

Licensing Sub-Committee

Held at:	Council Chamber - Civic Centre Folkestone
Date	Monday, 10 September 2018
Present	Councillors Miss Susie Govett, Michael Lyons and Russell Tillson
Apologies for Absence	None
Officers Present:	Kate Clark (Committee Services Officer), David Kelly (Legal Services Manager), Andrew Rush (Corporate Contracts Manager) and Briony Williamson (Senior Licensing Officer)
Others Present:	Mr Mihirbhai Patel and a representative from the EI Group

12. **Election of Chairman for the meeting**

Proposed by Councillor Michael Lyons
Seconded by Councillor Ms Susie Govett and

Resolved: To appoint Councillor Russell Tillson as Chairman for the meeting.

13. **Declarations of interest**

There were no declarations of interest.

14. **Declarations of lobbying**

Declaration forms completed and returned.

15. **Reconsideration of a condition on the Premises Licence for The Swan Hotel, 59 High Street, Hythe, CT21 5AD**

Report DCL18/19 set out the facts for the Licensing Committee to consider following a Review of a premise licence, at which conditions were added to the licence. The licensing committee is the Licensing Authority acting in a role previously taken by the Magistrates Court. It was, therefore,

not appropriate for officers to make additional comments other than in the capacity as a Responsible Authority under the legislation of the Licensing Act 2003. Therefore there were no comments from Legal, Finance or other officers included in this report.

The Chairman, after introducing those present, reminded members of the need to pursue the four licensing objectives and the reason for the meeting was the need to reconsider Condition 13 detailed on the Notice of Determination.

Miss Briony Williamson, Senior Licensing Officer, presented the report.

Mr Mihirbhai Patel, Licence Holder, was invited to speak. He thanked everyone for their help and support and listed the improvements he had made at the premises;

- On site manager
- All staff are now trained to operate the CCTV
- CCTV upgraded
- Good reviews received via social media
- A keenness to promote the licensing objectives.

Mr Patel advised he is also planning a sports bar and grill.

Members were impressed with the improvements and were mindful that the premises must remain well managed and controlled.

The Sub-Committee then adjourned to make a decision, in private, The Council's legal officer and committee officer joined them.

The Sub-Committee returned to the Chamber and the Chairman read out the decision paying attention to the four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Members agreed the following:

Resolved:

- 1. To receive and note Report DCL18/19.**
- 2. To remove condition 13 in its entirety from the Notice of Determination dated 19 June 2018.**

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

16. Exclusion of the public

Proposed by Councillor Michael Lyons
Seconded by Councillor Ms Susie Govett

Resolved:

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

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

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

UNRESTRICTED MINUTES

17. Review of a Hackney Carriage Driver's Licence

Report DCL/18/18 considered whether any action should be taken against a Hackney Carriage Driver's Licence.

Miss Williamson presented the report to members and explained that the Hackney Carriage Driver had been smoking in the vehicle and had been spoken to by officers on three separate occasions since 2016.

Members were advised that a licensed driver who commits two or more offences of smoking inside a licensed vehicle may have their status as a ‘fit and proper’ person to hold a Hackney Carriage or Private Hire driver's licence review by the Licensing Committee hence the reason for today's meeting.

The applicant was invited to speak and explained that as a driver many hours are worked per week and understands the regulations when providing a smoke free vehicle to passengers. The applicant was aware of the consequences of not adhering to these regulations.

Members pointed out the regulations and the health risks to passengers as well as advising that it is perfectly acceptable to smoke when not in the vehicle.

Members adjourned to consider the information and decision.

Proposed by Councillor Michael Lyons
Seconded by Councillor Ms Susie Govett and

RESOLVED:

- 1. Report DCL/18/18 was received and noted.**
- 2. That the Driver's Licence remains valid on this occasion, however that a further offence of smoking in the vehicle will be taken extremely seriously and may result in the revocation of the licence to hold a Hackney Carriage Driver's Licence.**

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