of the Licensing Sub-Committee meetings held on 25 July, 8 August, 17 August, 5 September and 26 September 2017.

388. REPORT ON PROSECUTIONS, APPEALS AND LICENSING UPDATE

The Regulatory Services Manager presented the report.

Members noted the report.

389. EXCLUSION OF PUBLIC AND PRESS

That the public and press be excluded from the meeting on agenda item 7 as it contains exempt information as defined in Paragraphs 4 and 7 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

390. LICENCE TO DRIVE PRIVATE HIRE VEHICLES

The Licensing Officer introduced the report to consider a licence to drive Private Hire Vehicles and provided Members with copies of reference letters submitted by the applicant.

The applicant addressed the Board.

The Regulatory Services Manager asked questions of the applicant.

Members asked questions of the applicant.

The applicant's representative addressed the Board.

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

“Having heard from Regulatory Services, the applicant and having considered what has been said concerning the matter of the caution and the explanation regarding the application form, Members have decided on Option 3.1 - to grant the licence for a period of 6 months. If after 6 months, there are no problems, the licence will continue.”

Meeting concluded : 10.35am

Public Document Pack Agenda Item 4

LICENSING SUB COMMITTEE

Minutes of the meeting held on 7 December 2017 at 10.00 am in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillors Johnston, Rogers and Curran

607. ELECTION OF CHAIRMAN

Councillor Rogers proposed, Councillor Curran seconded and Members agreed that Councillor Johnston be the Chairman.

608. APOLOGIES FOR ABSENCE

There were no apologies for absence.

609. DECLARATIONS OF INTEREST

There were no declarations of interest.

610. TEMPORARY EVENT NOTICE APPLICATION BY: PHILIP GRIFFITHS

Also present:

Officers: Mr Philip Bensted, Regulatory Services Manager
Mr Christopher Brown, Environmental Health Officer
Mr Colin Evans, Assistant Litigation Officer

Mr Bensted outlined the report to the Licensing Sub Committee in respect of the application for a temporary event notice at the Old Bay Alehouse, 137 Minnis Road, Minnis Bay, Birchington.

Mr Brown addressed the Sub-Committee.

Members asked questions of Mr Brown.

The Sub-Committee agreed:

Having heard from the Regulatory Services Manager and Environmental Health Officer and noting the applicant was not in attendance but was aware of the proceedings and stated that the Sub-Committee could go ahead without him being present, the Sub-Committee decided on Option 3.2- to refuse the application. By operating a Temporary Event Notice, it would be a breach of conditions of the Planning consent – conditions limit the hours to 10.30am to 23.00, Monday to Sunday so to safeguard amenities currently enjoyed by the occupants of nearby residential properties. It was noted the applicant has not demonstrated any special circumstances or given reasons for a departure from policy. The decision has been made taking account of the following licensing objectives: the prevention of crime and disorder and the prevention of public nuisance.

Meeting concluded : 10.22am

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REPORT ON PROSECUTIONS, APPEALS, LICENSING UP-DATE

To: Licensing Board – 4th January 2018

By: Regulatory Services Manager

Classification : Unrestricted

Summary This report sets out details of a Licensing up-date since the last Board on 10th October 2017

For information

- a) On the 21st November last, following a review brought by Kent Police, a Licensing Sub-Committee imposed further conditions and reduced the hours of a Margate premises. Notice of appeal has been lodged and the matter will be heard in the magistrates' court in due course.
- b) On the 5th December last, at Canterbury Magistrates' Court, an individual pleaded guilty to the unauthorised sale of alcohol at Broadstairs Food Festival. He was fined £200, with a £30 victim surcharge, and ordered to pay £140 costs.

Officer contact: Philip Bensted, Regulatory Services Manager, ext. 57630

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

Licensing Board – 4th January 2018 at 10 a.m

Report Author ***Philip Bensted Regulatory Services Manager***

Portfolio Holder ***Cllr Lin Fairbrass Community Services***

Status ***For Decision***

Classification: ***Unrestricted***

Ward: ***All***

Executive Summary:

To consider any revision to the tariff for hackney carriage vehicles in Thanet.

Recommendation(s):

The instructions of the Board are requested

CORPORATE IMPLICATIONS

| | |
|--|---|
| Financial and Value for Money | None |
| Legal | Where the Licensing Board makes or varies a table of fares it will need to be published in accordance with legislation. |
| Corporate | None |
| Equalities Act 2010 & Public Sector Equality Duty | <p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> |

1.0 Introduction and Background

1.1 Under legislation contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 authority is given to Councils to set the rates/fares charged by hackney carriage vehicles in their area.

1.2 Until 2015 Members had agreed that the taxi trade set and advertise its own tariff.

2.0 General Points

- 2.1 Following meetings between Councillors, Officers, and representatives of the trade a report went to the Licensing Board in March 2015 to consider a proposal that the Licensing Board take responsibility for fixing the fares for hackney carriage vehicles within the District. There are a total of 108 hackney carriage vehicle licences issued.
- 2.2 At the Licensing Board meeting in March 2015 Members agreed to take responsibility for the fixing of fares for hackney carriage vehicles and set the tariff. The tariff to be reviewed annually and varied in accordance with official inflation figures.
- 2.3 Hackney carriage vehicles are inspected and meters checked by Licensing Officers in March of each year as part of the re-licensing process. Any change to the tariff would come into effect at that time. A copy of the current tariff is appended at Annex 1.
- 2.4 During 2015, the Consumer Prices Index was close to zero and the Retail Prices Index varied between 0.8 and 1.1%. The Licensing Board decided to make no changes to the tariff at its meeting in January 2016.
- 2.5 During 2016, the Consumer Prices Index was running at 1.2%. The retail price index was running at 2.2%. The Licensing Board decided to make no changes to the tariff at its meeting in January 2017.
- 2.6 Inflation as measured by the Consumer Prices Index in December 2017 was running at 3.1% for the year. The Retail Prices Index in December 2017 was running at 4% for the year.

3.0 Options

- 3.1 To make no revisions to the current tariff.
- 3.2 To make revisions to the tariff.

4.0 Recommendations

- 4.1 The instructions of the Licensing Board are requested.

| | |
|------------------|---|
| Contact Officer: | Philip Bensted, Regulatory Services Manager, ext 57630 |
| Reporting to: | Penny Button, Head of Neighbourhood Services, ext 57425 |

Annex List

| | |
|----------------|-----------------------|
| <i>Annex 1</i> | <i>Current tariff</i> |
| | |
| | |
| | |

Background Papers

| Title | Details of where to access copy |
|-------|---------------------------------|
| N/A | |
| | |

Corporate Consultation

| | |
|----------------|-----|
| Finance | N/A |
| Legal | N/A |

Thanet Zone – Motor Hackney Carriage (Taxi) Fares



Vehicle Identification Number:
(Displayed on Licence Plate on rear of vehicle)

Vehicle Registration Number:

Hackney Carriages (Taxis) within the Thanet District are licensed by Thanet District Council. They must display a 'TAXI' sign on top and a licence Plate at the rear of the vehicle. Whilst working, drivers must display their 'Thanet District Council - Hackney Carriage Driver Badge'. The maximum fares payable within Thanet are set out in the tables (**Tariffs 1, 2, & 3**), showing the times and days when each tariff applies. Throughout each journey the fare payable is displayed on the Taxi Meter. Extra Charges may apply as described below. For journeys outside of the Thanet area the fare may be negotiated prior to commencement, otherwise **Tariff 2** will apply (except over Christmas and New Year as described in tariff 3).

Extra Charges:

| | | Tariff 1 – For Hiring Commenced between the hours of 6am and Midnight each day (excluding Statutory Holidays and Bank Holidays): | |
|---|-------------|--|-------|
| * Assistance and Guide Dogs <u>MUST</u> be carried free of charge. | Free | For the first 640.08 metres (700 yards) or 1 minute and 30 seconds: | £3.00 |
| Trunk, suitcase, pram/pushchair, large freezer bag or sack (for each item): | 20p | For each and every subsequent 219.46 metres (240 yards) or 50 seconds or part thereof: | 20p |
| Shopping bags, small packages other small items (for the whole amount): | 20p | Tariff 2 – For Hiring Commenced between the hours of 12 Midnight and 6am each day, Statutory Holidays and Bank Holidays (Excluding Christmas and New Year's Day), Christmas & New Year's eve 6pm to 11pm: | |
| Passengers – each person in excess of 1 for the whole journey or part thereof and dogs * (carried at the drivers discretion): | 20p | For the first 640.08 metres (700 yards) or 1 minute and 30 seconds: | £4.50 |
| Passengers - For hirings of 5 or more persons between 6am to midnight without extras, between Midnight - 6am with extras: | Tariff 2 | For each and every subsequent 219.46 metres (240 yards) or 50 seconds or part thereof: | 30p |
| Adverse Weather i.e. Local buses not running: * Except over Christmas and New Year as described in tariff 3 | Tariff 2 * | Tariff 3 – For Hiring Commenced between the hours of 11pm Christmas Eve and midnight on 26th December and between 11pm New Year's Eve and midnight on 1st January: | |
| | | For the first 640.08 metres (700 yards) or 1 minute and 30 seconds: | £6.00 |
| Contamination Fee (Any soiling or fouling inside the vehicle) | £50.00 | For each and every subsequent 219.46 metres (240 yards) or 50 seconds or part thereof: | 40p |

Complaints & Commendations may be made to: licensing@thanet.gov.uk or telephone 01843 577413

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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.