

EXCLUSION OF PUBLIC AND PRESS

Licensing Board	19th March 2023
Report Author	Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)
Status	For Decision
Classification:	Unrestricted

Executive Summary:

To consider whether to exclude the press and public for the consideration of agenda item 5 on the basis that the information contained in the report is about an individual and any disclosure of that personal information would breach Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

Recommendation:

That the public and press be excluded from the meeting for agenda item 5 as it contains exempt information as defined in Paragraph 2 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

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.

Risk Management

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.

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 arise from the decision sought to exempt information as set out 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 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.

2.0 Exempt information

2.1 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 reveal the identity of an individual. This is provided for at paragraph 2 of Part 1 of Schedule 12A.

3.0 Reason Why Agenda Item 5 is considered to be “exempt”

3.1 The report author has classified Agenda Item 5 as disclosing exempt information under Paragraph 2 of Part 1 of Schedule 12A Local Government Act 1972.

4.0 Justification/Public Interest Test

4.1 Agenda item 5 is restricted as the information contained within it is exempt under paragraph 2 of Part 1 to Schedule 12A to the Local Government Act 1972 (as amended). If this information were disclosed it would reveal sensitive personal

information and having carefully considered all the circumstances it is clear that the interests of confidentiality and respecting the identity and privacy of the individual concerned outweigh the public interest in disclosure.

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: Charles Hungwe, Deputy Committee Services Manager
Reporting to: Nick Hughes, Committee Services Manager

Annex List

None

Background Papers

None

Corporate Consultation

Finance: Chris Blundell, Head of Financial Services

Legal: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)