

**Democratic Services**

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Date: 1 April 2014

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**To: All Members of the Licensing Sub-Committee**

**Councillors:-** Manda Rigby, Gabriel Batt and Roger Symonds

Chief Executive and other appropriate officers

Press and Public

Dear Member

**Licensing Sub-Committee: Monday, 7th April, 2014**

You are invited to attend a meeting of the **Licensing Sub-Committee**, to be held on **Monday, 7th April, 2014** at **10.00 am** in the **Kaposvar Room - 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, Sean O'Neill  
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, Sean O'Neill who is available by telephoning Bath democratic\_services@bathnes.gov.uk 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, Sean O'Neill 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 Sub-Committee - Monday, 7th April, 2014**  
**at 10.00 am in the Kaposvar Room - Guildhall, Bath**

**A G E N D A**

1. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 5 on the previous page.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

3. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* **an other interest**,  
(as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. MINUTES: 4TH MARCH 2014 (Pages 7 - 14)

6. LICENSING PROCEDURE (Verbal Report)

The Chair will, if required, explain the licensing procedure.

7. APPLICATION

8. LICENSING PROCEDURE - DRIVER APPLICATION (Pages 15 - 18)

9. 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”.

10. APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - MR A A (Pages 19 - 32)
11. APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:- MR B B (Pages 33 - 46)
12. APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:- MR C D C (Pages 47 - 62)
13. APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:- MR C S (Pages 63 - 76)

The Committee Administrator for this meeting is Enfys Hughes, Sean O'Neill who can be contacted on [democratic\\_services@bathnes.gov.uk](mailto:democratic_services@bathnes.gov.uk).

# Protocol for Decision-making

## Guidance for Members when making decisions

When making decisions, the Cabinet/Committee must ensure it has regard only to relevant considerations and disregards those that are not material.

The Cabinet/Committee must ensure that it bears in mind the following legal duties when making its decisions:

- Equalities considerations
- Risk Management considerations
- Crime and Disorder considerations
- Sustainability considerations
- Natural Environment considerations
- Planning Act 2008 considerations
- Human Rights Act 1998 considerations
- Children Act 2004 considerations
- Public Health & Inequalities considerations

Whilst it is the responsibility of the report author and the Council's Monitoring Officer and Chief Financial Officer to assess the applicability of the legal requirements, decision makers should ensure they are satisfied that the information presented to them is consistent with and takes due regard of them.

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**LICENSING SUB-COMMITTEE**

Tuesday, 4th March, 2014, 10.00 am

**Councillors:** Manda Rigby (Chair), Anthony Clarke and Roger Symonds

**Officers in attendance:** Enfys Hughes, John Dowding (Senior Public Protection Officer), Kirsty Morgan (Public Protection Officer) and Shaine Lewis (Principal Solicitor)

**105 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the procedure.

**106 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Councillor Gabriel Batt sent his apologies, Councillor Anthony Clarke was his substitute.

**107 DECLARATIONS OF INTEREST**

There were none.

**108 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none.

**109 MINUTES - 16TH JANUARY 2014**

**RESOLVED** that the minutes of the meeting held on Tuesday 7th January 2014 be confirmed as a correct record and signed by the Chair (person).

**110 MINUTES - 4TH FEBRUARY 2014**

**RESOLVED** that the minutes of the meeting held on Tuesday 16th February 2014 be confirmed as a correct record and signed by the Chair(person).

**111 TAXI PROCEDURE**

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

**112 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(s) of business because of the likely disclosure of exempt information as defined by paragraphs 1, 2 and 3 of Part 1 of Schedule 12A of the Act, as amended."

**113 CONSIDERATION OF POLICE WARNING AND RENEWAL APPLICATION:- MR M M**

The Sub-Committee considered the report which sought consideration of an official police warning obtained by Mr MM during the term of his Hackney Carriage/Private Hire Driver's Licence. Then the Sub-Committee should determine any action to be taken and consider the renewal of his Combined Hackney Carriage/Private Hire Driver's Licence.

The Licensee was present. He confirmed he had read and understood the procedure for the meeting.

The Senior Public Protection presented the report and circulated the two Disclosure and Barring Service (DBS) checks to the Sub-Committee. The Licensee and Officer withdrew from the meeting for Members to have time to consider this information.

The Licensee presented his case and made the following points:-

- he explained that English was not his first language;
- he had picked up his passenger and waited for him when he went into the Job Centre;
- when the passenger had returned to the car suddenly two police cars had pulled up to arrest his passenger and then had a warrant to search his car;
- he had never been in trouble with the police so was very scared and he told them he was a taxi driver but was told not to worry;
- when the item was found in the car he had explained that items were sometimes left in the car by passengers and he would keep them to return to the passenger later on;
- he was given a verbal warning by the police and signed it as he wanted to go home;
- when he received the DBS he said that was not what had happened and wrote a letter complaining;
- when he received the amended DBS little had changed and nowhere did it state that his passenger was arrested before the car was searched so it did not state the full story;
- he stated he did not smoke any kind of drugs.

In answer to questions the Licensee gave the following information:-

- he had tried cannabis in Bosnia when he was younger but had not done so since;
- he had picked up his passenger on a number of occasions;
- he provided some references from the schools he worked with;
- he explained the information from the police was misleading as it was not the full story.

The Licensee chose not to sum up.

Following an adjournment it was

**RESOLVED** to take no action in respect of the police warning and to renew the Hackney Carriage/Private Hire Driver's Licence in respect of Mr MM.



## Reasons for decision

Members have had to consider a police warning referred to on Mr M's DBS check and in so doing determine whether to renew his Hackney Carriage/Private Hire Driver's Licence.

With regard to the warning Members heard that this related to possession of a cannabis grinder showing traces of green vegetable substances. Members noted the DBS did not record any convictions cautions or warnings and, that being the case, particularly in light of his representations and references found him a fit and proper person and granted his licence accordingly.

### **114 STREET TRADING PROCEDURE**

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

### **115 APPLICATION TO VARY A STREET TRADING CONSENT TO INCLUDE THE COOKING AND SELLING OF HOT FOOD IN SOUTHGATE PLACE / BRUNEL SQUARE**

The Sub-Committee considered the report which sought determination of an application to vary the Street Trading Consent to include the cooking and sale of hot food in respect of the Street Trading Pitches within Southgate Place.

The applicant was not able to be present and had sent his apologies and was happy for the application to be heard in his absence.

The applicant's case was in the paperwork.

The objector Sandra Wilcox put her case and made the following points:-

- the windows in her flat overlooked Southgate so any smells would invade her home every day 10:00 - 18:00 hours;
- measures had been taken re the escape of odours from the Cosy Club and wires had been fixed to the parapets to deter the seagulls;
- this application would attract the gulls;
- this was not acceptable in Bath a heritage city.

In answer to questions the objector made the following points:-

- she noted that cold food was already allowed and she had only seen ice-cream sold which gulls did not like;
- in his letter the applicant referred to the Christmas Market and similar events not weekly or even monthly, the objector stated that if it was just the Christmas Market at that time of year her windows would be shut so there would not be a problem but as the application was for hot food every day it gave him the potential to provide hot food throughout the year which would cause a problem.

The objector chose not to sum up.

Following an adjournment it was

**RESOLVED** that the application to vary the Street Trading Consent as applied for, to include the cooking and sale of hot food in respect of Street Trading Pitches within Southgate Place, be granted subject to the standard terms and conditions.

#### Reasons for decision

In determining the application to vary a Street Trading Consent at Southgate Place, Bath Members took into account the Local Government (Miscellaneous Provisions) Act 1982, the Council's Policy on Street Trading and the Human Rights Act 1998.

Members noted that the applicant was unable to attend this morning and had agreed that the matter should be determined in his absence. Members therefore took account of his written representations and the oral representations from the objector(s).

Members noted the applicant was seeking the ability to sell hot food to tie in with events such as the Great Bath Festival and Christmas Market. They also noted his statement that he was responsible for residential apartments in Southgate with over 150 residents and in the 4 and a half years of trading there had been no complaints and if granted he would closely monitor the situation.

Members heard that the objector's property overlooked Southgate place and she did not want the smell of cooked food every day from 10 am and the gulls attracted causing a nuisance.

Members determined, however, that given the applicant's representations, commitment and all the surrounding circumstance, Members determined that this application would not cause a nuisance. Accordingly the application was granted as applied for.

That delegated authority be given to issue the consent.

#### **116 LICENSING ACT 2003 PROCEDURE**

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

#### **117 APPLICATION FOR A NEW PREMISES LICENCE FOR TESCO STORES LTD, 20 HIGH STREET, UPPER WESTON, BATH BA1 4BX**

The Sub-Committee consider the report which sought determination of a new Premises Licence in respect of Tesco Stores Ltd, 20 High Street, Upper Weston, Bath.

Present:

#### Applicant

Jeremy Bark           - representing Tesco Stores Ltd  
Darren Rawlings      - store manager

## Representations

Cllr Colin Barrett - representing Christopher Askew and Belinda Andrews

The applicant was represented by Jeremy Bark along with Darren Rawlings the store manager. They had read and understood the procedure for the meeting.

The Public Protection Officer presented the report and explained that a new premises licence had been applied for as a result of the store expanding. The A4 blue notice that had to be displayed at the premises had been inspected as a result of those who had made representations alluding to the fact that it was not displayed in a prominent position. The inspection concluded that the notice was fully compliant with the regulations.

The applicant's representative put the case and made the following points:-

- Tesco Express stores were a convenience store aimed at people doing a daily shop or shopping for a couple of days;
- there had been a store there previously but Tesco had acquired the unit next door so the layout had changed and their policy was to apply for a new premises licence;
- it was anticipated that trading would commence in May 2014;
- alcohol sales were approximately 7-9% of total sales and a limited range would be sold at the store, 95% of alcohol sales were linked to other goods;
- the company promoted good practice and had a policy of being a good neighbour;
- they used the Think 25 Policy (a national age-verification scheme) and were the first company to introduce this which was linked to the till which would freeze and messages would pop up including checking for date of birth;
- it was now mandatory to have an age-verification scheme and the company provided training and did audits using a mystery shopper;
- they did quarterly check lists with the store manager to check all standards were being met;
- all staff undertook induction, refresher and modular training and 27% of training related to age verification, this training was accredited by the institute;
- spirits were displayed behind the counter;
- there was no public access/egress to Crown Road;
- staffing levels were high with often 7 members of staff on the shop floor;
- the company did not tolerate anti-social behaviour and displayed a 'rogues gallery' of people who were banned from the store;
- they met regularly with police community support officers;
- the Police as a statutory authority had not objected to the application;
- they had a good relationship with the community and met with ward councillors;
- they recognised that local residents had fears but other similar stores had not experienced problems and if there was any anti-social behaviour it was not linked to Tesco;
- the store manager had 19 years of experience and was a local man who knew the area well;

- in the current licensing regime it was necessary to have hard evidence to restrict a licence and if any problems arose then the licence could be reviewed.

In response to questions the applicant made the following points:-

- many of the promotions advertised on TV did not apply to the Tesco Express stores, the company did not sell alcohol below cost price, most of the promotions related to meal deals and head office set the prices not local stores;
- the applicant's representative did not have the numbers of people banned from the previous store but stated it had not been a problem store;
- it was noted in the representations that while the construction work was ongoing there had been less anti-social behaviour, in response it was stated that this could have been due to the store being closed over the festive period;
- it was noted that the crime statistics were higher for Tesco than for other similar stores but the reason was their staff were pro-active and called the police if there were any issues in the local area;
- the store manager stated there was a clear policy for anti-social behaviour in the store;
- in respect of some people shopping in their underwear or nightwear it was stated that the company promoted best practice and shoppers had to be appropriately dressed.

Representations - Cllr Colin Barrett made the following points:-

- the reason why so many locals had objected was the increase in hours which could result in more anti-social behaviour and drinking in the village;
- his relationship with Tesco was excellent and had been over the years, an example was that the village would lose its public conveniences and Tesco had agreed they would be provided in the new store;
- he made reference to a press statement about public health;
- he concluded strongly that there was no need to increase the hours.

In response to questions the following points were made:-

- the issues referred to in the representations were not present at the moment as the store was closed. Once it opened from 6am - 11pm there would more likely be problems again;
- it was noted that problems had occurred on Crown Road and noted that there was a bus shelter there, this was confirmed;
- with regard to any evidence that the alcohol was purchased from Tesco, Cllr Barrett stated that he had no evidence;
- he referred to problems with the previous stores Gateway and Somerfield and referred to the potential for problems to occur and keeping the hours 10am - 10pm;
- he commented that Tesco seemed to have kept a cap on the problems but said that adults had bought alcohol for children;

- with regard to the responsible authorities not having objected to the application it was noted that the points made referred to previous stores which had now closed;
- it was clarified that the previous licence was 08:00 - 23:00 and 06:00 - 23:00 was what was being applied for.

### Summing up

The objector stated that he represented some of the objectors and residents in the village. His relationship with Tesco was excellent. His objections related to the increased hours encouraging young drinkers. He referred to problems some time ago and stated he did not want the village being referred to as the 'Wild West' again. Having longer hours meant there was potential for problems with anti-social behaviour and under-age drinking.

The applicant's representative stated that Tesco was an excellent operator and the lack of statutory authority objections confirmed this. There was no evidence to link Tesco to the problems. With regard to the tests he said need was not an issue, potential for harm was not an issue and there was no evidence, there were no current problems and historical issues related to previous stores and as regards proxy purchasing, 65% of alcohol was consumed at home. He did not think selling alcohol earlier in the morning would be a problem. He concluded by stating that the Licensing Objectives had been promoted therefore the licence should be granted.

Following an adjournment it was

**RESOLVED** that the application for a new Premises Licence in respect of Tesco Stores Ltd, 20 High Street, Upper Weston, Bath be granted as applied for subject to conditions consistent with the operating schedule.

### Reasons for decision

Members have today determined an application for a new premises licence at Tesco Stores, Weston, Bath. In doing so they have taken into consideration the Licensing Act 2003, Statutory Guidance, the Council's Policy and the Human Rights Act 1998.

Members are aware that the proper approach under the Licensing Act is to be reluctant to regulate in the absence of evidence and must only do what is appropriate and proportionate in the promotion of the licensing objectives based on the information put before them.

Members were careful to take account of all the relevant oral and written representations from the applicant and Interested Parties and were careful to balance their competing interests.

### **APPLICANT**

The applicant offers alcohol as part of a broad range of goods and 95% of alcohol sales are made with other goods. They have held premises licenses for many years and are approved by the British Institute of Inn-keeping. The company operates a 'Think 25' scheme and all sales of alcohol are linked to the till which freezes if alcohol is scanned. Tesco takes compliance with its obligations under the Licensing

Act very seriously and every member of staff has an induction and is given refresher training validated by the BII. The premises will be covered by digital CCTV and all spirits are located behind the checkout and the range of alcohol strictly controlled. The applicant said there will be a high number of staff at the premises, a member of staff will be responsible for the premise whilst open and antisocial behaviour will not be tolerated. He stated we have an excellent relationship with the police and have a rouges gallery of problematic customers who have been banned from premises. On a weekly basis the store's operation is reviewed and the company like to engage with the community to effect any suggested change. In conclusion the applicant stated it was noteworthy that the Police had not made any representation as the store had never had any incidents of crime and disorder or antisocial behaviour brought to its attention they were mortified that such allegations were laid at Tesco's door.

## **REPRESENTATIONS**

Members have taken account of the written representation and heard from Cllr Barrett who represented two of the objectors. Council Barrett stated there were concerns as to the extent of the hours of sale and that there had been problems in the past particular where other operators at the premises were concerned. He stated there if the licence was granted there would be a potential for this to return, however, in fairness to Tesco, the rapport had been excellent.

## **MEMBERS**

Members noted that no responsible authority had made representation, particularly the Police and Environmental Health Services. Whilst incidences of crime, disorder and nuisance had been referred to Members noted that these were historic. Moreover, there had not been any evidence presented directly attributing any such incidences to these premises or Tesco. Accordingly, whilst listening to the objectors' concern the application was in essence for 2 additional hours between 6 and 8 am. In the circumstances Members considered that the application would not have a detrimental effect on the Licensing objectives grant the licence as applied for with conditions consistent with the operation schedule.

That delegated authority be given to the Public Protection Officer to issue the licence.

The meeting ended at 12.00 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

## Agenda Item 8

### **Licensing Sub Committee Hackney Carriage (taxi) and Private Hire Driver Application Procedure**

1. The Chair will introduce Members of the Committee, introduce the Officers present, explain the procedure to be followed and ensure those present have received and understood that procedure.
2. The Licensing Officer will outline the nature of the matter to be considered by the Committee.
3. The Applicant, representative and/or witness is asked to leave the room while the Committee consider the Disclosure and Barring Service report, references and statement.
4. The Applicant, representative and/or witness returns and presents the case to the Committee.
5. The Applicant may be questioned about the matter by the Committee.
6. The Applicant may call witnesses in support of their application and each witness may be asked questions.
7. The Chair will ask the Licensing Officers present whether they wish to comment. If an Officer makes comment they may be asked questions.
8. The Applicant will be invited to make a closing statement.
9. The Chair will invite the Committee to move into private session to enable the Members to deliberate in private. The Committee will reconvene publicly if clarification of evidence is required and/or legal advice is required. The Committee may retire to a private room, or alternatively require vacation of the meeting room by all other persons.
10. Whilst in deliberation the Committee will be accompanied by Legal and Democratic Services Officers for the purpose of assisting them in drafting their reasoning for the decision.
11. The Committee will reconvene the meeting and the Chair will announce the Committee's decision with reasons and advise that the decision will be released in writing within the statutory time limits.

Updated November 2013

### **PLEASE NOTE:**

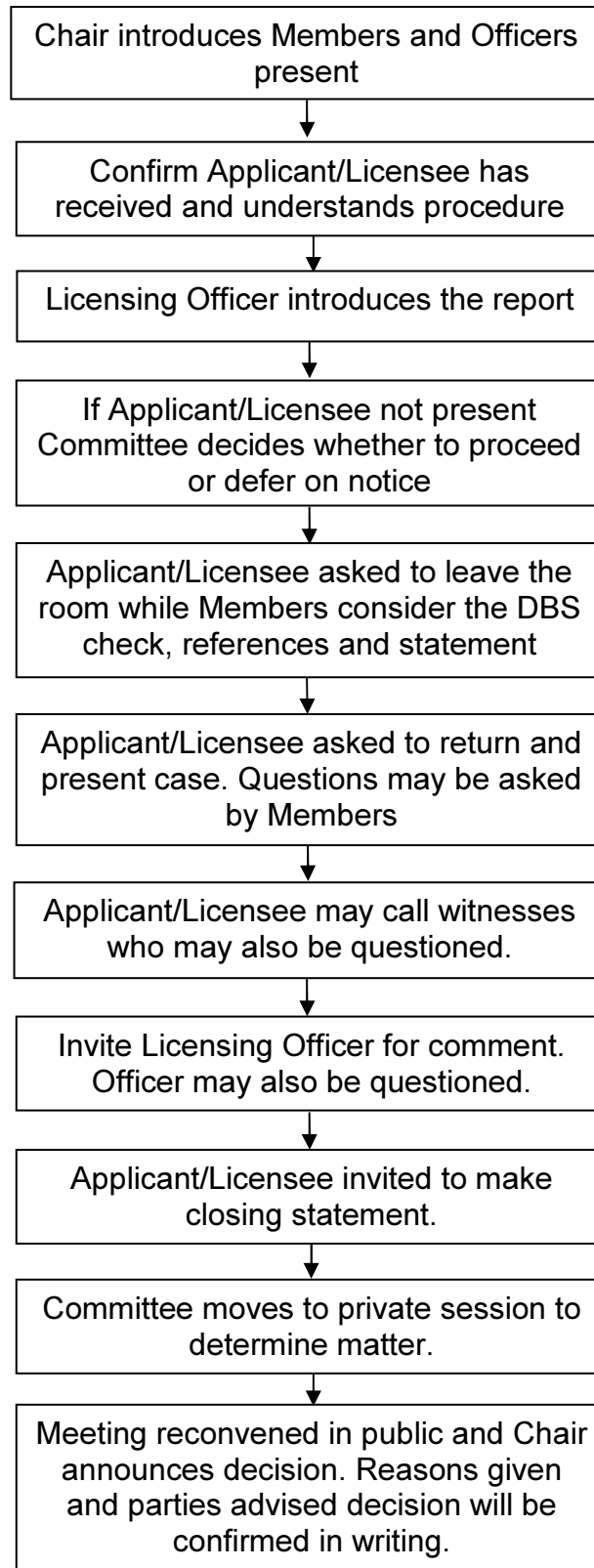
- Where the Committee considers it necessary the procedure may be varied.
- In circumstances where a party fails to attend the Committee will consider whether to proceed in absence or defer to the next meeting. Should a matter be deferred the deferral notice will state that the matter may proceed in a party's absence on the next occasion. In deciding whether to proceed all notices, communications and representations will be considered.
- Only in **exceptional circumstances** will the Committee take account of additional late documentary or other information and will be at the discretion of the Chair and on notice to all the other parties. No new representations will be allowed at the hearing.
- The Committee will disregard all information or representations considered irrelevant.
- The hearing will take the form of a discussion. The Committee will allow parties to the proceedings to ask questions. Formal cross examination will be discouraged and, should they be necessary, supplementary questions allowed for clarification purposes only.
- Parties will have an equal amount of time to present their cases. Whilst time limits are at the Chair's discretion, in the interests of cost and efficiency, presentations will not normally exceed **twenty minutes** to include summarising the case. Time limits will not include the time taken for questions.

#### **N.B.**

1. Where there is more than one party making relevant representations the time allocated will be split between those parties.
  2. Where several parties are making the same or similar representations it is suggested that one representative is appointed to avoid duplication and to make the most efficient use of the allocated time.
  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 request that persons behaving in a disruptive manner should leave the hearing and their return refused, or allowed subject to conditions. An excluded person is however, entitled to submit the information they would have been entitled to present had they not been excluded.
  - Bath & North East Somerset Council is committed to taking decisions in an honest, accountable and transparent fashion. On occasion however, it may be necessary to exclude members of the press and public pursuant to the Local Government Act 1972 Schedule 12 (a). In those circumstances reasons for such decisions will be given.
  - If a person has special needs regarding access, hearing or vision, this should be brought to the Licensing Authority's attention prior to the hearing so that reasonable adjustments may be made.



**LICENSING SUB-COMMITTEE  
HACKNEY CARRIAGE (TAXI) AND  
PRIVATE HIRE VEHICLES DRIVERS' LICENCE PROCEDURE**



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### Access to Information Arrangements

#### Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA-0537-14
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Meeting / Decision: Licensing Sub-Committee
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Date: 7 April 2014
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Author: John Dowding
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Exempt Report Title: Application For Hackney Carriage/Private Hire Driver's Licence
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Exempt Appendix Title: Annex A – Application Form
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The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:
------------------------

- |   |
|---|
| <ol style="list-style-type: none"> <li>1. Information relating to any individual</li> <li>2. Information which is likely to reveal the identity of an individual</li> <li>3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)</li> </ol> |
|---|

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the Report be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

#### PUBLIC INTEREST TEST

If the sub-Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters.

Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972.

The officer responsible for this item believes that this information falls within the following exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 1998 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed. Further, as any information revealed by the Criminal Records Bureau check is likely to constitute sensitive personal data in terms of the DPA, this information cannot be disclosed by the Council without the explicit consent of the individual concerned.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in information about individuals applying for taxi licences in the area, and in particular, information as to the backgrounds of those individuals.

Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;
- allowing individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s concerned could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand, and that the report be discussed in exempt session.

Due to the factors outlined above, further consideration has not been given to the application of exemption 3 of Schedule 12A.

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

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**Access to Information Arrangements**

**Exclusion of access by the public to Council meetings**

Information Compliance Ref: LGA-0540-14

Meeting / Decision: Licensing Sub-Committee

Date: 7 April 2014

Author: John Dowding

Exempt Report Title: Application For Hackney Carriage/Private Hire Driver's Licence

Exempt Appendix Title:  
ANNEX A – Application Form

The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

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2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 1998 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed. Further, as any information revealed by the Criminal Records Bureau check is likely to constitute sensitive personal data in terms of the DPA, this information cannot be disclosed by the Council without the explicit consent of the individual concerned.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in information about individuals applying for taxi licences in the area, and in particular, information as to the backgrounds of those individuals.

Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;
- allowing individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s concerned could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand, and that the report be discussed in exempt session.

Due to the factors outlined above, further consideration has not been given to the application of exemption 3 of Schedule 12A.



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

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**Access to Information Arrangements**

**Exclusion of access by the public to Council meetings**

Information Compliance Ref: LGA-0539-14

Meeting / Decision: Licensing Sub-Committee

Date: 7 April 2014

Author: John Dowding

Exempt Report Title: Application For Hackney Carriage/Private Hire Driver's Licence

Exempt Appendix Title:  
     ANNEX A – Application Form  
     ANNEX B – Licensing Sub Committee Resolution March 2010  
     ANNEX C - Policy relating to previous Conviction and Cautions

The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:  
     1. Information relating to any individual  
     2. Information which is likely to reveal the identity of an individual  
     3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the Report be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

**PUBLIC INTEREST TEST**

If the sub-Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters.

Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972.

The officer responsible for this item believes that this information falls within the following exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 1998 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed. Further, as any information revealed by the Criminal Records Bureau check is likely to constitute sensitive personal data in terms of the DPA, this information cannot be disclosed by the Council without the explicit consent of the individual concerned.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in information about individuals applying for taxi licences in the area, and in particular, information as to the backgrounds of those individuals.

Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;
- allowing individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s concerned could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand, and that the report be discussed in exempt session.

Due to the factors outlined above, further consideration has not been given to the application of exemption 3 of Schedule 12A.

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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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**Access to Information Arrangements**

**Exclusion of access by the public to Council meetings**

Information Compliance Ref: LGA-0538-14

Meeting / Decision: Licensing Sub-Committee

Date: 7 April 2014

Author: John Dowding

Exempt Report Title: Application For Hackney Carriage/Private Hire Driver's Licence

Exempt Appendix Title:  
Annex A – Application Form

The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the Report be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

**PUBLIC INTEREST TEST**

If the sub-Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters.

Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972.

The officer responsible for this item believes that this information falls within the following exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 1998 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed. Further, as any information revealed by the Criminal Records Bureau check is likely to constitute sensitive personal data in terms of the DPA, this information cannot be disclosed by the Council without the explicit consent of the individual concerned.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in information about individuals applying for taxi licences in the area, and in particular, information as to the backgrounds of those individuals.

Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;
- allowing individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s concerned could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand, and that the report be discussed in exempt session.

Due to the factors outlined above, further consideration has not been given to the application of exemption 3 of Schedule 12A.

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

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