



Licensing Sub-Committee

Held at: Council Chamber - Civic Centre Folkestone

Date Thursday, 13 October 2016

Present Councillors Miss Susie Govett, Michael Lyons and Roger Wilkins

Apologies for Absence

Officers Present: Arthur Atkins (Principal Environmental Health Officer), Paul James (Licensing and Compliance Officer), David Kelly (Legal Services Manager), Sue Lewis (Committee Services Officer) and Briony Williamson (Licensing Officer (Caravan Sites))

Others Present:

1. **Declarations of interest**

There were no declarations of interest.

2. **Exclusion of the public**

Proposed by Councillor Michael Lyons
Seconded by Councillor Roger Wilkins and

Resolved:

To exclude the public from the following items of business, on the grounds that it is likely to disclose exempt information, as defined in paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972:

Information which is likely to reveal the identity of an individual. Information falling within paragraph 2 is exempt if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

(Voting: For 3; Against 0; Abstentions 0)

3. **Serena Newsagent - Failure to achieve licence conditions**

Report DCL/16/06 was presented to members.

The Licensing officer updated members on the reasons behind the report being presented explaining that there had been a failure to achieve licence conditions.

Members paid particular attention to the following:

- Police evidence
- Refusal book
- CCTV
- Alcohol and cigarettes being sold to underage recipients
- Alcohol being sold by staff members not covered by the licence agreement
- The cigarette shutters were open on all visits by Licensing officers and the police

It was noted that the owner was selling alcohol without the necessary precautions and licence conditions in place and this had been going on since December 2015. The Licensing Officer visited on numerous occasions and letters were sent to advise the owner of the conditions.

The Sub-Committee heard oral evidence from the owner of Serena's Newsagent, with clarification from his friend, as follows:

- Not aware of the evidence provided by police.
- The refusal log book was in the shop at all times and not, as stated by officers, that it was missing.
- CCTV had been installed but the owner had not connected it to a disc for recording, he was still trying to get this fixed.
- The shop licence was displayed.
- No additional staff worked at the newsagent and as the owner was the only member of staff, the owner closed the shop when he needed to attend to other things.

Due to the evidence provided by the Police and the evidence heard during the meeting which negated or were otherwise contrary to the evidence heard from the newsagent and his friend, members:

Resolved:

- 1. To receive and note Report DCL/16/06.**
- 2. That for the sake of the owner's safety and the failure to achieve licence conditions the alcohol licence is revoked with immediate effect.**
- 3. That the owner be allowed to re-apply in 6 months, once all the necessary procedures are in place and evidence of this has been provided and agreed by the Licensing Officer, particularly with regards to CCTV being installed and working.**

(Voting: For 3; Against 0; Abstentions 0)

4. **Application for a private hire drivers licence following revocation on the grounds of public safety**

Report DCL/16/07 was presented to members.

The Licensing Officer informed members that in addition to a private Hire Licence the applicant would also need a Operators Licence to allow him to work in the district. A driver can have a Private Hire licence and work in the district he is licensed but an operators' licence (which allows the holder to take bookings) cannot be issued to an address outside of Shepway.

Members noted that the driver has had his licence revoked by Ashford Borough Council and that he had not reapplied there.

It was noted that officers had requested the applicant bring in his Disclosure and Barring Service certificate which would provide additional information relating to the driver such as convictions, police concerns etc. Officers are still waiting for this to happen.

The Licensing Sub-Committee heard oral evidence from the driver in question, paying particular attention to the following:

- No convictions had been made.
- Wrongly accused of a number of incidents.
- The driver would learn from past mistakes.
- The driver would install a camera in his car for protection.
- The driver would not give his direct telephone number to passengers in future.
- He would display his licence plate at all times, including when not working.

Members agreed the following:

Resolved:

1. **To receive and note Report DCL/16/07.**
2. **That due to the evidence provided at the Sub-Committee the Council will not provide a Private Hire Drivers Licence to the applicant.**

(Voting: For 3; Against 0; Abstentions 0)

5. **Classification of 3 short films**

Report DCL/16/08 Shepway District Council has been asked to classify 3 short films so that they can be shown at the Silver Screen Cinema in Folkestone.

Members watched three short films and set a classification age for them.

Resolved:

- 1. To receive and note Report DCL/16/08.**
- 2. To classify the three short films as follows:**
 - The Thing Event Trailer – Certificate 12A**
 - Die Hard Event Trailer – Certificate 15**
 - Squirrel Island by Astrid Goldsmith – Certificate 12A.**

(Voting: For 3; Against 0; Abstentions 0)