



Date: 1 October 2018
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LICENSING BOARD

9 OCTOBER 2018

A meeting of the Licensing Board will be held at **10.00 am on Tuesday, 9 October 2018** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

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

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 September 2018, copy attached.

4. **LICENSING SUB-COMMITTEE MINUTES**

To approve the minutes of the Licensing Sub-Committee meetings held on **4 September 2018 and 25 September 2018**, copy attached.

4a **LICENSING SUB-COMMITTEE - 4 SEPTEMBER 2018** (Pages 5 - 6)

4b **LICENSING SUB-COMMITTEE - 25 SEPTEMBER 2018** (Pages 7 - 10)

5. **EXCLUSION OF PUBLIC AND PRESS** (Pages 11 - 12)

6. **LICENCE TO DRIVE PRIVATE HIRE VEHICLES** (Pages 13 - 16)

7. **LICENCE TO DRIVE PRIVATE HIRE VEHICLES** (Pages 17 - 20)

Declaration of Interests Form

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Public Document Pack Agenda Item 3

LICENSING BOARD

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

Present: Councillor Linda Potts (Chairman); Councillors Dellar, Bambridge,
Crow-Brown, Johnston, Rogers, M Saunders and Tomlinson

417. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Connor, Dennis, J Fairbrass and R Potts.

418. DECLARATIONS OF INTEREST

There were no declarations of interest.

419. MINUTES OF PREVIOUS MEETING

Councillor Tomlinson proposed, Councillor Crow-Brown seconded and Members agreed the Board minutes as a correct record of the meeting held on 24 July 2018.

420. LICENSING BOARD UPDATE

Members noted the report.

421. EXCLUSION OF PUBLIC AND PRESS

Councillor Johnston proposed, Councillor Tomlinson seconded and Members AGREED:

That the public and press be excluded from the meeting for agenda item 6 as it contains exempt information as defined in Paragraph 1 of Schedule 12A of the Local Government Act 1972 (as amended).

422. APPLICATION FOR GRANT OF LICENCE TO DRIVE PRIVATE HIRE VEHICLES

Jade Malyn, Licensing Officer introduced the report.

Members asked a question of the Licensing Officer.

The applicant addressed the Board.

Members asked questions of the applicant.

Further to debate, Members agreed:

“The Board, having heard from the Licensing Officer and the Applicant, did not consider that the Applicant was a fit and proper person to be a private hire vehicle driver. There were concerns about the Applicant’s criminal record. The Board understood that the Applicant stated that he was dyslexic, but considered that if he had doubts about the form he should have had assistance in completing the form. The Board was not convinced that the Applicant was a fit and proper person to be a private hire vehicle driver. The Board opted to refuse to issue the licence.”

Meeting concluded : 10.25am

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Public Document Pack Agenda Item 4a

LICENSING SUB COMMITTEE

Minutes of the meeting held on 4 September 2018 at 11.00 am in Council Chamber,
Council Offices, Cecil Street, Margate, Kent.

Present: Councillors Tomlinson, Bambridge and Crow-Brown

637. ELECTION OF CHAIRMAN

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

638. APOLOGIES FOR ABSENCE

There were no apologies.

639. DECLARATIONS OF INTEREST

There were no declarations of interest.

640. APPLICATION FOR PREMISES LICENCE - THE COVE, 14-15 CECIL SQUARE, MARGATE

Also present:

Officers: Mrs Bennett, Licensing Team Leader
Mr Brown, Environmental Protection Officer

Applicant: Mr Webb-Jeffries

The Licensing Team Leader outlined the report to the Licensing Sub-Committee in respect of the application for premises licence for The Cove, 14-15 Cecil Square, Margate.

The Environmental Protection Officer addressed the Sub-Committee.

Members asked questions of the Environmental Protection Officer and it was noted:

- Circumstances have not changed significantly and therefore, it was considered that the conditions should be the same as those placed on the premises last year.

The Applicant addressed the Sub-Committee.

The Licensing Team Leader and Environmental Protection Officer asked questions of the Applicant.

Members asked a question of the Applicant.

It was noted that:

- The Applicant accepted the conditions proposed by Environmental Protection.
- No dancefloor was proposed as the premises is a bar and restaurant with some music.
- The Applicant suggested that they would be happy to install curtains which they would close at an agreed time, if Members felt this would assist with soundproofing.

The Licensing Sub-Committee agreed:

“having read the report, and having heard from the Licensing Officer, the Environmental Protection Officer and the Applicant, granted the application with conditions consistent with the Operating Schedule accompanying the application and the conditions mentioned at paragraphs 2.2 and 2.5 in the report and the conditions referred to by the Environmental Protection Officer at Annex 3 of the report.”

Meeting concluded : 11.30am

Public Document Pack Agenda Item 4b

LICENSING SUB COMMITTEE

Minutes of the meeting held on 25 September 2018 at 10.00 am in Council Chamber,
Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Keith Coleman-Cooke (Chairman); Councillors Johnston
and J Fairbrass

641. ELECTION OF CHAIRMAN

Councillor Johnston proposed, Councillor Fairbrass seconded and Members agreed that Councillor Coleman-Cooke be the Chairman for the meeting.

642. APOLOGIES FOR ABSENCE

There were no apologies received at the meeting.

643. DECLARATIONS OF INTEREST

There were no declarations of interest.

644. APPLICATION FOR PREMISES LICENCE - PASHA RESTAURANT, 182 NORTHDOWN ROAD, MARGATE

The Chairman introduced the item for discussion and requested the officer to present the report.

Jane Bennett, Licensing Team Leader presented an overview of the application for premises licence under section 17 of the Licensing Act 2003, for Pasha Restaurant, 182 Northdown Road, Margate. Ms Bennett highlighted the conditions agreed with the Kent Police, Environmental Health and KCC Trading Standards which were reflected in Annexes 5 and 6 to the sub-committee report.

There were no Police representatives present at the meeting.

There were no objectors present at the meeting.

Mr Khaled Alduhbaybi, the applicant had no questions to ask of the Licensing Team Leader.

Mr Miles Wiseman, the applicant's representative addressed the meeting.

The Licensing Team Leader had no questions to ask of the applicant.

Barrister Paul Tapsell, counsel for the Council addressed the meeting and explained that planning application process was an independent process, separate from the licensing process. The licensing process had to take into consideration the four licensing objectives when making a decision on a licensing application as detailed in the officer report.

Barrister Tapsell then asked questions of the applicant and sought clarity on the hours including the extended opening hours being sought by the applicant.

Members asked questions of the applicant.

The Sub-Committee reminded the Applicant that planning conditions must be complied with and that the grant of a licence did not allow the premises to be open in breach of planning conditions and then APPROVED the application with the following hours of operation:

1. Hours Open to the Public
 Sunday to Thursday (inclusive): 0900 hrs to 0030 hrs
 Friday and Saturday: 0900 hrs to 0200 hrs
2. Licensable activities
 Sale of Alcohol
 Sunday to Thursday (inclusive): 0900 hrs to 0000 hrs
 Friday and Saturday: 0900 hrs to 0130 hrs
3. Late Night Refreshment, Live Music, Recorded Music & Dancing (permitted until 2300) plus

 Sunday to Thursday (inclusive): 2300 hrs to 0000 hrs
 Friday and Saturday: 2300 hrs to 0130 hrs
4. Bank Holidays, Christmas Eve and New Year's Eve – open till 0230 hrs, licensable activities listed above till 0200 hrs;

and granted the licence subject to the following conditions:

1. Any amplified music played at the premises must only be played through a sound system with sound levels set, and the location of speakers to be approved, by the Council's Environmental Health Department.
2. After 2300 hours the seating areas to the front of the premises and in the rear garden/pergola are to be closed, save for the designated smoking area to the front of the premises.
3. Alcohol for consumption on the premises is only to be served with a table meal. Non-alcoholic beverages, including drinking water, shall also be available.
4. Alcohol sold for consumption off the premises shall be;
 - a. limited to four cans/bottles of beer and or one bottle of wine of not more than 1 litre per food order and
 - b. only be sold with a takeaway meal costing at least £10, excluding the cost of the alcohol.
5. The premises shall operate the "Challenge 25" proof of age scheme. All customers who appear to be under the age of 25 years will be challenged to prove they are over 18 years when attempting to purchase alcohol. The only forms of identification to be accepted for such purpose shall be a photocard driving licence, passport or the Government approved PASS (Proof of Age Standards Scheme) card. If the person seeking alcohol is unable to produce an acceptable form of identification, no sale or supply of alcohol shall be made to that person.
6. All staff shall be trained in the law about the sale of alcohol. Such training will include challenging every individual who appears to be under 25 years of age and refusing service where individuals cannot produce acceptable means of identification, acceptable forms of ID and using the refusals register. Such training (including any refresher training) will be logged and provided not less than every three to six months. The training log will be made available for inspection by Police and other authorised persons.

7. A refusals log must be kept at the premises and made available on request to the police or an authorised person. This refusals log can be kept either as a manual record or through an EPOS system at the checkout. The refusals log is to be inspected on a monthly basis by the DPS and this inspection noted and recorded in the log and a record kept of any actions that appear to be needed to protect young people from harm. The log must record all refused sales of alcohol and include the following:
 - a. The identity of the member of staff who refused the sale,
 - b. The time and date of the refusal,
 - c. The alcohol requested and the reason for refusal and
 - d. A description of the person refused alcohol.
9. An A4 poster shall be displayed conspicuously on the premises in customer facing areas carrying messages in respect of:
 - a. Challenge 25 – to advise potential purchasers that suitable proof of age will be required for all purchasers who appear to be under 25.
 - b. Proxy purchasing – intended to warn adults not to buy alcohol for those under 18 years of age.
9. Notices are to be displayed at the exits requiring patrons to respect nearby residents and to leave the premises quickly and quietly.
10. Suitable ash trays and cigarette bins are to be provided in the designated smoking area to the front of the building. No consumption of alcohol shall be permitted in the smoking area after 2300 hrs.

The Applicant and any interested parties were further informed of their right to appeal against the above decision to the Magistrates Court.

Meeting concluded: 11.10 am

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Exclusion of Public and Press

To: **Licensing Board**

By: **Democratic Services and Scrutiny Manager**

Classification: **Unrestricted**

Ward: -

Summary: This report seeks the Committee's approval to exclude the public and press from the meeting on agenda items 6 and 7 as they contain exempt information as defined in Paragraphs 4 & 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 Items 6 and 7 as disclosing exempt information under Paragraphs 4 & 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

Agenda Item 5

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 items 6 and 7 as they contains exempt information as defined in Paragraph 4 & 7 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:	Tim Howes, Director of Corporate Governance

By virtue of paragraph(s) 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.