

Democratic Services

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Date: 30 January 2012

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To: All Members of the Licensing (Taxis, Street Trading and Miscellaneous)

Sub-Committee

Councillor Sarah Bevan Councillor Bryan Chalker Councillor Malcolm Lees

Chief Executive and other appropriate officers Press and Public

Dear Member

Licensing (Taxis, Street Trading and Miscellaneous) Sub-Committee: Tuesday, 7th February, 2012

You are invited to attend a meeting of the Licensing (Taxis, Street Trading and Miscellaneous) Sub-Committee, to be held on Tuesday, 7th February, 2012 at 10.00 am in the Council Chamber - Guildhall, Bath.

Briefing

Members of the Sub-Committee are reminded that the meeting will be preceded by a briefing at 9.30am.

The agenda is set out overleaf.

Yours sincerely

Enfys Hughes for Chief Executive

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

- 1. Inspection of Papers: Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Enfys Hughes who is available by telephoning Bath 01225 394410 or by calling at the Riverside Offices Keynsham (during normal office hours).
- 2. Details of Decisions taken at this meeting can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Enfys Hughes as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

For Councillors and Officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

- **3. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- **4.** THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.
- 5. Emergency Evacuation Procedure

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

Licensing (Taxis, Street Trading and Miscellaneous) Sub-Committee - Tuesday, 7th February, 2012

at 10.00 am in the Council Chamber - Guildhall, Bath

AGENDA

1. EMERGENCY EVACUATION PROCEDURE

The Chair(person) will refer to the emergency evacuation procedure as set out under Note 5 for each case.

2. APOLOGIES FOR ABSENCE

To inform the meeting of any apologies and substitutions for the meeting.

DECLARATIONS OF INTEREST

Members who have an interest to declare are asked to:

- a) State the item number in which they have the interest.
- b) State the nature of the interest.
- c) State whether the interest is personal, or personal and prejudicial.

Any Member who is unsure about the above should seek advice from the Monitoring Officer prior to the meeting in order to expedite matters at the meeting itself.

- 4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR(PERSON)
- 5. MINUTES 6TH SEPTEMBER 2011 (Pages 5 6)
- 6. LICENSING PROCEDURE HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE DRIVERS HEARING (Pages 7 8)
- 7. APPROVAL OF VEHICLE FOR PRIVATE HIRE MR ANTHONY D HUDD (Pages 9 16)

8. EXCLUSION OF THE PUBLIC

The Committee is asked to consider passing the following resolution:

"that, having been satisfied that the public interest would be better served by not disclosing relevant information, in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item(s) of business because of the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act, as amended".

- 9. APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:-MR F D C (Pages 17 - 24)
- 10. APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:- MR A T V (Pages 25 32)

- 11. CONSIDERATION OF CONVICTION OBTAINED:- MR M Y (Pages 33 38)
- 12. CONSIDERATION OF CAUTION OBTAINED:- MR A W (Pages 39 48)

The Committee Administrator for this meeting is Enfys Hughes who can be contacted on 01225 394410.

BATH AND NORTH EAST SOMERSET

LICENSING (TAXIS, STREET TRADING AND MISCELLANEOUS) SUB-COMMITTEE

Tuesday, 6th September, 2011

Present:- Councillors Malcolm Lees, Douglas Nicol (In place of Sarah Bevan) and Dine Romero (In place of Bryan Chalker)

Also in attendance: John Dowding, Enfys Hughes and Francesca Smith (Senior Legal Adviser)

17 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer drew attention to the emergency evacuation procedure as set out on the Agenda.

18 APOLOGIES FOR ABSENCE

There were apologies from Councillors Sarah Bevan and Bryan Chalker.

19 DECLARATIONS OF INTEREST

There were none.

20 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR(PERSON)

There was none.

21 MINUTES - TUESDAY 2ND AUGUST 2011

RESOLVED that the minutes of the meeting of Tuesday 2nd August 2011 be confirmed as a correct record and signed by the Chair(person).

22 LICENSING PROCEDURE - HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE DRIVER'S HEARING

RESOLVED that the procedure for this part of the meeting be noted.

23 EXCLUSION OF THE PUBLIC

RESOLVED "that, having been satisfied that the public interest would be better served by not disclosing relevant information, in accordance with the provisions of Section 100(A)(4) of the local Government Act 1972, the public be excluded from the meeting for the following item of business because of the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act, as amended."

24 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE: MR C B

The Sub-Committee considered the report which sought determination of an application by Mr CB for the grant of a combined Hackney Carriage/Private Hire Driver's Licence.

The applicant Mr CB was present. He confirmed he had read and understood the procedure for the meeting.

The Licensing Officer presented the report and stated that as part of the application process a Criminal Records Bureau check was undertaken which had revealed one previous conviction and two cautions. He circulated the Criminal Records Bureau check, personal statement and references in respect of Mr CB. The applicant and the officer withdrew from the meeting while Members took some time to consider these documents.

Mr CB put his case and was questioned. Mr CB then made a closing statement.

Following an adjournment it was

RESOLVED that a hackney carriage/private hire driver's licence in respect of Mr CB be granted.

Reasons for decision

Members took into account the Human Rights Act 1998, the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Policy.

Members listened carefully to the applicant's representations, took account of his Criminal Record check, his statement and references. Members noted that he had accepted two cautions, one for shoplifting in 1995 and one for possession of a Class B drug in 1999. He had also been convicted of a public order offence in 2001. Members took into account the nature and seriousness of the offences.

However, Members found Mr CB presented himself well and noted the offences took place whilst he was a relatively young man and that he was now settled. Further, that the conviction and cautions fell outside the Council's policy and since then he had moved on with his life. Members therefore found him a fit and proper person to hold a Hackney Carriage/Private Hire driver's licence.

Prepared by Democratic Service	s
Date Confirmed and Signed	
Chair(person)	
The meeting ended at Time I	Not Specified

Licensing (Taxis, Street Trading & Miscellaneous) Sub Committee Hackney Carriage (taxi) and Private Hire Drivers Hearing Procedure

- 1. The Chair will introduce Members of the Sub-Committee, introduce the Officers present, explain the procedure to be followed and ensure those present understand that procedure.
- 2. The Licensing Officer will outline the nature of the matter to be considered by the Sub-Committee.
- 3. The Applicant is asked to leave the room while the Sub-Committee consider the CRB check, references and statement.
- 4. The Applicant (or his/her representative) addresses the Sub-Committee.
- 5. The Applicant may be asked questions about the matter by the Sub-Committee.
- 6. The Applicant (or his/her representative) may call witnesses in support of their case and each witness may also be asked questions.
- 7. The Chair will ask the Licensing Officers present whether they wish to make any comments. If the Officers makes comment they may be asked questions.
- 8. The Applicant will be invited to make a closing statement.
- 9. The Sub-Committee withdraw to private session to consider their decision. The Sub-Committee may reconvene to resolve any points of uncertainty on matters already raised. The Sub-Committee will be accompanied for advice only by the Legal Adviser and Democratic Services Officer.
- 10. The Sub-Committee will return to the meeting room and the Chair will announce the Sub-Committee's decision with reasons and advise that the decision will be released in writing within the statutory time limits.
- 11. Where the Sub-Committee attach conditions to the licence the Sub-Committee will detail those conditions.

PLEASE NOTE:

- Where the Sub-Committee considers it necessary the procedure may be varied.
- In circumstances where any party fails to attend the Sub-Committee will
 consider whether to proceed in that party's absence or defer to the next
 meeting on notice to all parties that the matter may proceed in a parties
 absence on the next occasion. In deciding whether to proceed all notices and
 representations will be considered.
- Only in <u>exceptional circumstances</u> will the Sub-Committee take into account any additional late documentary or other information produced by an existing

party in support of their application/representation. This will be at the discretion of the Chair and with the agreement of all the other parties. No new representations will be allowed at the hearing.

- The Sub-Committee will disregard any information or representation given by a party they consider not to be relevant to an Application.
- The hearing will take the form of a discussion and the Sub-Committee will allow all parties to ask questions of other parties present. However, formal cross examination will be discouraged although supplementary questions may be asked for clarification purposes.
- If any person has special needs regarding access, hearing or vision, this should be brought to the Licensing Authority's attention prior to the hearing in order that reasonable adjustments can be made.
- Parties will be allowed an equal maximum period of time to make representations. Although time limits will be at the discretion of the Chair, in the interests of costs and efficiency, this will not normally exceed <u>twenty</u> <u>minutes</u> and will include both case presentation and summing up. The time limit will not include the time taken for questions.

N.B.

- Where there is more than one party making relevant representations the time allocated will be split between those parties and it is therefore recommended parties arrive early to discuss the application with other interested parties.
- 2. Where several parties make the same or similar representations one representative should be appointed to make the representations.
- 3. Where an objection is made by an association or local residents group, a duly authorised person as notified to the Licensing authority may speak on behalf of that association or local residents group.
- The Chair may require any person attending the hearing who is behaving in a disruptive manner to leave the hearing and refuse to allow that person to return, or only allow them to return subject to certain conditions. Any person so excluded will however be entitled to submit to the Sub-Committee any information which they would have been entitled to give orally had they not been required to leave.
- Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion, but on occasion may find it necessary to exclude members of the press and public based upon the legal framework given in the Local Government Act 1972 Schedule 12 (a). On these occasions decisions based on the above framework will be given.

Bath & North East Somerset Council

MEETING: Licensing (Taxi, Street Trading & Miscellaneous)

Sub-Committee

AGENDA ITEM NUMBER

MEETING DATE: Tuesday 7th February 2012

TITLE: Approval of Vehicle for Private Hire - Mr Anthony D Hudd

WARD: ΑII

LIKELY TO BE TAKEN IN PUBLIC SESSION

List of attachments to this report:

Annex A – Application Form.

Annex B – Vehicle Registration Document.

Annex C - Extract From Current Conditions

Annex D – Email From Applicant.

THE ISSUE

1.1 This report invites the Sub Committee to consider whether or not to approve a Mercedes Viano vehicle for use as a Private Hire Vehicle. The vehicle falls outside of the age requirements as stipulated in the current Private Hire vehicle licence conditions.

2 **RECOMMENDATION**

2.1 That the Committee determine the issue.

FINANCIAL IMPLICATIONS

3.1 There are no financial implications arising from this report

THE REPORT

Relevant Legislation

- 4.1 Section 80 of the Local Government (Miscellaneous Provisions) Act 1976 defines a private hire vehicle as 'a motor vehicle constructed or adapted to seat [fewer than nine passengers], other than a hackney carriage or public service vehicle [or a London cab] [or tramcar], which is provided for hire with the services of a driver for the purpose of carrying passengers.
- 4.2 Section 48 (1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a Private Hire Vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied -

- (a) that the vehicle is-
 - (i) suitable in type, size and design for use as a private hire vehicle;
 - (ii) not of such design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage;
 - (iii) in a suitable mechanical condition;
 - safe; and (iv)
 - (v) comfortable
- 4.3 Section 48 (2) of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including without prejudice the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.
- 4.4 Section 48 (7) of the Local Government (Miscellaneous Provisions) Act 1976 provides that any person aggrieved by the refusal of a district council to grant a vehicle licence under this section or by any conditions specified in such a licence, may appeal to a magistrates court.

Application Details

- 4.5 In July 2000 Bath and North East Somerset Council's Housing and Public Protection Committee adopted the current Private Hire General Conditions which are applicable to all Private Hire Vehicle licences issued by Bath and North East Somerset Council.
- 4.6 Mr Hudd has submitted an application for a Private Hire Vehicle licence in respect of an Mercedes Viano. (A copy of the application form is produced at Annex A).
- The vehicle was first registered on the 30th January 2006 and at the time of application 4.7 had registered 177,980 miles. (A copy of the vehicle registration document is produced at Annex B).

- The current Private Hire licence conditions state that "The vehicle must normally be less 4.8 than two years old when licensed by the Council" and further states "A licence might not be renewed for a vehicle over 7 years old".
- 4.9 Officers have been given permission by the Council's Executive Member to exercise discretion when approving vehicles that are over two years old but not more than five years old at the time of application.
- 4.10 Mr Hudd's vehicle has never previously been licensed and at the time of this application was five years and six months old.
- 4.11 The vehicle has been visually inspected by an officer of the Licensing Section who has concluded that the interior and exterior is in very good overall condition.
- The relevant extract from the current standard Private Hire Vehicle licence conditions is 4.12 produced at Annex C.
- 4.13 The vehicle will be available for members to inspect on the day of the meeting should they so wish to do so.
- 4.14 Mr Hudd has provided an email in support of his application. (A copy of the email is produced at Annex D).

Contact person	John Dowding Senior Licensing Officer
Background papers	Application Form.

ANNEX A

Bath & North East Somerset Council

352648 241 28.7.11

Local Government (Miscellaneous Provisions) Act 1976

APPLICATION FOR PRIVATE HIRE VEHICLE LICENCE

(1)	Full name ANTHONY DOUGLAS HUDD
	Address FRICHNIKE COTTASE
	TADDICK BATU Post Code BAI 8AH
	Telephone No. 01275 851085
	Hereby make application to the Bath and North East Somerset Council for a Private Hire Vehicle Licence in respect of:-
	Make MISCREVES Model VIANO ColourSILVER Reg. No.MUSEUZP
	Passengers 6 Doors 5 CC 22
	Year of Manufacture 30 01 2006 Plate No. (if applicable)
	Of which I am the *(Sole Proprietor) *(Part Proprietor with)
	Name Anthony
	Address
	Post CodeTelephone No
(2)	Is the vehicle fitted with a taximeter <u>YES</u> <u>NO</u>
(3)	Is the vehicle wheelchair accessible <u>YES</u> <u>NO</u>
	I/WE undertake, if granted a Private Hire Vehicle Licence, to ensure that this vehicle when used for private hire purpose, is adequately insured at all times and complies with the Local Government (Miscellaneous Provisions) Act 1976 and the conditions laid down by Bath and North East Somerset Council.
	I understand that in order to operate my own vehicle I will require an Operator's Licence unless I work for or with a Licensed Operator. (Operator means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle.)
	LICENSED PRIVATE HIRE OPERATOR
	Licensed Operator ASS CONNEXIONS

ANNEX A

I/We declare that to the best of my knowledge and belief, the answers given overleaf are true. If a licence is granted I/We undertake to comply with conditions attached to the grant of the licence.

(7) Please produce:-	(1)	Current insurance certificate which must cover the vehicle for hire and reward.
	(2)	Vehicle Registration document.
	(3)	MOT Certificate for all vehicles over one year old when licensed.
	(4)	Vehicle Inspection Sheet (Issued By Authorised Garage)
	(5)	Certificate Of Meter Compliance (If Taximeter Fitted)
	(6)	2009/ 2010 Total Fees Payable including roof sign on new
		application: £425 (New Application.) £156 (Vehicle Substitution)
		£283 (Annual Licence Renewal)
Please present all		Bath and North East Somerset Council
documents in person to:-		Licensing Section
·		9/10 Bath Street
		Bath
		BA1 1SN Tel 01225 477689

POSTAL APPLICATIONS WILL NOT BE ACCEPTED.

APPEALS PROCEDURE

- (1) Any person aggrieved by:-
 - (a) the refusal of the District Council to grant a licence under Local Government (Miscellaneous Provisions) Act 1976 <u>or</u>
 - (b) any conditions attached to the grant of a vehicle licence may appeal to the Magistrate's Court
- (2) Appeals must be brought within 21 days.
- (3) A further right of appeal lies to the Crown Court from the Magistrate's Court.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form within this authority for the prevention and detection of fraud. It may also share this information with other bodies administering or in receipt of public funds solely for these purposes.

For further information see:

http://www.bathnes.gov.uk/BathNES/councilanddemocracy/dataprotectionandfreedomofinformation/nfi.htm or contact the Information and Governance Team, Guildhall, High St, Bath BA1 5AW. Email information governance@bathnes.gov.uk

ANNEX B

UK Registration Certificate 2 3270 Registered Keeper Dec The Registered Keeper is not necessarily the legal owner Registration [A.1] Validation Mark C.1.2 ANTHONY DOUGLAS HUDD C.1.1 30 01 2006 Date of first registration C.1.3 PERWINKLE COTTAGE 30 01 2006 [B.1] Date of first registration in the UK TADWICK **MERCEDES** BATH D.1 Make BA1 8AH VIANO CDI2.2 AMB LONG A D.2 Model/Type ACQUIRED VEHICLE ON 27 02 2008 Please write in BLACK INK and CAPITAL LETTERS. Variant **ZL3HM** 3E1C2B1 Version 6 New Keeper or New Name/New Address Details Mr 1 Mrs 2 Miss 3 W D.3 Body type MPV Title (e.g. Ms/Rev, etc) or business name [X] Taxation class DIESEL CAR Forename(s) in full 5 [Y] Revenue weight 2940 KG GROSS Surname P.1 Cylinder capacity (cc) 2148 CC For Company use only DVLA/DVLNI Fleet numb V.7 CO₂ (g/km) 232 G/KM Please help us to help you by using your postcode **HEAVY OIL** Postcode P.3 Type of fuel Date of Birth S.1 Number of seats, including driver Address S.2 Number of standing places (where appropriate) 2-AXLE-RIGID BODY 10 [D.4] Wheelplan Post town Vehicle Category 11 e9*2001/116*0048*0 * Type approval number New keeper K 13 If so, tick I here: 110 Max. net power (kW) * Driver Number WDF63981323207463 VIN/Chassis/Frame No. * Present mileag ou are not required by law to provide your Engine Number 64698250198421 15 (to last complete mile) Max. permissible mass (exc. m/c) 2940 ONLY tick ☑ if you p Mass in service 1815 R 16 Scrapped S 18 Power/Weight ratio (kW/kg) Q H 19 (only for motorcycles) R Colour SILVER Wheelplan / Body type Technical permissible maximum 20 towable mass of the trailer VIN / Chassis / Frame No. 2000 O.1 braked (kg) 21 750 O.2 unbraked (kg) New revenue weight Date of change Cylinder capacity Sound level: 23 24 22 81 U.1 stationary (dB(A)) No. of seats, No. of standing 2850 Type of fuel U.2 engine speed (min-1) 73 25 27 U.3 drive-by (dB(A)) 26 Engine number Exhaust Emissions 0.014 V.1 CO (g/km or g/kWh) 28 New colour V.2 HC (a/km or a/kWh) 0.532 29 30 V.3 NOx (g/km or g/kWh) . Taxation class 0.540 V.4 HC+NOx (g/km) **Y** 31 0.057 V.5 particulates (g/km or g/kWh) *The taxation class can only be changed on relicensing. Please apply at your nearest DVLA Local Office. 8 Declaration - You MUST sign and date this section when notifying any changes. Please see note op Registered Keeper: (to sign when notifying any change). I declare that the new details I have given are true to the best of my knowledge. New Keeper: I declare that this vehicle was sold or transferred to me on the date shown in Section 6 and my name and address are correctly shown. New Keeper Date The Law: If the vehicle is sold or transferred, both the Registered Keeper and the New Keeper must sign this Certificate Official use only - Please do not write below this lin Doc. Ref. Nº 8080 846 6802 26 03 08 MD55 DZP Z Des. Codes 1073426870/0913 37 & 33 ISC 35 CM 38 8269 3328 0864 8683 9211 7381

ANNEX C

VEHICLE SPECIFICATIONS.

The vehicle may not be of a design or appearance so as to lead any person to believe that the vehicle is a Hackney Carriage and therefore plying for hire.

The engine size of the vehicle must be at least 1600c.c

The vehicle must be fitted with a right-hand drive and shall have a minimum of four doors.

The vehicle must normally be less than 2 years old when first licensed by the Council.

A licence might not be renewed for a vehicle over 7 years old.

A current M.O.T. certificate is required on all vehicles over 1 year old. This is in addition to the Council vehicle inspection test carried out annually. The proprietor shall produce a new M.O.T certificate within seven working days of the expiry of the current certificate.

ANNEX D

John Dowding

From:

Enquiries [enquiries@ajschauffeuring.com]

Sent:

01 August 2011 12:46

To: Subject: John Dowding Vehicle change

Dear Mr Dowding

I write regarding the changing of my licence plate from my Chrysler Grand Voyager Y800 AJS to Mercedes Viano MD55 DZP.

This is a newer vehicle and of the highest specification in its range and it will be of greater use to us in our particular line of work. As you know we do not do any local round the city work but rather long distance transfers such as major airports, seaports, business meetings and site seeing excursions and being a one vehicle operator this large vehicle with its extra space is very advantageous to us, also it is more economical which again is very important to us in these difficult times.

These particular vehicles are very hard to find due to their popularity with the chauffeuring trade and the high cost of purchase.

Should you require any further information please contact me at your convenience.

Kind regards

Tony

AJS-ConnexionS Chauffeuring of Bath

Periwinkle Cottage Tadwick

Bath. BA1 8AH

Tel: 01225 851085/851361

Fax: 01225 852537

WWW.ajschauffeuring.com

Agenda Ite

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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Agenda Item 10	Aa	enda	Item	10)
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By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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Agenda	Item	12
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By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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