

Date: 02 October 2017
Our ref: Licensing Board/Agenda
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LICENSING BOARD

10 OCTOBER 2017

A meeting of the Licensing Board will be held at **10.00 am on Tuesday, 10 October 2017** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillor L Potts (Chairman); Councillors: Dellar (Vice-Chairman), Connor, K Coleman-Cooke, Crow-Brown, Curran, J Fairbrass, Johnston, Matterface, R Potts, Rogers, Tomlinson, Savage and M Saunders

AGENDA

Item
No

Subject

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST**

'To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest Form attached at the back of this Agenda. If a Member declares an interest, they should complete that form and hand it to the Officer clerking the meeting and then take the prescribed course of action.'

3. **MINUTES OF PREVIOUS MEETING** (Pages 3 - 4)

To approve the Minutes of the Licensing Board meeting held on 25 July 2017, copy attached.

4. **LICENSING SUB-COMMITTEE MINUTES**

To approve the minutes of the Licensing Sub-Committee meetings held on the following dates, copies attached:

25 July, 2017;
08 August, 2017;
17 August, 2017;
05 September 2017;
26 September 2017.

4a **MINUTES PUBLIC PACK, 25/07/2017 LICENSING SUB COMMITTEE** (Pages 5 - 6)

4b **MINUTES PUBLIC PACK, 08/08/2017 LICENSING SUB COMMITTEE** (Pages 7 - 8)

4c **MINUTES PUBLIC PACK, 17/08/2017 LICENSING SUB COMMITTEE** (Pages 9 - 10)

4d **MINUTES PUBLIC PACK, 05/09/2017 LICENSING SUB COMMITTEE** (Pages 11 - 12)

4e **MINUTES PUBLIC PACK, 26/09/2017 LICENSING SUB COMMITTEE** (Pages 13 - 14)

Item
No

Subject

5. **REPORT ON PROSECUTIONS, APPEALS AND LICENSING UPDATE** (Pages 15 - 16)
6. **EXCLUSION OF PUBLIC AND PRESS** (Pages 17 - 20)
7. **LICENCE TO DRIVE PRIVATE HIRE VEHICLES** (Pages 21 - 22)

Declaration of Interests Form



Please scan this barcode for an electronic copy of this agenda.

Public Document Pack Agenda Item 3

LICENSING BOARD

Minutes of the meeting held on 25 July 2017 at 10.00 am in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Linda Potts (Chairman); Councillors Dellar, Connor, K Coleman-Cooke, Crow-Brown, J Fairbrass, R Potts, Rogers, Tomlinson, Savage and M Saunders

371. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Curran, Brimm and Matterface.

372. DECLARATIONS OF INTEREST

There were no declarations of interest.

373. MINUTES OF PREVIOUS MEETING

Councillor Connor proposed, Councillor M Saunders seconded and Members agreed the minutes of the Licensing Board meeting held on 3 January 2017.

374. LICENSING SUB-COMMITTEE MINUTES

375. MINUTES PUBLIC PACK, 31/01/2017 LICENSING SUB COMMITTEE

Councillor Tomlinson proposed, Councillor K Coleman-Cooke seconded and Members agreed the minutes of the Licensing Sub-Committee meeting held on 31 January 2017.

376. MINUTES PUBLIC PACK, 28/02/2017 LICENSING SUB COMMITTEE

Councillor Tomlinson proposed, Councillor K Coleman-Cooke seconded and Members agreed the minutes of the Licensing Sub-Committee meeting held on 28 February 2017.

377. MINUTES PUBLIC PACK, 17/05/2017 LICENSING SUB COMMITTEE

Councillor Tomlinson proposed, Councillor K Coleman-Cooke seconded and Members agreed the minutes of the Licensing Sub-Committee meeting held on 17 May 2017.

378. MINUTES PUBLIC PACK, 07/06/2017 LICENSING SUB COMMITTEE

Councillor Tomlinson proposed, Councillor K Coleman-Cooke seconded and Members agreed the minutes of the Licensing Sub-Committee meeting held on 7 June 2017.

379. MINUTES PUBLIC PACK, 13/06/2017 LICENSING SUB COMMITTEE

Councillor Tomlinson proposed, Councillor K Coleman-Cooke seconded and Members agreed the minutes of the Licensing Sub-Committee meeting held on 13 June 2017.

380. MINUTES PUBLIC PACK, 20/06/2017 LICENSING SUB COMMITTEE

Councillor Tomlinson proposed, Councillor K Coleman-Cooke seconded and Members agreed the minutes of the Licensing Sub-Committee meeting held on 20 June 2017.

381. MINUTES PUBLIC PACK, 11/07/2017 LICENSING SUB COMMITTEE

Councillor Tomlinson proposed, Councillor K Coleman-Cooke seconded and Members agreed the minutes of the Licensing Sub-Committee meeting held on 11 July 2017.

382. REPORT ON PROSECUTIONS, APPEALS AND LICENSING UPDATE

The Regulatory Services Manager presented the report.

Members noted the report.

383. REQUEST FOR A REVIEW OF GUIDELINES ON THE ASSESSMENT OF VEHICLES

The Regulatory Services Manager introduced the report to consider a request for a review of guidelines on the assessment of vehicles.

The applicant addressed the Board.

The Regulatory Services Manager asked questions of the applicant.

Councillor Tomlinson proposed, Councillor Crow-Brown seconded and Members agreed:

“Option 3.1 – To retain the status quo”.

Meeting concluded : 10.40am

LICENSING SUB COMMITTEE

Minutes of the meeting held on 25 July 2017 at 11.00 am in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillors Howes, Rogers and Tomlinson

574. ELECTION OF CHAIRMAN

Councillor Rogers proposed, Councillor Howes seconded and it was agreed that Councillor Tomlinson be the Chairman.

575. APOLOGIES FOR ABSENCE

There were no apologies for absence.

576. DECLARATIONS OF INTEREST

There were no declarations of interest.

577. APPLICATIONS FOR TEMPORARY ACTIVITIES: TEMPORARY EVENT NOTICE
APPLICATIONS BY: ELI THOMPSON

The item was withdrawn.

578. APPLICATION FOR PREMISES LICENCE - 9 SUMMERFIELD ROAD MARGATE

Also present:

Officers

Mr Bensted - Regulatory Services Manager
Colin Evans - Assistant Litigation Solicitor

Applicant: Mr Ravi

Applicant's representative: Mr Dillon

The Regulatory Services Manager outlined the report to the Licensing Sub-Committee in respect of the application for Premises Licence.

The applicant's representative addressed the Sub-Committee.

The Licensing Sub-Committee AGREED:

“Having heard from the Regulatory Services Manager, the applicant’s representative, and the applicant, the Sub-Committee have agreed option 3.1 - to grant the application consistent with the Operating Schedule accompanying the application and the times and conditions mentioned at paragraphs 2.2 and 2.5 of the report.”

579. APPLICATION FOR VARIATION OF PREMISES LICENCE - CASTAWAYS, MARINE SANDS, MARINE TERRACE, MARGATE

The item was withdrawn.

580. APPLICATION FOR TEMPORARY ACTIVITIES: TEMPORARY EVENT NOTICE
APPLICATION BY: SUZY HUMPHRIES

Also present:

Officers Mr Bensted - Regulatory Services Manager
 Colin Evans - Assistant Litigation Solicitor
 PC Dennett – Kent Police

Applicant: Ms Humphries

The Regulatory Services Manager outlined the report to the Licensing Sub-Committee in respect of the application for Temporary Event Notice for Ramsgate Main Sands.

PC Dennett addressed the Sub-Committee.

The applicant addressed the Sub-Committee.

Members asked a question of the applicant.

The Licensing Sub-Committee AGREED:

“Option 3.1 - to grant the application. Having heard from the Regulatory Services Manager, Kent Police and the applicant, they consider that the 4 licensing objectives have been satisfied and wish the applicant well with the event.”

581. APPLICATION FOR TEMPORARY ACTIVITIES: TEMPORARY EVENT NOTICE
APPLICATION BY: FIONA-SUE HUMPHRIES

Also present:

Officers Mr Bensted - Regulatory Services Manager
 Colin Evans - Assistant Litigation Solicitor
 PC Dennett – Kent Police

Applicant: Ms Humphries

The Regulatory Services Manager outlined the report to the Licensing Sub-Committee in respect of the application for Temporary Event Notice for Pier Yard, Ramsgate.

PC Dennett addressed the Sub-Committee.

Members asked questions of PC Dennett.

The applicant addressed the Sub-Committee.

PC Dennett asked a question of the applicant.

Members asked a question of the applicant.

The Licensing Sub-Committee AGREED:

“Having heard from the Regulatory Service Manager, Kent Police and the applicant and noting what the applicant has said regarding restricting drinking to the site, having an experienced company operating the bar and an experienced security guard firm, the Sub-Committee have agreed on option 3.1 – to grant the application.”

Meeting concluded: 1.15pm

LICENSING SUB COMMITTEE

Minutes of the meeting held on 8 August 2017 at 10.00 am in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillors Rogers, Tomlinson and Dellar

In Attendance: Councillors: Crow-Brown and Grove

582. ELECTION OF CHAIRMAN

Councillor Rogers proposed, Councillor Tomlinson seconded and it was agreed that Councillor Dellar be the Chairman.

583. APOLOGIES FOR ABSENCE

There were no apologies for absence.

584. DECLARATIONS OF INTEREST

There were no declarations of interest.

585. APPLICATION FOR VARIATION OF PREMISES LICENCE - MCDONALD'S RESTAURANTS, TOTHILL STREET, MINSTER

Also present:

Officers: Mr Bensted - Regulatory Services Manager
Mr Evans - Assistant Litigation Solicitor

Applicant: Mr Crocker

Applicant's representatives: Mr Robson
Mr Hobren

Objectors: Councillor Crow-Brown
Councillor Grove
Parish Councillor Gimes
Mrs Mockeridge
Mr Mockeridge

The Regulatory Services Manager outlined the report to the Licensing Sub-Committee in respect of the application for variation of premises licence - McDonald's Restaurants, Tothill Street, Minster.

The objectors addressed the Sub-Committee.

The applicant and his representative addressed the Sub-Committee.

The objectors asked a question of the applicant.

The Licensing Sub-Committee AGREED:

'Having heard from the licensing officer, members of the public and the applicant, the Sub-Committee noted concerns of anti-social behaviour, litter, vandalism, congregation

at McDonalds, and it appeared that there were also breaches of conditions of the licence previously. But the Sub-Committee also noted that the applicant had stated that the application would deal with littering, not allow youths to congregate, always have a staff manager on site, receipts would be kept in bags overnight and notices would be placed in car park entrances.

The Sub-Committee decided on option 3.2 of the report, to grant the application with different conditions, and the conditions were the nine police conditions shown to the Sub-Committee, namely:

1. CCTV installed, working and recording with a 30 day record function and copies to be made to Police or Local Authority upon request.
2. At all times there will be one member of staff on duty who can operate and download any requested CCTV.
3. WIFI – between the hours of 2300 and 0500 hours the WIFI will be turned off.
4. Any group of 3 or more people between 2300 and 0500 hours will only be permitted 30 minutes within the premises.
5. Staff to ensure the car park is monitored and walked for clearing discarded rubbish once every hour, between 2300 and 0500 hours.
6. Signage to express respect for neighbours and village.
7. Two Body Worn Videos to be made available. One to be positioned at the drive through window and one behind the counter. To be used when dealing with unwelcomed behaviour.
8. No alcohol allowed on any part of the McDonalds site, inside and outside at any time.
9. The receipt of all sales between 2300 and 0500 hours to be placed inside of the bag. Any discarded receipts found, the premises will fully support in identifying the offending person / vehicle via CCTV.

The sub-committee also granted the application as to the variation of plans.

As there were concerns regarding nuisance, it should be noted that if there were incidents in future the licence could be reviewed. The decision was made in order to promote the following licencing objectives; the prevention of crime and disorder, the prevention of public nuisance, and the prevention of children from harm.'

586. APPLICATION FOR PREMISES LICENCE - HOME BARGAINS, UNITS 1 & 2 WESTWOOD INDUSTRIAL ESTATE, RAMSGATE ROAD, MARGATE

The item was withdrawn.

Meeting concluded: 11.30 am

LICENSING SUB COMMITTEE

Minutes of the meeting held on 17 August 2017 at 10.00 am in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillors R Potts, L Potts and Matterface

587. ELECTION OF CHAIRMAN

Councillor Matterface proposed, Councillor R Potts seconded and it was agreed that Councillor L Potts be the Chairman.

588. APOLOGIES FOR ABSENCE

There were no apologies for absence.

589. DECLARATIONS OF INTEREST

There were no declarations of interest.

590. APPLICATION FOR REVIEW OF PREMISES LICENCE - 555 PIZZA, 15 NORTHWOOD ROAD, RAMSGATE

Also present:

Officers: Mr Bensted - Regulatory Services Manager
Mr Evans - Assistant Litigation Solicitor
PC Dennett – Kent Police

Licence Holder's Representative: Mr Faiz Rahmani

The Regulatory Services Manager outlined the report to the Licensing Sub-Committee in respect of the application for a review of Premises Licence for 555 Pizza, Northwood Road, Ramsgate.

PC Dennett addressed the Sub-Committee.

The Licence Holder's representative addressed the Sub-Committee.

The Sub-Committee AGREED:

"Option 3.4 – to revoke the licence, having heard from the Regulatory Services Manager, Kent Police and the licence holder's representative, and having considered the Trading Standards report and noting that the premises licence holder was convicted of rape at accommodation above the premises. It is noted that the premises licence holder is in prison. There has been a serious breach of all 4 licensing objectives and the Licensing Sub-Committee consider that the only appropriate decision is revocation."

591. APPLICATION FOR TEMPORARY ACTIVITIES: TEMPORARY EVENT NOTICE APPLICATION BY: JUSTIN NEWIN

The item was withdrawn.

592. APPLICATIONS FOR TEMPORARY ACTIVITIES: TEMPORARY EVENT NOTICE APPLICATIONS BY: FRANCESCA FOX

Agenda Item 4c

The item was withdrawn.

Meeting concluded: 10.25am

LICENSING SUB COMMITTEE

**Minutes of the meeting held on 5 September 2017 at 10.00 am in Council Chamber,
Council Offices, Cecil Street, Margate, Kent.**

Present: Councillors Matterface, Tomlinson and Crow-Brown

593. ELECTION OF CHAIRMAN

Councillor Tomlinson proposed, Councillor Crow-Brown seconded and it was agreed that Councillor Matterface be the Chairman.

594. APOLOGIES FOR ABSENCE

There were no apologies for absence.

595. DECLARATIONS OF INTEREST

There were no declarations of interest.

596. APPLICATION FOR REVIEW OF PREMISES LICENCE - LITTLE ALBION INN, 40 ST PETERS ROAD, BROADSTAIRS

Also present:

Officers: Mr Bensted - Regulatory Services Manager
Ms Stocker – Licensing Officer
Mr Sproates – Environmental Protection Manager
Ms Berry – Environmental Health Officer

Licence holder: Mr Hogg

Premises owner: Mr Hunt

Assistant Manager: Ms Skinner

Members of the public: Ms Cline
Mr Godden
Mr Jeffs

The Licensing Officer outlined the report to the Licensing Sub-Committee in respect of the application for review of Premises Licence – Little Albion Inn, 40 St Peters Road, Broadstairs.

The Regulatory Services Manager addressed the Sub-Committee on behalf of Environmental Health.

The Environmental Protection Manager and Environmental Health Officer addressed the Sub-Committee.

Members of the public addressed the Sub-Committee.

Members asked a question of the Regulatory Services Manager.

The Premises Owner and Assistant Manager addressed the Sub-Committee.

The Regulatory Services Manager asked a question of the Licence Holder.

Members asked questions of the Licence Holder and the Premises Owner.

The Sub-Committee agreed:

“Option 3.1 – to modify the conditions of the licence. The Sub-Committee agreed that Section 177a of the 2003 Licensing Act does not apply. The following conditions were agreed:

- 1) All non-standard timings removed from the premises licence. Any additional hours can be sought by temporary event notices.
- 2) Live music (indoors) – 12 noon-11pm daily only.
- 3) Recorded music (indoors) – 12noon- 11pm daily only.
- 4) A sound limiting device shall be installed and working at the premises at all times live and recorded music are being played, with levels set by Environmental Health at no higher than 92dB at source.
- 5) Except for access and egress doors and windows shall be kept closed whilst regulated entertainment is taking place at the premises. Doors shall be fitted with door closures and maintained.
- 6) No drinks shall be taken outside the premises into Sowell Street or St Peters Road by patrons after 9pm each day until closure.
- 7) No tables and chairs shall be placed outside the premises in Sowell Street or St Peters Road.
- 8) Sales of alcohol shall be limited to Sunday –Thursday 10am to11.30pm, premises closed by midnight and Friday –Saturday to 10am to 12.30pm, premises closed by 1am and New Year’s Eve until 1am, premises closed by 1.30am.

The reasons given by the Sub-Committee are: the licence holder failed to comply with letters sent, a noise abatement order was not complied with and the agreement made with Environmental Health was breached. The Sub-Committee have considered the 4 Licensing Objectives and in particular, the prevention of public nuisance.”

Meeting concluded: 11.00am

LICENSING SUB COMMITTEE

Minutes of the meeting held on 26 September 2017 at 10.00 am in Austen Room, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor K Coleman-Cooke (Chairman); Councillors J Fairbrass and Curran

In Attendance: Councillors Brimm and S Piper

597. ELECTION OF CHAIRMAN

Councillor Curran proposed, Councillor J. Fairbrass seconded and Member agreed that Councillor K. Coleman-Cooke be the Chairman.

Cllr Coleman-Cooke in the chair.

598. APOLOGIES FOR ABSENCE

There were no apologies received at this meeting.

599. DECLARATIONS OF INTEREST

There were no declarations of interest.

600. APPLICATION FOR PREMISES LICENCE - 374 CANTERBURY ROAD, BIRCHINGTON

Also present:

Officers: Mr Philip Bensted, Regulatory Services Manager

The Applicant: Akter Limited represented by Mr Erdem Akter

The Applicant's representative: Mr Dillon

Members of the public: Mr West
Mrs Crawley
Ms Newnham
Mr Rule

Mr Bensted outlined the report to the Licensing Sub Committee in respect of the application for a premises licence at 374 Canterbury Road, Birchington.

Members of the public addressed the Sub Committee.

Mr Dillon on behalf of the applicant addressed the Sub Committee and in response to concerns of the public offered the following voluntary conditions in addition to other conditions set out in the report:

1. That alcohol will be consumed outside the restaurant up until 9.00 pm;
2. That plastic alcohol containers will be used;
3. That the outside area will have no more than ten tables which will be secured at closing time;
4. That any litter including stray litter will be cleared.

Mr Akter addressed the Sub-Committee.

Mr Bensted asked questions of the applicant and requested that the applicant submits the exterior area plan that illustrates where the tables and chairs will be, to which the applicant agreed.

Councillor Brimm spoke on behalf of the applicant.

Members asked questions of the applicant.

The Sub-Committee granted the application with conditions consistent with the Operating Schedule accompanying the application, the Kent Police conditions mentioned at paragraphs 2.2 of the report which are as detailed below that:

1. CCTV to be installed, working and maintained with a 30 day record storage. Copies to be made upon request of the Police or Local Authority;
2. During opening hours, there will be at least one member of staff that can operate and download the CCTV;

And the additional conditions set out by the Sub-Committee, that:

1. A defined plan for the outside area with tables be submitted;
2. No drinking outside the restaurant will be permitted after 9.00 pm;
3. Drinks taken outside the restaurant to be in plastic containers;
4. The outside area tables and chairs to be secured or taken inside at closing time.

601. APPLICATION FOR TEMPORARY EVENT NOTICE - SUNDOWNERS

Also present:

Officers: Mr Philip Bensted, Regulatory Services Manager

Kent Police: PC Dennett

The Applicant: Mr Duncan Bayles

One member of the public

Mr Bensted outlined the report to the Licensing Sub Committee in respect of the application for a temporary event notice for Sundowners.

PC Dennett addressed the Sub-Committee.

Mr Bayles addressed the Sub-Committee.

Members asked questions of the applicant.

The Sub Committee granted the application with a condition that a notice be put out by the applicant that indicates that from 1.30am to 4.00am the event is a private party and that three SIA security guards be on duty and that only those invited be allowed into the event.

Meeting concluded: 11.35 am

REPORT ON PROSECUTIONS, APPEALS, LICENSING UP-DATE

To: Licensing Board – 10th October 2017

By: Regulatory Services Manager

Classification : Unrestricted

Summary This report sets out details of a Licensing up-date since the last Board on 25th July 2017

For information

- a) On the 17th August last, following a review brought by Kent Police, a Licensing Sub-Committee revoked the premises licence in respect of the 555 Pizza, Northwood Road, Ramsgate.
- b) On the 5th September last, following a review brought by Environmental Health, a Licensing Sub-Committee reduced the hours and added conditions to the premises licence at The Little Albion Inn, St Peters Road, Broadstairs.

Officer contact: Philip Bensted, Regulatory Services Manager, ext. 7630

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EXCLUSION OF PUBLIC AND PRESS

Licensing Board – 10/10/2017

Report Author	Committee Services Manager
Status	For Decision
Classification:	Unrestricted
Key Decision	No

Executive Summary:

This report is necessary in order to exclude the press and public from the meeting for consideration of agenda item 7. It will weigh the public interest factors for disclosure against the public interest factors for exemption and explain why the exemption factors take priority.

The report will also state the which paragraph of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) the author is using in order to exclude the press and public from the meeting.

Recommendation(s):

That the public and press be excluded from the meeting for agenda item 7 as it contains exempt information as defined in Paragraphs 4 and 7 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.
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.
Equalities Act 2010 & Public Sector Equality Duty	<p>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.</p> <p>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.</p>

	Please indicate which aim is relevant to the report.	
	Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	
	Advance equality of opportunity between people who share a protected characteristic and people who do not share it	
	Foster good relations between people who share a protected characteristic and people who do not share it.	
There are no specific equity and equality considerations that need to be addressed in this report.		

CORPORATE PRIORITIES (tick those relevant)✓	
A clean and welcoming Environment	
Promoting inward investment and job creation	
Supporting neighbourhoods	

CORPORATE VALUES (tick those relevant)✓	
Delivering value for money	
Supporting the Workforce	
Promoting open communications	✓

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).

3.0 Reason Why Agenda Item 7 is considered to be “exempt”

- 3.1 The report author has classified Agenda Item 7 as disclosing exempt information under Paragraph 4 - Information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the Authority and Paragraph 7 - Information relating to any

action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

4.0 Justification/Public Interest Test

4.1 PUBLIC INTEREST FACTORS FOR DISCLOSURE

Factors suggested by the Information Commissioner as being relevant to an assessment of public interest apply to this information. Disclosure would:-

- 1. Further public understanding of the issues involved;*
- 3. Promote accountability and transparency by the Council for the decisions it takes;*

PUBLIC INTEREST FACTORS FOR EXEMPTION

Considerations which may weigh against a decision to disclose information include:

- 1. Good local government depends on good decision-making and this needs to be based on the best advice available and a full consideration of all the options without fear of premature disclosure;*
- 2. Advice should be broad based and there may be a deterrent effect on external experts or stakeholders who might be reluctant to provide advice because it might be disclosed;*
- 3. The impartiality of the officers might be undermined if advice was routinely made public as there is a risk that officials could come under political pressure not to challenge ideas in the formulation of policy, thus leading to poorer decision making;*
- 4. Members and officers also need to be able to conduct rigorous and candid risk assessments of their policies and programmes including considerations of the pros and cons without there being premature disclosure which might close off better options;*
- 6. Some aspects of Legal advice to Members may need to be taken in private as disclosure of such information would prejudice the position of Council in the event of Court proceedings taking place thereafter;*
- 7. Local Councils are obliged to adhere to legislation that include the Data Protection Act, 1998; where appropriate and failure to do so may result in litigation against Council by an aggrieved party thereby putting at risk the general public interest to protect the public purse.*

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 the recommendation.

Contact Officer:	Nicholas Hughes, Committee Services Manager
Reporting to:	Tim Howes, Director of Corporate Governance

Annex List

None	
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Background Papers

Title	Details of where to access copy
None	

Corporate Consultation

Legal	<i>Timothy Howes, Director of Corporate Governance & Monitoring Officer</i>
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By virtue of paragraph(s) 4, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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THANET DISTRICT COUNCIL DECLARATION OF INTEREST FORM

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 Democratic Services and Scrutiny Manager well in advance of the meeting.

DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS, SIGNIFICANT INTERESTS AND GIFTS, BENEFITS AND HOSPITALITY

MEETING.....

DATE..... AGENDA ITEM

DISCRETIONARY PECUNIARY INTEREST ☐

SIGNIFICANT INTEREST ☐

GIFTS, BENEFITS AND HOSPITALITY ☐

THE NATURE OF THE INTEREST, GIFT, BENEFITS OR HOSPITALITY:

.....
.....
.....

NAME (PRINT):

SIGNATURE:

Please detach and hand this form to the Democratic Services Officer when you are asked to declare any interests.