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Date: **8 July 2024**
Our ref: **Licensing Sub-Committee Agenda**
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LICENSING SUB COMMITTEE

9 JULY 2024

A meeting of the Licensing Sub Committee will be held at **9.30 am on Tuesday, 9 July 2024** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillors: Huxley 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. **EXCLUSION OF PUBLIC AND PRESS** (Pages 5 - 8)
4. **LICENSING SUB COMMITTEE REPORT - S.53A** (Pages 9 - 60)

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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](#).

EXCLUSION OF PUBLIC AND PRESS

Licensing Sub-Committee 09 July 2024

By Charles Hungwe (Deputy Committee Services Manager)

Key Decision No

Decision classification Unrestricted

Ward: Thanet Wide

Purpose of the Report

To consider whether to exclude the press and public for the consideration of agenda item 4 on the basis that the information contained in the report is about business affairs that would breach Paragraphs 3 and 7 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

Recommendation(s):

That the public and press be excluded from the meeting for agenda item 4 as it contains exempt information as defined in Paragraphs 3 and 7 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

1. Summary of Reasons

1.1 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.

2. Background

2.1 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.

3. Relevant Issues

3.1 Meaning of confidential information

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.

3.2 **Exempt information – discretion to exclude public**

The public may be excluded from meetings when the business to be transacted or the nature of the proceedings would result in the disclosure of “exempt” information.

3.3 **Exempt information**

Information that may be regarded as exempt is set out in Part 1 of Schedule 12A and Part VA of the Local Government Act 1972 (as Amended). One category of exempt information is information which is likely to relate to the business affairs of Thanet District Council. This is provided for at paragraph 3 of Part 1 of Schedule 12A.

3.4 **Reason Why Agenda Item 4 is considered to be “exempt”**

The report author has classified Agenda Item 4 as disclosing exempt information under Paragraphs 3 and 7 of Part 1 of Schedule 12A Local Government Act 1972.

3.5 **Justification/Public Interest Test**

Agenda item 4 is restricted as the information contained within it is exempt under paragraphs 3 and 7 of Part 1 to Schedule 12A to the Local Government Act 1972 (as amended). If this information were disclosed it would reveal information regarding the business affairs of Thanet District Council.

3.6 **Not Excluding the Press and Public**

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”).

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.

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.

3.7 **Decision Making Process**

If the press and public are to be excluded for the agenda item; this Committee must exercise its power to agree to the recommendation.

4. **Alternative Options**

- 4.1 The alternative is to choose not to exempt the following item in question. However, officers are obliged to provide appropriate legal advice to Councillors for the consideration of confidential information during Committee meetings. This option, therefore, is not considered by officers to be viable.

5. Consultation

- 5.1 There is no requirement for public consultation regarding this report.

6. Corporate Implications

6.1 Finance and Resources

- 6.1.1 There are no direct financial implications arising from the report.

6.2 Legal and Constitutional

- 6.2.1 The relevant legislation is Part 1 of Schedule 12A of the Local Government Act 1972 (as amended). This is referred to in the body of this report below. The public interest test in exempting this information has been properly applied.

6.3 Council Policies and Priorities

- 6.3.1 This report relates to the following corporate priorities: -
- To work efficiently for you

6.4 Risk

- 6.4.1 There are no risks arising directly from this report. Exempting a confidential report on the basis of protecting an individual's identity is a provision of the Local Government Act 1972 (as amended). Not exempting such information could risk litigation against the Council.

6.5 Climate Change and Biodiversity

- 6.5.1 There are no climate change and biodiversity implications arising directly from this report.

7. Equality, Equity and Diversity Implications

- 7.1 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 equality considerations arising directly from the decision sought to exempt information as set out in this report.

8. Crime and Disorder Implications and Community impact

8.1 There are no crime and disorder implications or any community impact by this report.

9.0 Subject History

9.1 This report relates to the exclusion of the public and press in order to comply with Legal obligations relating to Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

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Annexes

None

Background Papers

None

Report Sign Off:

Legal:

Finance:

By virtue of paragraph(s) 3, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Agenda Item 4 Annex 2

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Agenda Item 4 Annex 4

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Agenda Item 4 Annex 5

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