



Date: 19 July 2021
Ask For: James Clapson
Direct Dial: (01843) 577200
Email: james.clapson@thanet.gov.uk

LICENSING BOARD

27 JULY 2021

A meeting of the Licensing Board will be held at **10.00 am on Tuesday, 27 July 2021** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillor Bambridge (Chair); Councillors: Rogers (Vice-Chair), Dexter, Ara, Green, Huxley, Potts, M Saunders, Scobie, Shrubbs, Wing and Wright.

A G E N D A

Item No

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST** (Pages 3 - 4)
To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest advice attached to this Agenda. If a Member declares an interest, they should complete the [Declaration of Interest Form](#)
3. **MINUTES OF PREVIOUS MEETING** (Pages 5 - 6)
To approve the Minutes of the Licensing Board meeting held on 15.6.21, copy attached.
4. **LICENSING SUB-COMMITTEE MINUTES** (Pages 7 - 12)
To approve the minutes of the Licensing Sub-Committee meetings held on 9.6.21, 25.6.21 and 6.7.21, copies attached.
5. **EXCLUSION OF PUBLIC AND PRESS** (Pages 13 - 16)
6. **LICENCE TO DRIVE PRIVATE HIRE VEHICLES** (Pages 17 - 24)

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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 Committee Services Manager well in advance of the meeting.

If you need to declare an interest then please complete the declaration of [interest form](#).

LICENSING BOARD

Minutes of the meeting held on 15 June 2021 at 10.00 am in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Sam Bambridge (Chair); Councillors Rogers, Dexter, Ara, Green, Huxley, Potts, M Saunders, Scobie, Shrubbs, Wing and Wright.

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Scobie.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF PREVIOUS MEETING

It was proposed by Councillor Saunders and seconded by Councillor Huxley and Members agreed the minutes as a correct record of the Licensing Board meeting held on the 9 June 2020.

4. LICENSING SUB-COMMITTEE MINUTES

It was proposed by Councillor Wing, seconded by Councillor Shrubbs and Members agreed the minutes of the Licensing Sub-Committee meetings held since the last meeting of the Board, as included in the agenda pack.

5. EXCLUSION OF PUBLIC AND PRESS

It was proposed by Councillor Saunders, seconded by Councillor Rogers and Members agreed:

That the public and press be excluded from the meeting on agenda item 6 (minute 507) as it contains exempt information as defined in Paragraphs 4 and 7 of Schedule 12A of the Local Government Act 1972 (as amended).

6. LICENCE TO DRIVE HACKNEY CARRIAGE VEHICLES

Mrs Stocker, Senior Licensing Officer, presented the report.

Members asked questions of the Senior Licensing Officer.

The Applicant addressed the Board.

Members asked questions of the Applicant.

Further to debate, the decision of the Licensing Board on the 15th June 2021 was as follows

“Upon the consideration of the Licence to Drive Hackney Carriage Vehicle of Mr Vasthiyampillai Antony Gnaneswaran, having heard from the Licensing Officer, the Licensee and considering the provisions of the Local Government (Miscellaneous

Agenda Item 3

Provisions) Act 1976, it is the decision of the Licensing Board that the Licence to Drive Hackney Carriage will be granted.

The licence will be granted subject to the following provision:

3.2 To give Mr Vasthiyampillai Antony Gnaneswaran a written warning with regard to future conduct.”

Meeting concluded: 10.40am

LICENSING SUB COMMITTEE

Minutes of the meeting held on 9 June 2021 at 3.30 pm by Video Conference.

Present: Councillors Potts, Shrubbs and Wing.

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. EXCLUSION OF PRESS AND PUBLIC

It was proposed by Councillor Wing, seconded by Councillor Potts and Members agreed:

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

4. DAYS GRILL REPORT

Also present:

Thanet Council Officers:	Ms Brock, Technical Support Team Manager. Ms Phillips, Principal Litigation Solicitor. Ms Stocker, Senior Licensing Officer. Ms Berry, Senior Environmental Health Practitioner Mr Sproats, Regulatory Services Manager.
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The Police:	PC Greig, Police Licensing Officer. PS Beresford, Central Licensing Sargent.
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Licensing Holder:	Mr Day
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Designated Premises Supervisor:	Mr Boswell
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License Holder's Legal Representative:	Mr Craig
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The Technical Support Team Manager introduced the item.

The Police addressed the Sub-Committee and gave their report.

The License Holder's Legal representative and License Holder addressed the committee.

The Sub-Committee agreed the following:

'The decision further to today's expedited hearing is as follows

In the application for an expedited review of the premises licence at Days Grill, 4 – 5 The Centre, Margate, Kent, CT9 1JG, under section 53A of the Licensing Act 2003;

The Thanet District Council as the relevant Licensing Authority, and upon the consideration of representations made to the Licensing Sub-Committee on the 9th June 2021 by

1. The Police – PC Greig
2. The Licence Holder – Mr Day
3. Licence Holders Legal Representative - Mr Craig,

It is the decision of the Licensing Sub-Committee that the application for a review of the premises licence at Days Grill, 4 – 5 The Centre, Margate, Kent, CT9 1JG, under section 53A of the Licensing Act 2003 be allowed.

In considering the licensing objectives it is the view of the committee that licence be suspended with immediate effect pending a full hearing.'

Meeting concluded: 4.50pm

LICENSING SUB COMMITTEE

Minutes of the meeting held on 25 June 2021 at 10.00 am by Video Conference.

Present: Councillors Potts, Scobie and Wing.

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. EXCLUSION OF PUBLIC AND PRESS

It was proposed by Councillor Scobie, seconded by Councillor Wing and Members agreed:

That the public and press be excluded from the meeting for agenda item four as it contained exempt information as defined in Paragraph 7 of Schedule 12A of the Local Government Act 1972 (as amended).

4. PREMISES KNOWN AS DAYS GRILL, 4-5 THE CENTRE, MARGATE, KENT

Also present:

Thanet Council
Officers:

Ms Phillips, Principal Litigation Solicitor.
Ms Stocker, Senior Licensing Officer.
Mr Sproats, Regulatory Services Manager.
Ms Malyn, Licensing Officer.

The Police:

PS Beresford, Central Licensing Sargent.
PC Diment, Kent Police.

License Holder's

Legal Representative: Mr Craig

The Senior Licensing Officer introduced the item.

The License Holder's Legal Representative addressed the Sub-Committee.

The Licensing Officer asked questions of the Legal Representative.

The Police asked questions of the Legal Representative.

The Committee asked question of the Legal Representative.

The Police addressed the Sub-Committee.

The Legal Rep responded to the Police's comments.

The Sub-Committee agreed the following:

'Upon the hearing of representations made against the suspension of the premises licence at Days Grill, 4 – 5 The Centre, Margate, Kent, CT9 1JG, under section 53A of the Licensing Act 2003, and upon the consideration of the documentation and representations from:

1. The Senior Licensing Officer – Mrs Alison Stocker
2. The Licence Holder's representative – Mr Duncan Craig
3. The Police – Sergeant Mark Beresford

The decision of the licensing sub-committee on the 25th June is as follows;

The suspension of the license to Days Grill was to be lifted subject to the following further conditions;

1. The new conditions that have been agreed with Kent Police, to take effect immediately and to be applicable to all staff and especially the licence holder in respect of the consumption of alcohol and other substances. The heading of paragraph 3 of those conditions to be amended to "Alcohol Sales and Consumption".
2. The business will apply all relevant and updated Covid-19 rules and regulations.
3. The business to operate and check it's CCTV camera's at the beginning and end of every shift, with confirmation of its daily operation to be certified in a signed and dated log. The business will not operate if the CCTV is not working.
4. The training log must be signed and dated by each person who receives training.

Meeting concluded: 11.20am

LICENSING SUB COMMITTEE

Minutes of the meeting held on 6 July 2021 at 11.00 am by Video Conference.

Present: Councillors Wing and Potts

1. **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

3. **EXCLUSION OF PUBLIC AND PRESS**

It was proposed by Councillor Wing, seconded by Councillor Potts and Members agreed:

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

4. **APPLICATION FOR A FULL REVIEW OF THE LICENCE FOR DAYS GRILL, 4-5 THE CENTRE, MARGATE, KENT.**

Also present:

Thanet Council
Officers:

Ms Brock, Technical Support Team Manager.
Ms Phillips, Principal Litigation Solicitor.
Ms Stocker, Senior Licensing Officer.
Ms Malyn, Licensing Officer.
Ms Berry, Senior Environmental Protection Officer.
Mr Sproats, Regulatory Services Manager.

The Police:

PC Greig, Police Licensing Officer.
PC Diment, East Kent Licensing Co-ordinator.

Licensing Holder: Mr Day

License Holder's
Legal Representative: Mr Craig

The Technical Support Team Manager introduced the item.

The Police addressed the Sub-Committee.

The Sub-Committee asked the Police questions.

The Senior Environmental Protection Officer addressed the Sub-Committee.

The Senior Licensing Officer addressed the Sub-Committee.

The License Holder's Legal representative responded to the Senior Licensing Officers presentation.

The Sub-committee asked the Senior Licensing Officer questions.

The License Holder's Legal representative and License Holder addressed the Sub-Committee.

The Senior Environmental Protection Officer asked the License Holder's Legal Representative and License Holder questions.

The Sub-Committee asked the License Holder's Legal Representative and License Holder questions.

The Sub-Committee agreed the following:

'Upon the hearing of the full review of the premises licence at Days Grill, 4 – 5 The Centre, Margate, Kent, CT9 1JG, further to the suspension of the license by the licensing authority on 10th June 2021, imposed in accordance with section 53B(6) of the Licensing Act 2003, and upon the consideration of the documentation and representations from

1. The Senior Licensing Officer
2. The Police Licensing Officer
3. The Senior Environmental Protection Officer
4. The License Holder's Legal Representative
5. The License Holder

The decision of the licensing sub-committee on the 6th July is as follows;

The license will continue subject to the following conditions;

1. The conditions agreed with the police to continue to be applied;
2. The conditions imposed by the sub-committee on the 25th June to continue to be applied;
3. The licensee to continue to comply with the Coronavirus legislation in force;
4. If alcohol is consumed outside of the premises it must be consumed at the tables with food and in poly carbonate/plastic vessels;
5. No seating will be made available outside of the premises after 11pm.'

Meeting concluded: 12.15 pm

EXCLUSION OF PUBLIC AND PRESS

Licensing Committee - 27/07/2021

Report Author **Nick Hughes**

Status **For Decision**

Classification: **Unrestricted**

Executive Summary:

To consider whether to exclude the press and public for the consideration of agenda item 6.

Recommendation:

That the public and press be excluded from the meeting for agenda item 6 as it contains exempt information as defined in Paragraph 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 arising from the report.

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.

Equality 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.

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

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) and is as shown below:

Paragraph 7

Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

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 7.

4.0 Justification/Public Interest Test

- 4.1 Agenda item 6 is restricted as the information contained within it is exempt under paragraph 7 of Part 1 to Schedule 12A to the Local Government Act 1972 (as amended). There is an expectation that in the interests of those involved and the council that these matters are not raised in public.

- 4.2 It is therefore considered that the public interest is served by the non-disclosure of the information contained within the report at agenda item 6.

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 to the recommendation.

Contact Officer: Nick Hughes, Committee Services Manager
Reporting to: Estelle Culligan, Director of Law and Democracy

Annex List

None

Corporate Consultation

Finance: Chris Blundell, Head of Financial Services
Legal: Estelle Culligan, Director of Law and Democracy

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By virtue of paragraph(s) 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item 6 Annex 1

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