



Date: **10 April 2023**
Our ref: **Licensing Board Agenda**
Ask For: **Steven Matthews**
Direct Dial: **(01843) 577207**
Email: **steven.matthews@thanet.gov.uk**

LICENSING BOARD

18 APRIL 2023

A meeting of the Licensing Board will be held at **10.00 am on Tuesday, 18 April 2023** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillor Bambridge (Chair); Councillors: Rogers (Vice-Chair), Ara, Currie, Dennis, Dexter, Huxley, Potts, M Saunders, Shrubbs, Smith, Wing and Wright

A G E N D A

Item **Subject**
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 (22/11/2022)** (Pages 5 - 6)
To approve the Minutes of the Licensing Board meeting held on 22/11/2022, copy attached.
4. **MINUTES OF PREVIOUS MEETING (14/02/2023)** (Pages 7 - 8)
To approve the Minutes of the Licensing Board meeting held on 14/02/2023, copy attached.
5. **MINUTES OF PREVIOUS MEETING (21/03/2023)** (Pages 9 - 10)
To approve the Minutes of the Licensing Board meeting held on 21/03/2023, copy attached.
6. **LICENSING SUB-COMMITTEE MINUTES** (Pages 11 - 12)
To approve the minutes of the Licensing Sub-Committee meeting held on 22/03/2023, copy attached.
7. **EXCLUSION OF PUBLIC AND PRESS** (Pages 13 - 16)

Item
No

Subject

8. **LICENSE TO DRIVE PRIVATE HIRE VEHICLES (1)** (Pages 17 - 34)
9. **LICENSE TO DRIVE PRIVATE HIRE VEHICLES (2)** (Pages 35 - 80)

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](#).

Public Document Pack Agenda Item 3

LICENSING BOARD

Minutes of the meeting held on 22 November 2022 at 10.00 am in Council Chamber,
Council Offices, Cecil Street, Margate, Kent.

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

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Dennis.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF PREVIOUS MEETING

Councillor Scobie proposed, Councillor Saunders seconded and members agreed that the minutes of the Licensing Board held on 4 October 2022 be signed as a correct record.

4. EXCLUSION OF PUBLIC AND PRESS

Councillor Shrubbs proposed, Councillor Wing seconded and Members agreed:

'That the public and press be excluded from the meeting for agenda item 5 as it contains exempt information as defined in Paragraph 7 of part 1 of Schedule 12A of the local government act 1972 (as amended).'

5. LICENCE TO DRIVE PRIVATE HIRE VEHICLES

Mrs French, Licensing Officer, presented the person of interest, Mr Krastev.

The Licensee made no opening statement.

Members asked questions towards The Licensee and Mrs French, the Licensing Officer.

During the questioning, The Licensee was assisted by their colleague, who acted as their translator.

After the questioning, the Chair called upon The Licensee, their translator and the Licensing officers to clear the chambers whilst the Members of the Board began deliberation.

Following the debate, Members of the Board agreed the following:

"Upon undertaking a review Licence to Drive private hire vehicle of The Licensee further to the provisions of the Local Government (Miscellaneous Provisions) Act 1976;

The decision of the licensing board on the 22nd November is as follows;

That the license of The Licensee be suspended until he successfully passes an intense remedial driving course that covers motorway, dual carriageway and night time driving.”

Meeting concluded: 10.50 am

Public Document Pack Agenda Item 4

LICENSING BOARD

Minutes of the meeting held on 14 February 2023 at 10.00 am in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Sam Bambridge (Chair); Councillors Rogers, Currie, Dexter, Huxley, M Saunders, Smith, Wing and Wright

1. APOLOGIES FOR ABSENCE

Apologies were received from the following Members:

Councillor Scobie;
Councillor Dennis;
Councillor Ara;
Councillor Shrubbs.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF PREVIOUS MEETING

The Board agreed that the item be deferred to the next meeting. This was in order to ascertain whether the Board decision made regarding the confidential item on the "Licence to Drive Private Hire Vehicles" that was considered on 22 November 2022 can be published in public.

4. EXCLUSION OF PUBLIC AND PRESS

Councillor Wing proposed, Councillor Rogers seconded and the board agreed that the public and press be excluded from the meeting on agenda item 5 as it contains exempt information as defined in Paragraph 7 of Schedule 12A of the Local Government Act 1972 (as amended).

5. LICENSE TO DRIVE PRIVATE HIRE VEHICLES

Mr Joseph Kitenge, the Council's Legal Officer explained the procedures for conducting the hearing.

Alison Stocker, Senior Licensing Officer introduced the report and presented the case to the Board.

The Licensee had no questions of the Senior Licensing Officer.

Members asked questions of the Senior Licensing Officer.

The Licensee addressed the Board.

The Senior Licensing Officer asked questions of The Licensee.

Members asked questions of The Licensee.

10.23hrs

The Licensee, The Licensee's representative and Senior Licensing Officer were asked to leave the Council Chamber as the Board went into private deliberation.

10.46hrs

The Licensee, The Licensee's representative and Senior Licensing Officer returned to the Council Chamber.

The Legal Officer then read out the Board decision which was as follows:

Upon considering whether or not to take any action regarding the licence granted to The Licensee to drive Private Hire Vehicles and having considered the documentation and representations made by:

1. The Senior Licensing Officer, Ms Alison Stocker;
2. The Licensee

As part of the decision, the Board considered that it was necessary to communicate to The Licensee that the behaviour that led to the complaint against him was unacceptable and raised legitimate concerns as to whether he was a fit and proper person to hold a licence and posed a risk to the safety of the public when considering TDC Licensing Policy and the LGMPA 1976.

In light of the above considerations it was the decision of the Licensing Board to:

Revoke the licence to drive private hire vehicles granted to The Licensee on the grounds of public interest and safety. The Licensee can reapply after one year on the conditions that he provides:

- Evidence of a full British driving licence;
- Evidence of passing a theory test and evidence of an advanced driving course.

Any such application must be made to the Licensing Board for consideration.

Meeting concluded: 10.48 am

Public Document Pack Agenda Item 5

LICENSING BOARD

Minutes of the meeting held on 21 March 2023 at 10.00 am in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Sam Bambridge (Chair); Councillors Rogers, Currie, Dexter, Huxley, Potts, M Saunders and Shrubbs

In Attendance:

1. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Ara, Dennis, Smith and Wing.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

3. **MINUTES OF PREVIOUS MEETING**

The Committee Members agreed that the item be deferred to the next meeting. This was in order to ascertain whether the Board decision made regarding the confidential item on the "Licence to Drive Private Hire Vehicles" that was considered on 22 November 2022 can be published in public.

4. **LICENSING SUB-COMMITTEE MINUTES**

Councillor Currie proposed, Councillor Shrubbs seconded and members agreed that the minutes of the Licensing Board held on 23 February 2023 be signed as a correct record.

5. **CHANGES TO DRIVER KNOWLEDGE TEST**

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

The report detailed proposed changes to be made to the Driver Knowledge Test which Private Hire Drivers or Hackney Carriage Drivers are required to take.

Members asked questions towards Mrs Brock, the Technical Support Team Manager.

Mrs Stocker, Senior Licensing Officer, also assisted with answering the questions put forward from Members.

Councillor Shrubbs proposed, Councillor Saunders seconded and Members agreed:

1. That the price to take the knowledge test remains at £41 for the first instance and then drops to £20 for every repeat test (this has to be passed by finance as it is a change to fees and charges).
2. That the option for an evening course once a month be looked into for new applicants.
3. With immediate effect the current safeguarding course to be upgraded to the on-line classroom based course therefore ensuring that applicants are actually taking the test themselves, cost of course to be paid by the applicant.

4. That going forward, the Technical Support Team will do a full review of the testing procedure, looking specifically at an in-house full day training course and assessment and present a further report to the Board at the June meeting.

Meeting concluded: 10.46 am

Public Document Pack Agenda Item 6

LICENSING SUB COMMITTEE

Minutes of the meeting held on 22 March 2023 at 10.00 am in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Sam Bambridge (Chair); Councillors Shrubbs

In Attendance:

1. **APOLOGIES FOR ABSENCE**

Apologies were received by Councillor Ara.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

3. **APPLICATION FOR A VARIATION TO A PREMISES LICENSE AT THE BOTANY BAY HOTEL, MARINE DRIVE, BROADSTAIRS**

Also present:

Thanet District Council: Ms Brock, Technical Support Team Manager

Applicant: Ms Kellie Newell, District Manager

The Technical Support Team Manager introduced the item.

The Applicant presented their case.

The Sub-Committee made a statement.

Following the deliberation, the Sub-Committee agreed the following:

To approve the application:

“Application to licence a new outside bar same hours as recently granted planning consent, daily 11:00AM to 9:00PM;

All other current provisions, conditions and times remain the same.”

Meeting concluded: 10.11am

This page is intentionally left blank

EXCLUSION OF PUBLIC AND PRESS

Licensing Board	18/04/2023
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 8 and 9.

Recommendation:

That the public and press be excluded from the meeting for agenda items 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 8 and 9 is considered to be “exempt”

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

4.0 Justification/Public Interest Test

- 4.1 Agenda items 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 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

This page is intentionally left blank

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item 8 Annex 3

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item 8 Annex 4

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item 9 Annex 1

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item 9 Annex 4

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item 9 Annex 5

Document is Restricted

This page is intentionally left blank