
Bath & North East Somerset Council

Democratic Services

Guildhall, High Street, Bath BA1 5AW

Telephone: (01225) 477000 *main switchboard*

Direct Lines - Tel: democratic_services@bathnes.gov.uk

Web-site - <http://www.bathnes.gov.uk>

Date: 29 June 2015

E-mail: Democratic_Services@bathnes.gov.uk

To: All Members of the Licensing Sub-Committee

Councillors:- Paul Myers, Will Sandry and Mark Shelford

Chief Executive and other appropriate officers
Press and Public

Dear Member

Licensing Sub-Committee: Tuesday, 7th July, 2015

You are invited to attend a meeting of the **Licensing Sub-Committee**, to be held on **Tuesday, 7th July, 2015 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

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 Sean O'Neill who is available by telephoning Bath democratic_services@bathnes.gov.uk or by calling at the Guildhall Bath (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 Sean O'Neill as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Reception: Civic Centre - 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. Recording at Meetings:-

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators.

To comply with the Data Protection Act 1998, we require the consent of parents or guardians before filming children or young people. For more information, please speak to the camera operator

The Council will broadcast the images and sound live via the internet www.bathnes.gov.uk/webcast An archived recording of the proceedings will also be available for viewing after the meeting. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

- 4. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- 5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**
- 6. 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.

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.

Licensing Sub-Committee - Tuesday, 7th July, 2015

at 10.00 am in the Kaposvar Room - Guildhall, Bath

AGENDA

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: 11 JUNE 2015 (Pages 7 - 14)

6. LICENSING PROCEDURE (Pages 15 - 18)

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

7. 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 and the reporting of the meeting be prevented under Section 100A(5A) 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.

8. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:
A M (Pages 19 - 32)

The Committee Administrator for this meeting is Sean O'Neill who can be contacted on democratic_services@bathnes.gov.uk.

This page is intentionally left blank

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Thursday, 11th June, 2015, 10.00 am

Councillors: Paul Myers (Chair), Mark Shelford and Dine Romero

Officers in attendance: Shaine Lewis (Principal Solicitor and Deputy Monitoring Officer), John Dowding (Senior Public Protection Officer), Michael Dando (Senior Public Protection Officer) and Kirsty Morgan (Public Protection Officer)

1 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

2 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

3 DECLARATIONS OF INTEREST

There were none.

4 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

5 MINUTES: 26 MAY 2015

These were approved as a correct record and signed by the Chair.

6 EXCLUSION OF THE PUBLIC

The Sub-Committee passed the following resolution:

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 Sub-Committee **RESOLVES** that the public be excluded from the meeting for the following two items of business and that the reporting of the meeting be prevented in accordance with Section 100A(5A), 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.

7 TAXI PROCEDURE

8 CONSIDERATION OF CONVICTION OBTAINED - MR S A

Mr A confirmed that he had received understood the procedure to be followed for this hearing.

The Senior Public Protection Officer summarised the application.

Mr A stated his case and was questioned by Members. He then made a closing statement.

Following an adjournment, the Sub-Committee **RESOLVED** to place 4 penalty points on Mr A's Private Hire Drivers' Licence.

Decision and reasons

Members considered what action, if any, to take against a licensee convicted of an offence during the course of his licence who failed to declare it in accordance with Council policy.

In determining the matter Members had regard to the Local Government (Miscellaneous Provisions) Act 1976, the Council's Policy, Human Rights Act 1998 and case law. Members noted that case law stated hearsay evidence is admissible, the economic wellbeing of the licensee is irrelevant and when considering any action the protection of the public is of the utmost importance.

Members took account of Mr SA's oral and written representations that he had a lot on his mind at the time and had forgotten about the conviction when he renewed his licence. Members recognised his admission and his remorse, but took a dim view that he did not declare his conviction and made a false declaration given he had been licensed for over 3 years. Members proceeded in accordance with their policy and placed 4 penalty points on his Private Hire Drivers' Licence.

9 CONSIDERATION OF CONVICTION OBTAINED - MR M E B

Mr B confirmed that he had received and understood the procedure to be followed for the hearing.

The Senior Public Protection Officer summarised the report. He pointed out that "conviction" should in fact be "caution" throughout the report.

A DBS certificate relating to Mr B and his statement was circulated to Members. Mr B and the Senior Public Protection Officer withdrew from the room while Members studied these.

After the meeting reconvened, Mr B stated his case and was questioned by Members. He then made a closing statement.

Following an adjournment, the Sub-Committee **RESOLVED** to issue a stern warning about his future conduct to Mr B.

Decision and reasons

Members determined what action to take against a licensee issued with a caution during the course of his licence who failed to declare it in accordance with Council policy.

In determining the matter Members had regard to the Local Government (Miscellaneous Provisions) Act 1976, the Council's Policy, Human Rights Act 1998 and case law. Members noted that case law stated hearsay evidence is admissible,

the economic wellbeing of the licensee is irrelevant and when considering any action the protection of the public is of the utmost importance.

Members took account of Mr MEB's oral and written representations and noted at the time of the incident his life was in upheaval. Members noted his apology and statement that he had learned a lesson from his mistake. Members therefore depart from the Policy by not giving points, but give a stern warning as to his future conduct and declarations.

10 LICENSING PROCEDURE

The Chair drew attention to the procedure to be followed for the next item of business.

11 APPLICATION TO VARY THE PREMISES LICENCE FOR THE COWSHED, 5 BLADUD BUILDINGS, BATH BA1 5LS

Applicant: The Cowshed (Bath) Ltd, represented by Matthew Phipps (TLT Solicitors) and Des Jones (Operational Manager)

Other Persons: The Abbey Residents, represented by Sally Rothwell; Mrs Amanda Habisrittinger and Rachel Perry (witness)

The parties confirmed that they had received and understood the procedure to be followed for the hearing.

The Senior Public Protection Officer summarised the application. The applicant was seeking:

to vary the layout and design of the premises;

to add alcohol for consumption off the premises in order for alcohol to be taken into external areas;

to add the condition "the external areas shown on the submitted plan will not be used after 22:00 hours on any evening".

Representations had been received from Other Persons relating to the licensing objectives of crime and disorder and public nuisance.

Additional information received from the parties, including additional conditions proposed by the applicant, had been circulated to members before the meeting. The additional conditions were:

1. The whole of the outside areas shall be laid out to tables and chairs and no less than 80% of the outside areas will contain furniture.
2. There will be no more than 48 chairs available for customers in the outside spaces at any one time.
3. Waiter/Waitress service will be available throughout the premises at all times.

4. A dedicated member of staff shall supervise and control the outside areas/area (when in use) throughout service
5. Additional garden furniture, such as parasols and/or umbrellas will be available throughout the outside areas at all times.

Members had been given an opportunity to view video footage submitted by the Other Persons.

Mr Phipps stated the case for the applicant. He said that the applicant had opened a similar premises in Bristol five years ago. Another part of the business was Ruby and White wholesale and retail butchers'. The premises was located next to a nightclub, but was itself emphatically a restaurant. The premises had received a number of favourable reviews and had been welcomed as a part of Bath's dining culture. He noted the concerns expressed about large parties at the premises. It was true that there were large tables in the outside dining area, but there had only been 6 tables with more than 8 diners in the last month, whereas 1700 customers had been served at tables of 7 or less. There was nothing to suggest that the premises had contributed to crime and disorder. Alcohol could only be consumed at a table. The applicant was proposing five conditions relating to the operation of the outside area. The Council's Licensing Policy, including the Cumulative Impact Policy, had been raised in the representations. He noted that paragraph 16.11 of the Council's Statement of Licensing Policy says that "the impact can be expected to be different for premises with different styles and characteristics" and submitted that no addition to cumulative impact would arise from this application. The purpose of the application was to allow the serving of alcohol in two areas at the rear of the premises. He submitted that the premises were not a source of crime and disorder or public nuisance, and that the new conditions applied for would allow greater control of the outside areas. These conditions were to a large extent a response to concerns raised in the representations. In accordance with the Cumulative Impact Policy, the Sub-Committee had to be satisfied that conditions would be insufficient to prevent a significant addition to cumulative impact before refusing the application. The applicant wished to apologise for the "shoddy evening" of 31st May, when after the premises had closed, the Assistant Manager had admitted customers who had been queueing outside the premises and served them with drink; three members of staff had been interviewed about this and two had been dismissed.

Mr Phipps was questioned by Members. In reply he stated:

- the two outside areas were at different levels and each had a maximum of 48 seated customers
- there was no external bar

In response to questions from the Other Persons he stated:

- there would be an intensification of the use of the outside areas, but he did not agree that this would create additional noise nuisance;
- the premises ceased serving alcohol at midnight; last orders for food would probably be 22:00; the previous evening the premises had closed at 22.20
- he did not think that music inside the premises would be audible outside even when doors were opened, and that conversation from customers on the outside tables would to a large extent be imperceptible

Sally Rothwell stated her case. She said that she was representing The Abbey Residents Association in place of Ian Perkins, who was unable to attend. She said that the premises were very close to a number of residential properties and because of heritage issues it was very difficult for residents to soundproof their homes. There was already noise and anti-social behaviour associated with other licensed premises in the area. If this application were granted, it could lead to a further reduction in residents' quality of life. 48 people dining on the terraces could give rise to considerable hubbub. She urged the Sub-Committee, if it was minded to grant the application, to reduce considerably the number of customers allowed on the terraces at any one time. She also urged that a member of staff should be required to be present on the terraces when they were in use.

Ms Habisrittinger stated her case. She was also concerned about the number of customers on the terrace. 48 customers outside for ten hours a day was unacceptable. She urged that the application be rejected to protect residents quality of life. She called her witness, Rachel Perry. Ms Perry said that she was unable to sleep in her bedroom because of external noise. People who had been drinking made a lot of noise. She had suffered stress and an adverse impact on her health because of the noise. She noted that the applicants had said that the proposed conditions would allow management to exercise greater control over the premises, but what kind of premises was it that needed controlling?

The parties were invited to sum up.

Sally Rothwell said that residents were extremely concerned about the potential for noise from the outside areas of the premises. She thought the application should be refused. However, if the Sub-Committee was minded to grant the application she believed that the number of people permitted in the outside areas should be reduced and that a member of staff should always be on duty on the terraces.

Ms Habisrittinger asked the Sub-Committee to reject the application.

Mr Phipps submitted that hubbub did not constitute public nuisance. He acknowledged that there would be some perceptible noise, but he submitted that private nuisance was not the same as public nuisance. He urged the Sub-Committee to consider the specifics of the Council's Licensing Policy and to focus on whether the applicant's proposed additional conditions would be sufficient to allay concerns about any addition to cumulative impact.

Following an adjournment the Sub-Committee **RESOLVED** to grant the application with conditions, as detailed below.

DECISION AND REASONS

Members determined an application to vary a premises licence at The Cowshed, Bladud Buildings, 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. In this case, however, Members noted the premises are situated in the Cumulative Impact Area. As the Council has a Cumulative Impact Policy applying to variations of premises licences a rebuttable presumption is raised that such applications should be refused unless the applicant demonstrates that the application promotes the licensing objectives and would be unlikely to add significantly to the cumulative impact being experienced.

Members were careful to balance the competing interests of the applicant and interested parties and gave account to all relevant representations whilst disregarding the irrelevant. For example noise nuisance from other premises in the vicinity, rats, seagulls and the noise and odour associated with the use of kitchen equipment at the premises.

Members noted that there had been no representations from Responsible Authorities such as the police and environmental health.

The Applicant

The application was to vary the layout and design of a premises licence in accordance with the plan to allow people to enjoy a drink with a meal when dining outside. It was stated that the premises opened in October 2014 and is a steak restaurant not a night club or bar. It is a fine dining operation with food at the very heart of what they do. The restaurant has been very well received as demonstrated by the additional information. In acknowledging the concerns of Interested Parties it was stated they do have large tables although these are in the minority and whilst they wanted people to come and enjoy themselves a suite of conditions was proposed to regulate the use of the outside terrace. With regard to smoking it was proposed that smokers will be encouraged but not restricted to the lower end of the outside area. The applicant stated there was no crime and disorder connected with the premises and with regard to the video incident this was a one off, did not involve licensable activity and all staff involved had been disciplined. In conclusion it was suggested that the use of the outside area would not cause a nuisance as it would simply involve outside dining until 10pm which was a reasonable and proportionate application.

Interested Parties

The Interested Parties made representations under the objectives of crime and disorder and public nuisance. In this regard it was stated that neighbouring properties already suffered from the effects of other licensed premises in the area and there was concern over the impact the extended use of the rear terrace would have as neighbours are limited in the steps they can take to prevent noise entering their premises. In this regard it was suggested that if granted this would lead to an increase in late night disturbance affecting the quality of life of residents as had already been experienced. In the event of the application being granted a number of additional conditions was suggested for Members consideration.

Members

Members took account of the relevant oral and written representations and noted the additional information which included video footage. Members considered the vast majority of issues raised in objection covered matters arising from other premises in the locality and matters to be dealt with by other statutory regimes.

Whilst Members found this a reasonable application from a responsible operator it was determined that placing tables and chairs for 48 covers in the outside area would be likely to have a detrimental effect on the objective of prevention of public nuisance. This was because the area was presently unused, there was evidence that when the conservatory windows are open noise escapes and therefore any tables and chairs placed in the outside area was likely to generate noise. Members considered therefore that by reducing the number of covers from 48 to 30 in the outside area would reduce the likely impact and together with the control mechanisms in place submitted by the applicants by way of staff, staff training and conditions, the terrace could be regulated in such a way so as not to add significantly to cumulative impact.

Accordingly Members resolved to grant the application subject to conditions consistent with the operating schedule, the mandatory conditions, those put forward by the applicant and as imposed by Members as appropriate and proportionate in the promotion of the licensing objectives.

The conditions are as follows:

There will be no more than 30 chairs available for customers in the outside spaces at any one time;

Waiter/Waitress service will be available throughout the premises at all times;

Each outside area shall have a dedicated member of staff to supervise and control the outside areas when in use throughout service.

Additional garden furniture, such as parasols and/or umbrellas will be available throughout the outside areas at all times.

External tables and chairs shall not be configured in such away so as to accommodate more than 8 covers together.

The external areas on the plan will not be used after 10pm on any evening.

Authority delegated to the Senior Public Protection Officer to issue the licence accordingly.

The meeting ended at 2.24 pm

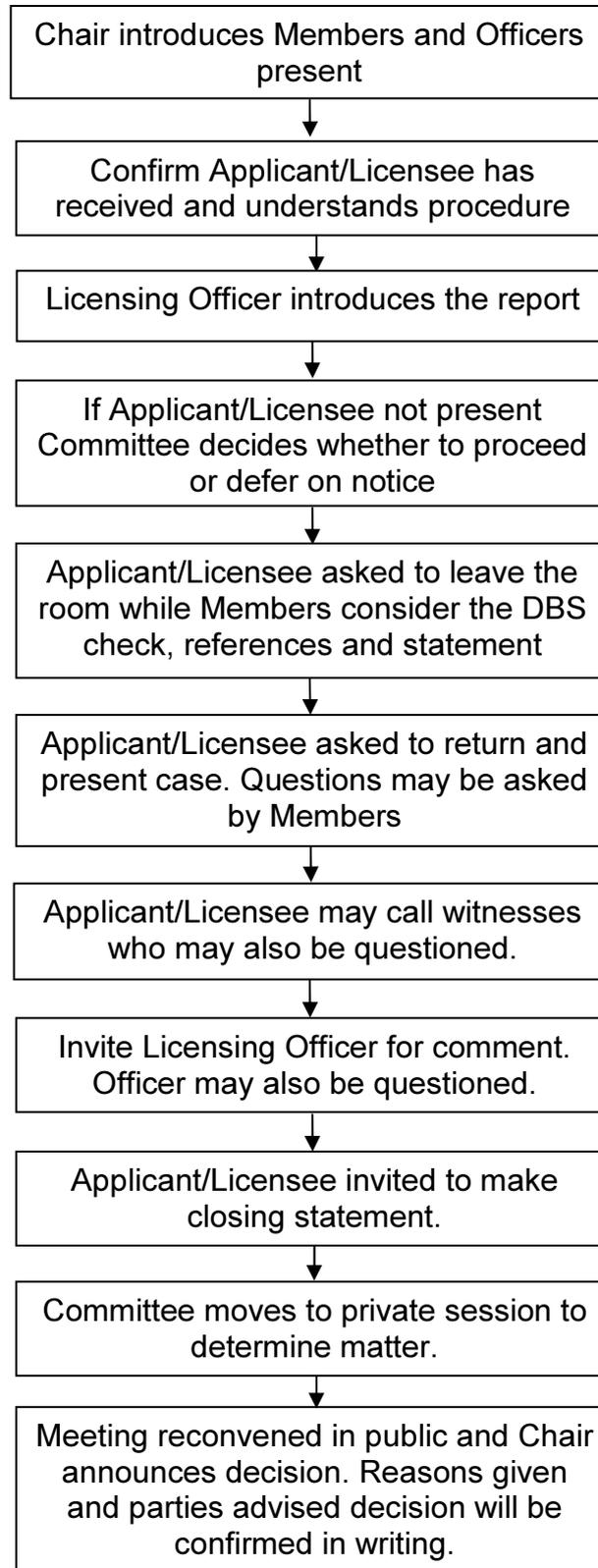
Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

This page is intentionally left blank

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



This page is intentionally left blank

**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.

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA-410/15

Meeting / Decision: Licensing Sub-Committee

Date: 21st April 2015

Author: John Dowding

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

Exempt Appendix Title:
 Annex A – Application Form
 Annex B – Policy on Convictions, Cautions and Fixed Penalty Notices

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. The Council considers that the public interest is in favour of not holding this matter in open session at this time and that any reporting on the meeting is prevented in accordance with Section 100A(5A)

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.

Document is Restricted

This page is intentionally left blank