

Date: 19 March 2018
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LICENSING BOARD

27 MARCH 2018

A meeting of the Licensing Board will be held at **10.00 am on Tuesday, 27 March 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, M Saunders, Shonk and Tomlinson

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 4 January 2018, copy attached.

4. **LICENSING SUB-COMMITTEE MINUTES** (Pages 5 - 8)

To approve the minutes of the Licensing Sub-Committee meeting held on 30 January 2018, copy attached.

5. **REPORT ON PROSECUTIONS, APPEALS AND LICENSING UPDATE** (Pages 9 - 10)

6. **EXCLUSION OF PUBLIC AND PRESS** (Pages 11 - 14)

7. **GRANT OF LICENCE TO DRIVE PRIVATE HIRE VEHICLES** (Pages 15 - 18)

Declaration of Interests Form

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LICENSING BOARD

Minutes of the meeting held on 4 January 2018 at 10.00 am in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

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

391. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Connor and Dellar.

392. DECLARATIONS OF INTEREST

There were no declarations of interest.

393. MINUTES OF PREVIOUS MEETING

Councillor Johnston proposed, Councillor K Coleman-Cooke seconded and Members agreed the minutes of the Licensing Board meeting held on 10 October 2017.

394. LICENSING SUB-COMMITTEE MINUTES

Councillor Johnston proposed, Councillor K Coleman-Cooke seconded and Members agreed the minutes of the Licensing Sub-Committee meeting held on 7 December 2017.

395. REPORT ON PROSECUTIONS, APPEALS, LICENSING UPDATE

The Regulatory Services Manager presented the report.

Members noted the report.

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

The Regulatory Services Manager presented the report.

Councillor Tomlinson proposed, Councillor Johnston seconded and Members agreed:

“Option 3.1- To make no revisions to the current tariff. Members considered that the representation which had been received from the Hackney Carriage Drivers did not indicate which companies or how many drivers were seeking an increase in the tariff. It was also noted that the representation was received several weeks after it had been requested. It was considered that there was not enough information to suggest that there was strong feeling from Hackney Carriage Drivers regarding an increase in the tariff.”

Meeting concluded : 10.14am

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LICENSING SUB COMMITTEE

Minutes of the meeting held on 30 January 2018 at 10.00 am in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillors Crow-Brown, J Fairbrass and L Potts

620. ELECTION OF CHAIRMAN

Councillor Crow-Brown proposed, Councillor J Fairbrass seconded and it was agreed that Councillor Potts be the Chairman.

621. APOLOGIES FOR ABSENCE

There were no apologies for absence.

622. DECLARATIONS OF INTEREST

There were no declarations of interest.

623. APPLICATION FOR REVIEW OF PREMISES LICENCE - THE FALCON INN, 460 MARGATE ROAD, BROADSTAIRS

Also present:

Officers: Mr Bensted, Regulatory Services Manager
Mr Brown, Environmental Protection Officer
Mr Sproates, Environmental Protection Manager
Sgt Ross, Kent Police

Licence Holder: Mr Papa-Adams

Licence Holder's representative: Mr Dadds

The Regulatory Services Manager outlined the report to the Licensing Sub-Committee in respect of the application for review of premises licence for The Falcon Inn, 460 Margate Road, Broadstairs.

Sgt Ross addressed the Sub-Committee and it was noted that

- There had been concerns about how the premises had been operated since 1st July 2017 and about the manager/DPS of the premises.
- Kent Police had reached a measure of agreement with the Licence Holder as the main issue of concern had been resolved;
- 4 conditions (3,4,6 and 7 as outlined at Annex 3 in the agenda) were agreed with the Licence Holder.

The Environmental Protection Manager addressed the Sub-Committee and it was noted:

- Complaints had been received regarding the use of the garden which were considered to be a public nuisance and there had been structural changes to the garden. Therefore, conditions were proposed as outlined at Annex 4 in the agenda.

The Licence Holder's representative addressed the Sub-Committee and it was noted:

- The main causes for concern had been addressed by removing the Designated Premises Supervisor;
- There was only one complainant and it was argued that one complainant did not constitute a public nuisance.
- No complaints had been received since the summer and historically, the garden had been used without there being any complaints.

Members asked questions of the Licence Holder and Licence Holder's representative regarding the use of the garden.

The Environmental Protection Officer asked a question of the Licence Holder regarding the smoking area.

The Regulatory Services Manager recommended that the conditions relating to the entertainment licence were no longer relevant and could be removed.

The Licensing Sub-Committee agreed:

Option 3.1 – to modify the conditions of the licence as follows:

1. To modify the conditions of the licence in accordance with the agreement between the licence holder and the police and to vary the conditions by imposing:
 - (i) option 3 [CCTV shall be installed, working and maintained and recording with a 30 day record function. Copies shall be made to the Police and Local Authority immediately upon request];
 - (ii) option 4 [At all times licensable activity takes place at the premises, there shall be at least one member of staff on duty that can operate and download CCTV];
 - (iii) option 6 [There shall be accurate and up-to-date signed training records of all staff held at the premises. Training refreshers shall be carried out every six months or upon commencement of employment. These shall be available for inspection by Police and the Local Authority at all times]; and
 - (iv) option 7 [A clear view of all areas of the bar and seating area shall be maintained so as to be visible from outside of the premises] as proposed by the Police.
2. To refuse the 3 additional conditions sought by Environmental Health.
3. To remove the 53 conditions relating to the public Entertainment Licence.

REASONS:

1. The Licensing Sub-Committee are satisfied that these conditions are necessary and proportionate for the prevention of Crime and Disorder and Public Safety.
2. The Licensing Sub-Committee are satisfied that the complaint of a single local resident cannot constitute a public nuisance and there is no evidence of public nuisance.
3. The Licensing Sub-Committee are satisfied that the 53 conditions relating to the public Entertainment Licence are no longer relevant.

Meeting concluded : 11.15am

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REPORT ON PROSECUTIONS, APPEALS, LICENSING UP-DATE

To: Licensing Board – 27 March 2018

By: Regulatory Services Manager

Classification: Unrestricted

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Summary - This report sets out details of a Licensing up-date since the last Board on 04 January 2018

For information

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- 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. Currently Thanet District Council are waiting to hear from the Court for a hearing date.

Officer contact: Jane Bennett, Licensing Team Leader ext: 57413

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EXCLUSION OF PUBLIC AND PRESS

Licensing Board	27 March 2018
Report Author	Committee Services Manager
Status	For Decision
Classification:	Unrestricted
Key Decision	No

Executive Summary:

This report is necessary in order to exclude the press and public from the meeting for consideration of agenda item 7. It will weigh the public interest factors for disclosure against the public interest factors for exemption and explain why the exemption factors take priority.

The report will also state the which paragraph of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) the author is using in order to exclude the press and public from the meeting.

Recommendation(s):

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

CORPORATE IMPLICATIONS

Financial and Value for Money	There are no direct financial implications.
Legal	As per Part 1 of Schedule 12A and Part VA of the Local Government Act 1972 (as amended).
Corporate	Thanet District Council will endeavour to keep the number of exempt reports it produces to a minimum in order to promote transparency.
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>

	Please indicate which aim is relevant to the report.	
	Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	
	Advance equality of opportunity between people who share a protected characteristic and people who do not share it	
	Foster good relations between people who share a protected characteristic and people who do not share it.	
	There are no specific equity and equality considerations that need to be addressed in this report.	

CORPORATE PRIORITIES (tick those relevant)✓	
A clean and welcoming Environment	
Promoting inward investment and job creation	
Supporting neighbourhoods	

CORPORATE VALUES (tick those relevant)✓	
Delivering value for money	
Supporting the Workforce	
Promoting open communications	✓

1.0 Introduction and Background

- 1.1 Whilst the starting point for all public meetings of the Council is to admit the public and press, they may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted that confidential or exempt information would be disclosed. Under such circumstances, confidential or exempt information may be excluded from the public agenda. The public and press must be excluded from meetings if confidential information will be considered and disclosed, and such material must be excluded from the public agenda.

Meaning of confidential information

- 1.2 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.

Exempt information – discretion to exclude public

- 1.3 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.

2.0 Exempt information

- 2.1 The full rules are set out in Part 1 of Schedule 12A and Part VA of the Local Government Act 1972 (as Amended).

3.0 Reason Why Agenda Item 7 is considered to be “exempt”

- 3.1 The report author has classified Agenda Item 7 as disclosing exempt information under Paragraph 1 – Information relating to an individual, Paragraph 4 - Information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the

Authority and Paragraph 7 - Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

4.0 Justification/Public Interest Test

4.1 PUBLIC INTEREST FACTORS FOR DISCLOSURE

Factors suggested by the Information Commissioner as being relevant to an assessment of public interest apply to this information. Disclosure would:-

- 1. Further public understanding of the issues involved;*
- 3. Promote accountability and transparency by the Council for the decisions it takes;*

PUBLIC INTEREST FACTORS FOR EXEMPTION

Considerations which may weigh against a decision to disclose information include:

- 1. Good local government depends on good decision-making and this needs to be based on the best advice available and a full consideration of all the options without fear of premature disclosure;*
- 2. Advice should be broad based and there may be a deterrent effect on external experts or stakeholders who might be reluctant to provide advice because it might be disclosed;*
- 3. The impartiality of the officers might be undermined if advice was routinely made public as there is a risk that officials could come under political pressure not to challenge ideas in the formulation of policy, thus leading to poorer decision making;*
- 4. Members and officers also need to be able to conduct rigorous and candid risk assessments of their policies and programmes including considerations of the pros and cons without there being premature disclosure which might close off better options;*
- 6. Some aspects of Legal advice to Members may need to be taken in private as disclosure of such information would prejudice the position of Council in the event of Court proceedings taking place thereafter;*
- 7. Local Councils are obliged to adhere to legislation that include the Data Protection Act, 1998; where appropriate and failure to do so may result in litigation against Council by an aggrieved party thereby putting at risk the general public interest to protect the public purse.*

5.0 Not Excluding the Press and Public

- 5.1** There will be occasions when the meeting may decline to exclude the press and public from the meeting. If that occurs it does not simply mean that those members of the press and public who are present are allowed to stay for the discussion of the item(s). Declining to exclude the press and public would also mean that the press and public are allowed access to the actual report contained within the confidential part of the agenda (what Democratic Services refer to as the “pink pages”).
- 5.2** Members may wish to note that if a committee member is of the view that it is possible that the recommendation in this report may not be approved at the meeting, they should let Democratic Services know (as soon as they have read the agenda papers before the meeting); in order that spare copies are made available ready to be distributed, if necessary, at the meeting.

- 5.3 If the referred item is not exempted, Democratic Services would also make arrangements for the report to be retrospectively published on the Council's website.

6.0 Decision Making Process

- 6.1 If the press and public are to be excluded for the agenda item; this Committee must exercise its power to agree the recommendation.

Contact Officer:	Nicholas Hughes, Committee Services Manager
Reporting to:	Tim Howes, Director of Corporate Governance

Annex List

None	
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Background Papers

Title	Details of where to access copy
None	

Corporate Consultation

Legal	<i>Timothy Howes, Director of Corporate Governance & Monitoring Officer</i>
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By virtue of paragraph(s) 1, 4, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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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.