



Date: 12 November 2018
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LICENSING BOARD

20 NOVEMBER 2018

A meeting of the Licensing Board will be held at **10.00 am on Tuesday, 20 November 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 9 October 2018, copy attached.

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

To approve the minutes of the Licensing Sub-Committee meeting held on 23 October 2018, copy attached.

5. **EXCLUSION OF PUBLIC AND PRESS** (Pages 9 - 12)

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

Declaration of Interests Form

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LICENSING BOARD

Minutes of the meeting held on 9 October 2018 at 10.00 am in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

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

423. APOLOGIES FOR ABSENCE

Apologies were received from Councillor K Coleman-Cooke and J Fairbrass.

424. DECLARATIONS OF INTEREST

There were no declarations of interest.

425. MINUTES OF PREVIOUS MEETING

Councillor Crow-Brown proposed, Councillor Rogers seconded and Members agreed the Board minutes as a correct record of the meeting held on 4 September 2018.

426. LICENSING SUB-COMMITTEE MINUTES

427. LICENSING SUB-COMMITTEE - 4 SEPTEMBER 2018

Councillor Crow-Brown proposed, Councillor Rogers seconded and Members agreed the Sub-Committee minutes as a correct record of the meeting held on 4 September 2018.

428. LICENSING SUB-COMMITTEE - 25 SEPTEMBER 2018

Councillor Crow-Brown proposed, Councillor Rogers seconded and Members agreed the Sub-Committee minutes as a correct record of the meeting held on 25 September 2018.

429. EXCLUSION OF PUBLIC AND PRESS

Councillor M Saunders proposed, Councillor Johnston seconded and Members AGREED:

That the public and press be excluded from the meeting on agenda items 6 and 7 as they contain exempt information as defined in Paragraph 4 and 7 of Schedule 12A of the Local Government Act 1972 (as amended).

430. 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:

Having heard from the Applicant, the Licensing Officer and Members, it was noted that there was an aggressive tone coming over from the Applicant and this was not the first incident where they had lost their temper. The Sub-Committee decided that the Applicant should have a written warning:

3.2 – To give this person a written warning with regard to their future conduct.

431. LICENCE TO DRIVE PRIVATE HIRE VEHICLES

Councillor Johnston proposed, Councillor Bambridge seconded and Members agreed to adjourn the hearing.

Meeting concluded : 10.35am

LICENSING SUB COMMITTEE

Minutes of the meeting held on 23 October 2018 at 10.00 am in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillors Bambridge, Tomlinson and Wright

645. ELECTION OF CHAIRMAN

Councillor Bambridge proposed, Councillor Wright seconded and Members agreed that Councillor Tomlinson be the Chairman for the meeting.

646. APOLOGIES FOR ABSENCE

There were no apologies.

647. DECLARATIONS OF INTEREST

There were no declarations of interest.

648. APPLICATION FOR PREMISES LICENCE - THE DIGI DINER, 59 HIGH STREET, MARGATE

Also present:

Officers: Alison Stocker, Licensing Officer
Jade Malyn, Licensing Officer

Applicant: Mr Osman

Applicant's representative: Mr Dillon

Objector: Ms Vanzetta

The Licensing Officer outlined the report to the Licensing Sub-Committee in respect of the application for premises licence for The Digi Diner, 59 High Street, Margate.

The Objector addressed the Sub-Committee.

The Applicant's representative asked questions of the Objector.

The Applicant's representative addressed the Sub-Committee.

The Applicant addressed the Sub-Committee.

The Licensing Officer asked a question of the Applicant.

Members asked questions of the Applicant.

The Legal Officer asked questions of the Applicant.

The Objector asked a question of the Applicant.

Further to debate, the Sub-Committee AGREED:

3.1- Grant the application with conditions consistent with the Operating Schedule accompanying the application and the conditions mentioned at paragraphs 2.2 and 2.5 of the agenda report.

Having heard from the Licensing Officer, Applicant and Objector, the Sub-Committee considered everything put before them, orally or in writing. The Sub-Committee were receptive to the concept put before them involving games and food, and the regeneration of the High Street. Members considered the promotion of the following Licensing Objectives: 1) the prevention of crime and disorder, 3) the prevention of public nuisance and 4) the protection of children from harm.

The Sub-Committee had regard to the aims of its Licensing Policy at para. 1.4 which refer to integration with policies and strategies which will, amongst other things, encourage young people and culture, and continue to develop and encourage an early evening and night time economy which is both viable and sustainable. The application was consistent with these objectives.

As part of the operating schedule, in response to the representations, and further to discussions at the hearing, the applicant confirmed that he was prepared to offer the following conditions (the wording of which has been formalised below):

- (1) A CCTV system will be fitted at the premises in line with the plans at Annex 1 (basement and ground floor).
- (2) The CCTV system will be maintained and serviced on a regular basis and records kept to that effect.
- (3) CCTV shall be operational at all times that members of the public and / or staff are on the premises.
- (4) Images will be retained for a period of at least one calendar month by whatever means the licence holder deems appropriate.
- (5) The Police, Thanet District Council, and Trading Standards will have access to these images at any reasonable time.
- (6) The Police, Thanet District Council, and Trading Standards will be allowed to take a recording by way of tape, CD Rom or any other means immediately on the request being made.
- (7) Staff will be fully trained in the CCTV system and there will be at least one member of staff on duty during trading hours who is able to provide a recording of any incident at the request of Police or Thanet District Council.
- (8) All staff shall be fully trained in Challenge 25 and the training will be fully auditable and available to any responsible authority on request. Staff to sign to confirm that they have been trained.
- (9) Notices to advise customers that Challenge 25 is in force will be prominently displayed in all areas.

- (10) All refused sales to be recorded at the time in a book, which will be available for inspection by the Police, Thanet District Council, and Trading Standards.
 - (11) The refusal register should be checked and reviewed weekly by the DPS and signature applied to the book to verify.
 - (12) Alcohol that is purchased at the premises shall not leave the internal parts of the premises. This shall result in patrons leaving temporarily to smoke having drinks removed from them.
 - (13) Last entry to the premises shall be 0030hrs on Fridays and Saturdays.
 - (14) A contact telephone number (landline or mobile) shall be made available, on request, to neighbours and any person with good cause.
 - (15) A litter picking system shall be operated for the area immediately outside the front of the premises which shall be cleared of litter at least 3 times each day when the premises are operational.
 - (16) Wall mounted cigarette bins / trays shall be provided either side of the entrance to the premises at the front.
 - (17) No children of 16 years or under shall be allowed on the premises after 2300hrs each day when the premises are operational.
- 1 The Sub-Committee considered that each of the above conditions were both appropriate and proportionate to the promotion of the licensing objectives. With those conditions in place and implemented, the Sub-Committee considered that any concerns raised about the licensing objectives would be met.
 - 2 In deciding to impose the above conditions which had been offered and no more, the Sub-Committee was mindful of the fact that it would not be proportionate to overly regulate a new premises licence. The operation and effects of the operation of the premises were yet to be experienced. To the extent that any fears raised as to anti-social behaviour, noise, and low level crime were realised, the review mechanism under the 2003 Act provided an appropriate balance. Under that procedure, the premises licence holder could be brought back before the Sub-Committee where a range of options could be considered, including more stringent conditions.

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- 3 For the above reasons, and having regard to the fact that there were no representations from any responsible authority (apart from Environmental Health which had been agreed) the Sub-Committee decided to grant the licence for the hours sought (as per the application) subject to the conditions set out above.
- 4 Any party may appeal this decision to the magistrates' court within 21 days of notification of this decision.

Meeting concluded : 10.45am

EXCLUSION OF PUBLIC AND PRESS

Licensing Board – 20/11/2018

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 item 6. 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 6 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).

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	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. 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.

	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 6 is considered to be “exempt”

- 3.1 The report author has classified Agenda Item 6 as disclosing exempt information under Paragraph 4 & 7 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) thereby suggesting that the press and public be excluded from the meeting whilst this item is debated.

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

Agenda Item 5

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	Timothy Howes, Director of Corporate Governance & Monitoring Officer
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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.