



Date: **5 February 2024**  
Our ref: **Licensing Board Agenda**  
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## **LICENSING BOARD**

**13 FEBRUARY 2024**

A meeting of the Licensing Board will be held at **10.00 am on Tuesday, 13 February 2024** 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, 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 25 July 2023, copy attached.
4. **LICENSING SUB-COMMITTEE MINUTES** (Pages 9 - 12)  
To approve the minutes of the Licensing Sub-Committee meeting held on 25 July 2023, copy attached.
5. **REVISION TO THE TARIFF FOR HACKNEY CARRIAGE VEHICLES IN THANET**  
(Pages 13 - 20)
6. **EXCLUSION OF PUBLIC AND PRESS**  
Report to follow.
7. **LICENSE TO DRIVE PRIVATE HIRE VEHICLES**  
Report to follow.

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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 25 July 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, Scobie, Wing and Wright

**In Attendance:**

**1. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Bambridge and Towing.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. MINUTES OF PREVIOUS MEETING**

Councillor Wing proposed, Councillor H. Scobie seconded and Members agreed that the minutes of the Licensing Board held on 13 June 2023 be signed as a correct record.

**4. LICENSING SUB-COMMITTEE MINUTES**

Councillor Manners proposed, Councillor Driver seconded and Members agreed that the minutes of the Licensing Sub-Committee held on 9 June 2023 be signed as a correct record.

**5. EXCLUSION OF PUBLIC AND PRESS**

Councillor Rogers proposed, Councillor Wright seconded and members agreed:

That the public and press be excluded from the meeting on agenda items 6, 7, 8 and 9 as they contain exempt information as defined in Paragraph 2 of Schedule 12A of the Local Government Act 1972.

**6. LICENCE TO DRIVE PRIVATE HIRE VEHICLES (1)**

Mrs French (Licensing Officer) introduced The Applicant.

The Applicant had no questions for Mrs French.

Members of the Board asked questions directed to Mrs French.

The Applicant addressed the Board.

Mrs French asked a question directed to the Applicant.

Members of the Board asked questions directed to 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 Ms Phillips, Principal Litigation Lawyer addressed the meeting and read out the Board decision which was as detailed below:

“Upon considering whether to grant or refuse the licence to drive a private hire vehicle to the Applicant 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;

Refuse the grant of a licence to drive Private Hire Vehicle to the Applicant as it did not appear to the board that the full implications of the circumstances that lead to the revocation of the previous licence had been appreciated.”

**7. LICENCE TO DRIVE PRIVATE HIRE VEHICLES (2)**

Mrs French introduced the applicant.

The Applicant had no questions for Mrs French.

Members of the board asked questions directed to Mrs French.

The Applicant addressed the board.

Mrs French asked questions directed to the Applicant.

Members asked questions directed to the Applicant.

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 Ms Phillips, Principal Litigation Lawyer addressed the meeting and read out the Board decision which was as detailed below:

“Upon considering whether to grant or refuse the licence to drive a private hire vehicle to the Applicant 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;

Grant the application for a licence to drive Private Hire Vehicles to the Applicant with a warning.”

**8. LICENCE TO DRIVE PRIVATE HIRE VEHICLES (3)**

Mrs French introduced The Applicant.

The Applicant had no questions for Mrs French.

Members of the Board had no questions for Mrs French.

The Applicant addressed the board.

Members asked questions directed to 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 Ms Phillips, Principal Litigation Lawyer addressed the meeting and read out the Board decision which was as detailed below:

“Following the Licencing Board considering the application for a licence to drive Private Hire Vehicle by the Applicant the following decision was made Determination:

Upon considering whether to grant or refuse the licence to drive a private hire vehicle to the Applicant 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;

Grant the application for a licence to drive Private Hire Vehicle to the Applicant for 6 months and for it to be reviewed after 6 months.”

**9. LICENCE TO DRIVE PRIVATE HIRE VEHICLES (4)**

Mrs French introduced the Applicant.

The Applicant had no questions for Mrs French.

Members asked questions directed to Mrs French.

The Applicant addressed the board.

Members asked questions directed to 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 Ms Phillips, Principal 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;

Grant the application for a licence to drive Private Hire Vehicle to the Applicant.”

Meeting concluded: 12:23pm

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## LICENSING SUB COMMITTEE

Minutes of the meeting held on 25 July 2023 at 2.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

**Present:** Councillor Alan Currie (Chair); Councillors Dennis and Makinson

**In Attendance:**

1. **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

3. **APPLICATION FOR A NEW PREMISES LICENCE AT THE SMOKED STREET KITCHEN, 92 HIGH STREET, BROADSTAIRS**

Also present:

Thanet District Council: Ms Alison Brock, Technical Support Team Manager  
Ms Lois Barnes, Technical Support Officer

Applicant: Mr Jamie Childs, Director – Smoked Street Kitchen

Objectors: Mr Shafto  
Mr Williams

The Technical Support Team Manager introduced the item:

- It was a new application advertised under the Licensing Act. No representation was needed from the Police, Fire Service or Environmental Health. The licence requested was only applicable for internal use as it would not apply to music being played in the garden or in front of the business externally

Members asked questions directed to Ms Brock:

- Members asked if the location had been licensed to play music before. Ms Brock responded by saying that there was a licence that did apply at the location which was for longer hours, however it was surrendered when the previous owner gave up the premises. A new licence was applied for since the new owner didn't take up that licence over the 28 day period after
- Members clarified that music could not be played outside the premises as it would be in breach of the conditions agreed upon by the Applicant

Mr Childs addressed the Board:

- He informed the Board, that music would be provided for a restaurant atmosphere, not primarily for drinkers like at a nightclub
- He also told Members that the front garden and decking would be closed at 22:00 during operating hours

Members had no questions for Mr Childs.

Ms Brock had no questions for Mr Childs.

Mr Childs had no questions for Ms Brock.

Mr Shafto and Mr Williams (the objectors) addressed the Board:

- Mr Shafto spoke on the behalf of both Mr Williams and himself, he also spoke on the behalf of the management company of a local flat block located near the restaurant
- Concerns were expressed regarding noise nuisance coming from the restaurant, this was based on previous instances of residents being kept awake by kitchen staff who would go out to the garden after closing the kitchen and other instances of loud music coming from the restaurant. He also spoke about an incident that occurred when the applicant loudly taunted residents of the flat block about playing music "all week"
- Mr Shafto suggested that the open garden times be between 12:00-18:00, after which time the garden would be closed to customers and staff to minimise noise

Mr Childs responded to Mr Shafto and Mr Williams:

- He denied the claims that he verbally taunted residents about the loud music
- Mr Childs also said he would speak with kitchen staff who go out to the garden and advise them to keep any noise down, but limiting access to the garden would not be feasible as the storeroom is located outside of the main building

Members asked a question directed to Mr Shafto and Mr Williams:

- They asked if they were fully aware that with this licence, any and all music would be played inside. Mr Shafto responded by saying that if doors are left open, then the music would have a farther reach. Mr Childs followed up by saying any music played would be with a restaurant in mind as people would be eating

Ms Brock asked a question directed to Mr Childs:

- She asked if Mr Childs wouldn't mind having a condition to keep external doors closed whilst music plays. Mr Childs said that ideally both doors should be kept open during the Summer months in order to create a draft

Mr Shafto and Mr Williams asked a question directed to Ms Brock:

- Mr Shafto asked about original conditions laid out on the application that stated music could be played between the hours of 12:00-23:00. Ms Brock clarified that although it says that on the original application, the agreed times between the applicant and the Environmental Health Team are different entirely
- Members asked Ms Brock if noise mitigation measures could be carried out. Ms Brock responded by saying it is with the board to decide if they want to include a condition to that effect

Mr Childs summed up his position:

- He said that any music played in the restaurant wouldn't happen every night as it was more aimed at Folk Week festivities

Mr Shafto and Mr Williams summed up their positions:

- Mr Shafto went into further detail of noise instances that occurred in July, mainly from music and volume of the staff in the garden

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

“Following the Licencing Sub-Committee considering the application for a new premises licence which was made by Mr Jamie Child for the Smoked Street Kitchen at 92 High Street, Broadstairs; the following decision was made;

Upon considering whether to grant or refuse the licence to serve alcohol and play music at the Smoked Street Kitchen, to Mr Jamie Child and having considered the documentation and representations made by:

- 1 - The Licensing Officer;
- 2 - The Applicant;
- 3 - The Objectors;

It is the decision of the licensing sub-committee to;

“Grant the New Premises Licence with the conditions that were agreed with the Environmental Health Department in respect of The Smoked Street Kitchen.”

Meeting concluded: 2.35 pm

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## TO CONSIDER ANY REVISION TO THE TARIFF FOR HACKNEY CARRIAGE VEHICLES IN THANET

<b>Licensing Board</b>	13th February 2024
<b>Report Author</b>	Alison Brock, Technical Support Team Manager
<b>Portfolio Holder</b>	Cllr Heather Keen, Cabinet Member for Neighbourhoods
<b>Status</b>	For Decision
<b>Classification:</b>	Unrestricted
<b>Key Decision</b>	No
<b>Ward:</b>	Thanet Wide

### **Executive Summary:**

To consider any revision to the tariff for hackney carriage vehicles in Thanet.

### **Recommendation(s):**

The instructions of the Board are requested.

## **CORPORATE IMPLICATIONS**

### **Financial and Value for Money**

None

### **Legal**

Where the Licensing Board makes or varies a table of fares it will need to be published in accordance with legislation.

### **Risk Management**

The options set below allows discretion to Licensing Board members in reaching fair and proportionate decisions.

There is a risk in not bringing this report to the Licensing Board, allowing drivers to be licensed, where there brings into doubt their suitability.

### **Corporate**

None

## 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, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

In considering this application it is appropriate to consider the rights of both the applicant and other parties, such as “responsible authorities” and/or “other persons” (objectors). The procedure for determining licences has a prescribed format to ensure fair representation of the relevant facts by all parties.

## Corporate Priorities

This report relates to the following corporate priorities: -

- *Environment*
- *Communities*

### 1.0 Introduction and Background

- 1.1 Under legislation contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 authority is given to Councils to set the rates/fares charged by hackney carriage vehicles in their area.
- 1.2 Until 2015 Members had agreed that the taxi trade (Hackney Carriages) set and advertised its own tariff.
- 1.3 A report went to the Licensing Board in March 2015 and members agreed to take on the responsibility for the fixing of fares for Hackney Carriage Vehicles and set the tariff.
- 1.4 The last increase of 15%, rounded up to the nearest pence was in April 2022 following a report in February 2022. The current fees are attached at Annex A.

### 2.0 The Current Situation

- 2.1 Due to the increases in cost of living, fuel etc the Board needs to consider an increase in fees.
- 2.2 Attached at Annex B is a table showing the cost of a basic (ie before Midnight) fee for a 2 mile journey for Thanet and other surrounding areas with the dates these fees were set.

- 2.3 Annex B also shows a 10, 20 and 30% increase for the Thanet Tariffs.
- 2.4 The last increase (2022) in fees also included a rise from 20p to 25p for suitcases, shopping bags and passengers and an increase in the Contamination Fee from £50 to £100.
- 2.5 If an increase in fees is agreed an advert will be placed in a local paper and on our website for consultation.

### **3.0 Options**

- 3.1 Members consider the contents of the report to determine whether a fare increase should be agreed and if so how much.
- 3.2 Members consider the contents of the report and leave the fees as they currently are.

Contact Officer: Alison Brock Technical Support Team Manager  
Reporting to: Penny Button, Director of Neighbourhoods

### **Annex List**

Annex 1 - Current Thanet Fees

Annex 2 - 2 Mile fees for other Kent Local Authorities and suggested increases for Thanet Fees

### **Background Papers**

Licensing Act 2003 - <https://www.legislation.gov.uk/ukpga/2003/17/contents>

DCMS Guidance documents issued under Section 182 of the Licensing Act 2003 (as amended)-

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Thanet District Council Statement of Licensing Policy-

<https://www.thanet.gov.uk/media/3168621/licensing-document-2016.pdf>

### **Corporate Consultation**

**Finance:** None

**Legal:** None

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# Thanet Zone – Motor Hackney Carriage (Taxi) Fares

(Insert TDC Logo)

## Vehicle Identification Number:

(Displayed on Licence Plate on rear of vehicle)

## Vehicle Registration Number:

Hackney Carriages (Taxis) within the Thanet District are Licenced by Thanet District Council. They must display a 'TAXI' sign on top and a Licence Plate at the rear of the vehicle. Whilst working, drivers must display their 'Thanet District Council - Hackney Carriage Driver Badge'. The **maximum** fares payable within Thanet are set out in the tables (**Tariffs 1, 2, & 3**), showing the times and days when each tariff applies. Throughout each journey the fare payable is displayed on the Taxi Meter. Extra Charges may apply as described below. For journeys outside of the Thanet area the fare may be negotiated prior to commencement, otherwise Tariff 2 will apply (except over Christmas and New Year as described in tariff 3).

### **Tariff 1 – For Hiring Commenced between the hours of 6am and Midnight each day (excluding Statutory Holidays and Bank Holidays):**

For the first 640.08 metres (700 yards) or 1 minute and 30 seconds:	£3.45
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For each and every subsequent 219.46 metres (240 yards) or 50 seconds or part thereof:	23p
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### **Tariff 2 – For Hiring Commenced between the hours of 12 Midnight and 6am each day, Statutory Holidays and Bank Holidays (Excluding Christmas and New Year's Day), Christmas & New Year's eve 6pm to 11pm:**

For the first 640.08 metres (700 yards) or 1 minute and 30 seconds:	£5.18
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For each and every subsequent 219.46 metres (240 yards) or 50 seconds or part thereof:	35p
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### **Tariff 3 – For Hiring Commenced between the hours of 11pm Christmas Eve and midnight on 26<sup>th</sup> December and between 11pm New Years Eve and midnight on 1<sup>st</sup> January:**

For the first 640.08 metres (700 yards) or 1 minute and 30 seconds:	£6.90
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For each and every subsequent 219.46 metres (240 yards) or 50 seconds or part thereof:	46p
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### **Extra Charges:**

* Assistance and Guide Dogs <b>MUST</b> be carried free of charge.	Free
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Trunk, suitcase, pram/pushchair, large freezer bag or sack (for each item):	25p
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Shopping bags, small packages other small items (for the whole amount):	25p
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Passengers – each person in excess of 1 for the whole journey or part thereof and dogs * (carried at the drivers discretion):	25p
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Passengers - For hirings of 5 or more persons between 6am to midnight without extras, between Midnight - 6am with extras:	Tariff 2
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<b>Adverse Weather</b> i.e. Local buses not running: * Except over Christmas and New Year as described in tariff 3	Tariff 2 *
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<b>Contamination Fee</b> (Any soiling or fouling inside the vehicle)	£100
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## Agenda Item 5

### Annex 1

**Current 2 Mile Fee at other Local Authorities in Kent – these figures were published by the Private Hire Monthly in January 2024.**

<b>Council</b>	<b>2 Mile</b>	<b>Last Changed</b>
Thanet	£6.21	2022
Swale	£7.90	2022
Ashford	£7.30	2022
Canterbury	£7.40	2022
Sevenoaks	£8.70	2022
Medway	£7.00	2022
Maidstone	£8.00	2022
Dover	£7.10	2022

**Suggested 2 Mile Fee increase for Thanet – Tariff 1 - figures rounded up or down**

	<b>Current Fee</b>	<b>10% Increase</b>	<b>20% Increase</b>	<b>30% increase</b>
<b>First 700 yrds</b>	£3.45	£3.80	£4.14	£4.49
<b>Each 240 yrds</b>	23p	25p	28p	30p
<b>Total</b>	£6.21	£6.80	£7.50	£8.09

**How Tariffs 2 and 3 would increase - figures rounded up or down**

	<b>Tariff 1</b>	<b>Tariff 1</b>	<b>Tariff 2</b>	<b>Tariff 2</b>	<b>Tariff 3</b>	<b>Tariff 3</b>
<b>Current</b>	£3.45	23p	£5.18	35p	£6.90	46p
<b>10%</b>	£3.80	25p	£5.70	38p	£7.59	51p
<b>20%</b>	£4.14	28p	£6.22	42p	£8.28	55p
<b>30%</b>	£4.49	30p	£6.73	45p	£8.97	60p

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