



Date: 17 July 2023
Our ref: Licensing Board Agenda
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LICENSING BOARD

25 JULY 2023

A meeting of the Licensing Board will be held at **10.00 am on Tuesday, 25 July 2023** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillor Currie (Chair); Councillors: Huxley (Vice-Chair), Ara, Bambridge, Dennis, Driver, Makinson, Manners, Pat Moore, Owen-Hughes, Rogers, H. Scobie, Towning, Wing and Wright

AGENDA

Item
No

Subject

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 - 8)
To approve the Minutes of the Licensing Board meeting held on 13 June 2023, copy attached.
4. **LICENSING SUB-COMMITTEE MINUTES** (Pages 9 - 10)
To approve the minutes of the Licensing Sub-Committee meeting held on 9 June 2023, copy attached.
5. **EXCLUSION OF PUBLIC AND PRESS** (Pages 11 - 14)
6. **LICENCE TO DRIVE PRIVATE HIRE VEHICLES (1)** (Pages 15 - 60)
7. **LICENCE TO DRIVE PRIVATE HIRE VEHICLES (2)** (Pages 61 - 72)
8. **LICENCE TO DRIVE PRIVATE HIRE VEHICLES (3)** (Pages 73 - 82)
9. **LICENCE TO DRIVE PRIVATE HIRE VEHICLES (4)** (Pages 83 - 98)

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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 13 June 2023 at 10.00 am in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Alan Currie (Chair); Councillors Huxley, Ara, Dennis, Driver, Makinson, Manners, Pat Moore, Owen-Hughes, Rogers, H. Scobie, Towning and Wing

In Attendance:

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Bambridge and Wright.

2. DECLARATIONS OF INTEREST

Declaration of Interest was made by Councillor H. Scobie regarding items 8 and 9.

3. MINUTES OF PREVIOUS MEETING

Councillor Wing proposed, Councillor Huxley seconded and members agreed that the minutes of the Licensing Board held on 18 April 2023 be signed as a correct record.

4. CHANGES AND UPDATES TO LICENSING OFFICERS ENFORCEMENT POLICY

Mrs Alison Stocker, Senior Licensing Officer, introduced the report.

The report detailed updates to the Licensing Officers Enforcement Policy, most notably, changes to reflect new legislation and guidance.

Members had no questions for the Senior Licensing Officer.

Councillor Wing proposed, Councillor Huxley seconded and members agreed:

The introduction of the new Enforcement Policy

5. DRIVER KNOWLEDGE TEST

Mrs Alison Brock, Technical Support Team Manager, introduced the report.

The report detailed amendments to the Driver Knowledge Test, which included trialling the Green Penny - one day course, with some modifications to the course itself.

Members asked questions to the Technical Support Team Manager and discussion followed:

- Members discussed the possibility of having English language tests being included and the reliability of Green Penny's service; whether or not their standards equate to TDC's. The possibility of an English language test was something Licensing would like to bring in for the future as it was recommended by the government. Green Penny's course tests include: Disability, Equality Awareness, Safeguarding and other optional tests that TDC could choose as they saw fit. It was suggested to committee that Green Penny provide the Licensing Board with a demonstration of their service;

- Members brought up that if TDC wasn't happy with the service provided, would there be an umbrella service that they could report to, or could TDC be provided with feedback from people who took the test. It was said that TDC was getting feedback from other councils who use Green Penny's service and the fact that they were already being used by many other local authorities;
- Members asked if the local knowledge test would be included in the course and the response was it would be included in the course and would include questions regarding locations around Thanet in a multiple choice format;
- Members questioned what the process was for the validity of non-UK Driving Licence. Online checks and paperwork to be provided to officers was how the validity was confirmed. Members were also reminded that they do have the ability to request a British Driving Licence Test of drivers if the circumstances were needed;
- Under the new Green Penny course, the timescale between application and receiving licence would remain the same as it's usually the DBS check which could take a varying amount of time

Councillor Towning proposed, Councillor Scobie seconded and members agreed:

1. Agree to the Green Penny one day course to be started as soon as possible.
2. To review the newly implemented test the following year after it has been put into effect;
3. Have a demonstration of this course at a future Licensing Board meeting.

6. LICENSING AND GAMBLING STATEMENT REPORT

Mrs Brock introduced the report.

The report detailed how both the Licensing Policy Statement and Gambling Policy Statement are in need of updating due to them needing to be updated every 3 years.

Members had no questions for the Technical Support Team Manager.

Councillor Scobie proposed, Councillor Wing seconded and members agreed the following:

The Licensing and Gambling Statements being in place for up to another 12 months.

7. EXCLUSION OF PUBLIC AND PRESS

Councillor Rogers proposed, Councillor Wing seconded and members agreed:

That the public and press be excluded from the meeting on agenda items 8 and 9 as they contain exempt information as defined in Paragraph 2 of Schedule 12A of the Local Government Act 1972.

8. LICENCE TO OPERATE AS A PRIVATE HIRE OPERATOR

Mrs Stocker introduced the applicant.

The applicant had no questions for Mrs Stocker.

Members of the Board asked questions directed to Mrs Stocker.

The applicant addressed the Board.

Mrs Stocker asked the applicant follow up questions.

Members of the Board also asked questions of the applicant.

Following the discussion, the applicant and Licensing Officers were asked to leave the room whilst the Board deliberated.

Once the Board came to a decision, the applicant and Licensing Officers were invited back into the meeting room and Mr Kitenge, Senior Litigation Lawyer addressed the meeting and read out the Board decision which was as detailed below:

“Upon considering whether or not to take any action regarding the Private Hire Operators Licence and having considered the documentation and representations made by:

1 - The Licensing Officer;

2 - The Applicant;

It is the decision of the licensing board to; To give this person a written warning. The applicant or representative may appeal the Committee’s decision to Magistrates Court within 21 days.”

9. LICENCE TO DRIVE PRIVATE HIRE VEHICLES

Mrs Stocker presented the report to the Committee.

Members of the Board asked questions directed to Mrs Stocker and Mrs Brock.

Following the discussion, Licensing Officers were asked to leave the room whilst the Board deliberated.

Once the Board came to a decision, Licensing Officers were invited back into the meeting room and Mr Kitenge, Senior Litigation Lawyer addressed the meeting and read out the Board decision which was as detailed below:

“Upon considering whether or not to take any action regarding this licence to drive Private Hire Vehicles and having considered the documentation and representations made:

It is the decision of the Licensing Board to suspend this person’s licence to drive Private Hire vehicles for until the Licensing Board Meeting, on the 5th September 2023.

The applicant has the opportunity for the current decision to be reviewed should he provide medical evidence before the 25th July 2023 and appear at the next Licensing Board meeting - 25th July 2023

The applicant or representative may appeal the Committee’s decision to Magistrates Court within 21 days.”

Meeting concluded: 11:55 AM

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LICENSING SUB COMMITTEE

Minutes of the meeting held on 9 June 2023 at 2.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Alan Currie (Chair); Councillors Driver and Manners

4. APOLOGIES FOR ABSENCE

There were apologies for absence made at the meeting.

5. DECLARATIONS OF INTEREST

There were no declarations of interest.

6. APPLICATION FOR A NEW PREMISES LICENCE AT THE STONE BAY KIOSK, BROADSTAIRS

Also present:

Thanet District Council: Ms Brock, Technical Support Team Manager

Applicant: Mr Daniel William Montila

Objector: Mrs Christine Moulton

The Technical Support Team Manager introduced the item.

The Sub-Committee Members asked questions of the Technical Support Team Manager.

The Applicant presented their case.

The Sub-Committee Members asked questions of the Applicant.

The Objector presented their case.

The Sub-Committee Members asked questions of the Objector.

The Applicant made final closing remarks.

The Objector made final closing remarks.

The Chair then asked the Applicant, the Objectors and the Technical Support Team Manager to leave the meeting room to enable the Sub-Committee to make further deliberations on the matter before the chair asked them to return to the meeting room for the announcement of the decision.

Upon considering whether to grant or refuse the licence application for The Stone Bay Kiosk Broadstairs and having considered the documentation and representations made by

1. The Licensing Officer
2. The Applicant
3. Verbal representations by Mr and Mrs Moulton

- and
4. Written submissions.

It is the decision of the Licensing Sub-Committee to;

Grant a new licence at The Stone Bay Kiosk Broadstairs on the basis that– the conditions imposed in Agenda Annex 5 be complied with

And on the condition that the kiosk is open from 10am to 10pm – May, June, July August and other months up to 6pm.

The Sub Committee recommends that the applicant should consider installing a portable toilet in the proximity of the premises.

This decision has been made in line with Thanet District Council's Licencing policy and objectives within Licensing Act 2003

The applicant may appeal the Sub-Committee's decision to the Magistrates Court within 21 days.

Meeting concluded: 3.00 pm

EXCLUSION OF PUBLIC AND PRESS

Licensing Board	25th July 2023
Report Author	Steven Matthews, Democratic Services Officer
Status	For Decision
Classification:	Unrestricted

Executive Summary:

To consider whether to exclude the press and public for the consideration of agenda items 6, 7, 8 and 9.

Recommendation:

That the public and press be excluded from the meeting for agenda items 6, 7, 8 and 9 as they contain exempt information as defined in Paragraph 2 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 2

Information which is likely to reveal the identity of an individual.

3.0 Reason Why Agenda Items 6, 7, 8 and 9 is considered to be “exempt”

- 3.1 The report author has classified Agenda Items 6, 7, 8 and 9 as disclosing exempt information under Paragraph 2.

4.0 Justification/Public Interest Test

- 4.1 Agenda items 6, 7, 8 and 9 are restricted as the information contained within it is exempt under paragraph 2 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 items 6, 7, 8 and 9.

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: Sameera Khan, Interim Head of Legal and Monitoring Officer

Annex List

None

Corporate Consultation

Finance: Chris Blundell, Head of Financial Services
Legal: Sameera Khan, Interim Head of Legal and Monitoring Officer

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Agenda Item 6 Annex 1

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Agenda Item 6 Annex 3

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Agenda Item 6 Annex 4

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Agenda Item 6 Annex 5

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Agenda Item 8 Annex 1

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Agenda Item 8 Annex 2

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Agenda Item 9 Annex 1

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