



Date: 7 February 2022  
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## LICENSING BOARD

15 FEBRUARY 2022

A meeting of the Licensing Board will be held at **10.00 am on Tuesday, 15 February 2022** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

### Membership:

Councillor Bambridge (Chair); Councillors: Rogers (Vice-Chair), Ara, Dennis, Dexter, Green, Huxley, Potts, M Saunders, Scobie, Shrubb, Wing and Wright.

## A G E N D A

### Item 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** (Pages 5 - 6)  
To approve the Minutes of the Licensing Board meeting held on 6 January 2022, copy attached.
4. **HACKNEY CARRIAGE VEHICLES TARIFFS IN THANET** (Pages 7 - 16)
5. **EXCLUSION OF PUBLIC AND PRESS** (Pages 17 - 20)
6. **LICENCE TO DRIVE PRIVATE HIRE VEHICLES** (Pages 21 - 30)
7. **LICENCE TO DRIVE PRIVATE HIRE VEHICLES** (Pages 31 - 36)

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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 6 January 2022 at 10.00 am in Council Chamber, Council Offices, Cecil Street, Margate, Kent.**

**Present:** Councillor Brenda Rogers (Chair); Councillors Dexter, Huxley, Potts, M Saunders, Scobie, Shrubbs and Wright

### 1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Ara, Bambridge, Dennis and Green.

### 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 be approved as a correct record of the meeting held on 23 November 2021.

### 4. EXCLUSION OF PUBLIC AND PRESS

It was proposed by Councillor Shrubbs, seconded by Councillor Potts 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 Schedule 12A of the Local Government Act 1972 (as amended).

### 5. LICENCE TO DRIVE PRIVATE HIRE VEHICLES

Ms Phillips, Principal Litigation Solicitor made the introductory remarks by advising on the meeting procedure for the discussion of this item.

Ms Malyn, Licensing Officer, presented the report.

The Licence Holder and the Licence Holder Representative addressed the Board.

The Licensing Officer asked questions of the Licence Holder.

Members asked questions of the Licence Holder and the Licence Holder representative.

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

‘The decision of the Thanet District Council Licensing Board on the 6th January 2022, in considering whether to take action in respect of the Licence to Drive private hire vehicles of Mr Shane Keeler, in accordance with the Local Government (Miscellaneous Provisions) Act 1976, having considered the documentation received and representations made to it from:

1. The Licensing Officer – Ms Malyn
2. The Licence Holder and his employer representative

## Agenda Item 3

Is that the Licence to Drive Private Hire Vehicle of Mr Shane Keeler is revoked

The above decision was based upon the cumulative evidence which presented a picture of someone who did not fulfil the fitness requirement to continue to hold a licence in accordance with Section 61(b) Local Government (Miscellaneous Provisions) Act 1976.'

Meeting concluded: 10.35am

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

|                  |   |
|------------------|---|
| Meeting          | <b>15<sup>th</sup> February 2022</b>                |
| Report Author    | <b>Alison Brock, Technical Support Team Manager</b> |
| Portfolio Holder | <b>Cllr Saunders</b>                                |
| Status           | <b>For Decision</b>                                 |
| Classification:  | <b>Unrestricted</b>                                 |

### **Executive Summary:**

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

### **Recommendation:**

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.

### **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 set and advertised its own tariff.
- 1.3 A report went to the Licensing Board in March 2015 and members agreed to take over the responsibility for the fixing of fares for Hackney Carriage Vehicles and set the tariff and the fares have not increased since that date.

### 2.0 The Current Situation

- 2.1 A Hackney Carriage Driver has requested a revision of the fees as there have been no changes since 2015.
- 2.2 Annex A attached shows three tables
  - i) 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. This information was taken from the Private Hire Trade Magazine and is updated monthly. The national average Two mile Hackney fare at Tariff one is currently £6.08.
  - ii) The second table shows a suggested 10, 20 and 30% increase for the Thanet Tariffs
  - iii) The third table shows the increases for Tariffs 2 and 3.
- 2.3 Annex B – the current tariff card and tariff cards for 10, 20 and 30% increase.

- 2.4 The following Extra fees have also been increased -
- i) Contamination Fee from £50 to £60 – on all 3 percentage increases
  - ii) Passengers/Shopping/Trunk etc – from 20p to 25p again on all 3 percentage increases – these can be increased further if members wish.
- 2.5 Should members approve the increase, the Director of Neighbourhoods be authorised to publicise, for a minimum of 14 days the proposed fare increase as detailed in the report and if no objections are received the proposed fare increase will take effect on 1<sup>st</sup> April 2022.
- 3.0 Options**
- 3.1 Agree the 10% increase in fees
  - 3.2 Agree the 20% increase in fees
  - 3.3 Agree the 30% increase in fees
  - 3.4 Agree the increase in fees for Contamination, passengers, shopping etc
  - 3.5 Agree an increase of a different percentage
  - 3.6 To make no revisions to the tariff

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

## **Annex List**

**Annex 1 – Tables showing current and increases**

**Annex 2 – Current and increased Tariff cards**

## **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>

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**Current 2 Mile Fee at other Local Authorities in Kent – these figures were published by the Private Hire Monthly in January 2022.**

| <b>Council</b> | <b>2 Mile</b> | <b>Last Changed</b> |
|----------------|---------------|---------------------|
| Thanet         | £5.40         | 2015                |
| Swale          | £6.80         | 2018                |
| Ashford        | £6.50         | 2019                |
| Canterbury     | £6.40         | 2019                |
| Sevenoaks      | £7.06         | 2019                |
| Medway         | £6.60         | 2020                |
| Maidstone      | £7.40         | 2020                |
| Dover          | £7.10         | 2021                |

**Suggested 2 Mile Fee increase for Thanet – Tariff 1**

|                          | <b>Current Fee</b> | <b>10% Increase</b> | <b>20% Increase</b> | <b>30% increase</b> |
|--------------------------|--------------------|---------------------|---------------------|---------------------|
| <b>First 700 yrds</b>    | £3.00              | £3.30               | £3.60               | £3.90               |
| <b>Each 240 yrds</b>     | 0.20p              | 0.22p               | 0.24p               | 0.26p               |
|                          |                    |                     |                     |                     |
| <b>Total for 2 miles</b> | £5.40              | £5.94               | £6.48               | £7.02               |

**How Tariffs 2 and 3 would increase**

|                | <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> | £3.00           | 20p             | £4.50           | 30p             | £6.00           | 40p             |
|                |                 |                 |                 |                 |                 |                 |
| <b>10%</b>     | £3.30           | 22p             | £4.95           | 33p             | £6.60           | 44p             |
|                |                 |                 |                 |                 |                 |                 |
| <b>20%</b>     | £3.60           | 24p             | £5.40           | 36p             | £7.20           | 48p             |
|                |                 |                 |                 |                 |                 |                 |
| <b>30%</b>     | £3.90           | 26p             | £5.85           | 39p             | £7.80           | 52p             |
|                |                 |                 |                 |                 |                 |                 |

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# Current - 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: £3.00

For each and every subsequent 219.46 metres (240 yards) or 50 seconds or part thereof: 20p

**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: £4.50

For each and every subsequent 219.46 metres (240 yards) or 50 seconds or part thereof: 30p

**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: £6.00

For each and every subsequent 219.46 metres (240 yards) or 50 seconds or part thereof: 40p

**Extra Charges:**

\* **Assistance and Guide Dogs MUST be carried free of charge.**

**Free**

Trunk, suitcase, pram/pushchair, large freezer bag or sack (for each item):

20p

Shopping bags, small packages other small items (for the whole amount):

20p

Passengers – each person in excess of 1 for the whole journey or part thereof and dogs \* (carried at the drivers discretion):

20p

Passengers - For hirings of 5 or more persons between 6am to midnight without extras, between Midnight - 6am with extras:

Tariff 2

**Adverse Weather** i.e. Local buses not running:

Tariff 2

\* Except over Christmas and New Year as described in tariff 3

\*

**Contamination Fee** (Any soiling or fouling inside the vehicle)

£50.00

# 10% 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: £3.30

For each and every subsequent 219.46 metres (240 yards) or 50 seconds or part thereof: 22p

**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: £4.95

For each and every subsequent 219.46 metres (240 yards) or 50 seconds or part thereof: 33p

**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: £6.60

For each and every subsequent 219.46 metres (240 yards) or 50 seconds or part thereof: 44p

**Extra Charges:**

\* **Assistance and Guide Dogs MUST be carried free of charge.**

**Free**

Trunk, suitcase, pram/pushchair, large freezer bag or sack (for each item):

25p

Shopping bags, small packages other small items (for the whole amount):

25p

Passengers – each person in excess of 1 for the whole journey or part thereof and dogs \* (carried at the drivers discretion):

25p

Passengers - For hirings of 5 or more persons between 6am to midnight without extras, between Midnight - 6am with extras:

Tariff 2

**Adverse Weather** i.e. Local buses not running:

Tariff 2

\* Except over Christmas and New Year as described in tariff 3

\*

**Contamination Fee** (Any soiling or fouling inside the vehicle)

£60.00

# 20% 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: £3.60

For each and every subsequent 219.46 metres (240 yards) or 50 seconds or part thereof: 24p

**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: £5.40

For each and every subsequent 219.46 metres (240 yards) or 50 seconds or part thereof: 36p

**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: £7.20

For each and every subsequent 219.46 metres (240 yards) or 50 seconds or part thereof: 48p

**Extra Charges:**

\* **Assistance and Guide Dogs MUST be carried free of charge.**

**Free**

Trunk, suitcase, pram/pushchair, large freezer bag or sack (for each item):

25p

Shopping bags, small packages other small items (for the whole amount):

25p

Passengers – each person in excess of 1 for the whole journey or part thereof and dogs \* (carried at the drivers discretion):

25p

Passengers - For hirings of 5 or more persons between 6am to midnight without extras, between Midnight - 6am with extras:

Tariff 2

**Adverse Weather** i.e. Local buses not running:

Tariff 2

\* Except over Christmas and New Year as described in tariff 3

\*

**Contamination Fee** (Any soiling or fouling inside the vehicle)

£60.00

# 30% 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: £3.90

For each and every subsequent 219.46 metres (240 yards) or 50 seconds or part thereof: 26p

**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: £5.85

For each and every subsequent 219.46 metres (240 yards) or 50 seconds or part thereof: 39p

**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: £7.80

For each and every subsequent 219.46 metres (240 yards) or 50 seconds or part thereof: 52p

**Extra Charges:**

\* **Assistance and Guide Dogs MUST be carried free of charge.**

**Free**

Trunk, suitcase, pram/pushchair, large freezer bag or sack (for each item):

25p

Shopping bags, small packages other small items (for the whole amount):

25p

Passengers – each person in excess of 1 for the whole journey or part thereof and dogs \* (carried at the drivers discretion):

25p

Passengers - For hirings of 5 or more persons between 6am to midnight without extras, between Midnight - 6am with extras:

Tariff 2

**Adverse Weather** i.e. Local buses not running:

Tariff 2

\* Except over Christmas and New Year as described in tariff 3

\*

**Contamination Fee** (Any soiling or fouling inside the vehicle)

£60.00

## EXCLUSION OF PUBLIC AND PRESS

### Licensing Board - 15/2/2022

Report Author                      **Nick Hughes**

Status                                      **For Decision**

Classification:                      **Unrestricted**

### **Executive Summary:**

To consider whether to exclude the press and public for the consideration of agenda items 6 and 7.

### **Recommendation:**

That the public and press be excluded from the meeting for agenda items 6 and 7 as they contain exempt information as defined in Paragraph 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 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 7**

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

## **3.0 Reason Why Agenda Items 6 and 7 are considered to be “exempt”**

- 3.1 The report author has classified Agenda Item 6 and 7 as disclosing exempt information under Paragraph 7.

## **4.0 Justification/Public Interest Test**

- 4.1 Agenda items 6 and 7 are restricted as the information contained within them are exempt under paragraph 7 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 6 and 7.

## **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: Estelle Culligan, Director of Law and Democracy

## **Annex List**

None

## **Corporate Consultation**

Finance: Chris Blundell, Head of Financial Services  
Legal: Estelle Culligan, Director of Law and Democracy

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# Agenda Item 6 Annex 1

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# Agenda Item 7 Annex 1

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