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# Bath & North East Somerset Council

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## Democratic Services

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Date: 27 July 2015

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

**Councillors:-** Paul Myers, Mark Shelford and Caroline Roberts

Chief Executive and other appropriate officers  
Press and Public

Dear Member

**Licensing Sub-Committee: Tuesday, 4th August, 2015**

You are invited to attend a meeting of the **Licensing Sub-Committee**, to be held on **Tuesday, 4th August, 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](http://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, 4th August, 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: 7 JULY AND 14 JULY (Pages 7 - 16)

6. TAXI PROCEDURE (Pages 17 - 20)

The Chair will draw attention to the procedure to be followed for agenda items eight and nine.

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. CONSIDERATION OF CONVICTION OBTAINED - M K (Pages 21 - 34)
9. APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - J P (Pages 35 - 48)

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

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**BATH AND NORTH EAST SOMERSET COUNCIL**

**LICENSING SUB-COMMITTEE**

Tuesday, 7th July, 2015, 10.00 am

**Councillors:** Paul Myers (Chair), Mark Shelford and Will Sandry

**Officers in attendance:** Carrie-Ann Evans (Senior Legal Adviser), Alan Bartlett (Public Protection Team Leader) and John Dowding (Senior Public Protection Officer)

**12 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the procedure.

**13 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

**14 DECLARATIONS OF INTEREST**

There were none.

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

There was none.

**16 MINUTES: 11 JUNE 2015**

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

**17 LICENSING PROCEDURE**

The Chair drew attention to the procedure to be followed for the taxi application.

**18 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 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.

**19 APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE: MR AM**

The applicant confirmed that he understood the procedure to be followed for this hearing.

The Senior Public Protection Officer summarised his report and circulated to Members copies of a DBS certificate in respect of the applicant, a letter from the applicant and two references in support of the applicant. The Sub-Committee adjourned to allow Members time to consider these documents.

After the Sub-Committee reconvened, Mr M stated his case and was questioned by Members. Neither the Senior Public Protection Officer nor the applicant wished to make a closing statement.

Following an adjournment, the Sub-Committee **RESOLVED** that Mr M be granted a combined Hackney Carriage/Private Hire Driver's licence subject to the standard terms and conditions.

### Reasons

Members have had to determine an application for a combined Hackney Carriage/Private Hire Driver's Licence. In doing so they took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

In making a determination Members took account of the applicant's oral representations, his letter in support of his application, references and balanced these against the information provided by the Disclosure and Barring Service.

Members noted that Mr M's convictions were for violence against the person however they were approximately 30 years' old and therefore outside of the Council's policy.

Members felt the applicant presented himself in an honest and straightforward way and had matured significantly since the incidents some 30 years ago. Members formed the view that if faced with a confrontational situation today, Mr M would behave in an appropriate way.

Members found Mr M to be a fit and proper person.

The meeting ended at 10.49 am

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**



## **BATH AND NORTH EAST SOMERSET COUNCIL**

### **LICENSING SUB-COMMITTEE**

Tuesday, 14th July, 2015, 10.00 am

**Councillors:** Paul Myers (Chair), Mark Shelford and Caroline Roberts

**Officers in attendance:** Alan Bartlett (Public Protection Team Leader), Michael Dando (Senior Public Protection Officer) and Shaine Lewis (Principal Solicitor and Deputy Monitoring Officer)

#### **20 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer read out the procedure.

#### **21 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

#### **22 DECLARATIONS OF INTEREST**

There were none.

#### **23 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none.

#### **24 LICENSING PROCEDURE**

The Chair explained the procedure to be followed for the hearing of the licensing application.

#### **25 APPLICATION FOR A PREMISES LICENCE FOR VALLEY FEST 2015, THE COMMUNITY FARM, DENNY LANE, CHEW MAGNA, BS40 8SZ**

Applicant: Mini V Ltd, represented by Daniel Hurring and Luke Hassell

Other Persons: Sally Monkhouse, Mr Keith Betton (Director, Chew Valley Caravan Park), Cllr Brent (Stowey Sutton Parish Council), and Mr and Mrs Harvey, represented by Cllr Vic Pritchard

Responsible Authority: Suzanne McCutcheon (Education and Enforcement Manager)

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

The Public Protection Team Leader summarised the application. He reported that a representation had been received from the Education and Enforcement Manager in respect of the licensing objective of public safety, and that eight representations had been received from local residents in respect of the licensing objectives of the

prevention of crime and disorder and the prevention of public nuisance. He invited the Sub-Committee to determine the application.

The representatives of the Applicant stated their case. Mr Hurring said that he had been employed by Valley Fest to produce an event management plan and to manage the licence application process. He introduced Mr Hassell who would oversee operations on the site.

He said that Valley Fest would be based at Community Farm, Denny Lane. Events had previously held there in 2014 and 2007, which had been well-managed and had attracted 1,000 visitors. This time plans had been drawn to cater for 4,500 visitors, most of whom were expected to come from the South West. Previous events had been held under temporary event notices, but now it was desired to put Valley Fest on a more permanent basis by applying for a premises licence. Planning consent had been granted in January. The event was planned to take place in 5 stages, with the stepped closure of entertainment and refreshment outlets on the site. A traffic management consultant had been employed to produce a traffic management plan and there was a noise management plan, which had been approved by Environmental Protection.

He appreciated that the event would bring a large number of vehicles into the area. He thought that there might be 500 campervans. He had hoped that 500 people would come by public transport, but the local bus service was poor and this estimate had had to be reduced to 300. There would be separate parking areas for campervans and cars. Denny Lane is a single-track lane; a Traffic Regulation Order was in place to control it throughout the event. There would be many improvements compared with last year's event, more fencing and more infrastructure. He regretted that he had been unable to attend meetings of Chew Magna and Chew Stoke Parish Councils to discuss the plans for the event.

The representatives of the applicant responded to questions from Members and the Other Persons.

The Other Persons stated their case.

Sally Monkhouse said that there had been no consultation with residents, and there had been none the previous year. She said that she thought the site of this festival was bonkers from every point of view except that it had a beautiful view. She was extremely concerned about noise: last year residents had been disturbed by intrusive bass music emanating from the event, which had been perceptible even indoors. Sound bounces back from the surrounding hills; the topography of the area amplifies sound. She failed to see how making noise after midnight could be called family-friendly. She felt that all activities should cease at midnight. The event would take place on the last bank holiday before Christmas, when families would want to sit out in their gardens. She felt that the infrastructure in the area was totally unsuited to the number of people expected. The bus service was poor, so most people would have to come by car, yet every access route to the site had pinch points. She was worried about the access to and exits from the car park, which was quite close to Denny Lane.

Cllr Brent said that he supported the event in principle, but had reservations about the numbers involved. The majority of people he had spoken to had expressed

concerns about the potential number of attendees and the timings. Adverse impacts on neighbouring land should be prevented; last year damage had been caused to Mr Harvey's land.

Mr Betton stated his case. He said that his caravan park attracted visitors because it was a quiet rural location. Noise from last year's event had been very loud in the early hours of the morning, and he feared that the impact of this year's event would be even greater, since a larger event would require a larger sound system. He thought that the noise management plan was deficient in terms of the monitoring points and the schedule of noise checks.

Cllr Pritchard stated the case on behalf of Mr and Mrs Harvey. He said that Mr Harvey's farm was immediately adjacent to the event site. Last year when a smaller event was held, a gate to Mr Harvey's field had been completely taken off its hinges. Litter had had been left on his land, and drink cans had ended up in his silage. Mr Harvey was concerned that his cattle would be upset by noise from the event and might escape if the gate was removed again or fences cut. Mr Harvey was pleased with the applicant's offer of the erection of Heras fencing at the boundary of his land and a no entry sign on his gate, but would like the applicant to provide paid, not volunteer, security guards at the boundary of his land.

Suzanne McCutcheon (Education and Enforcement Manager) stated her case. She said that she had made a representation in relation to the licensing objective of public safety because of concerns about access to the event. She felt that the traffic management plan did not demonstrate how the number of vehicles expected could be managed, nor how emergency vehicles would gain access to the site during busy periods. The bus service was very poor.

The parties were invited to sum up.

Sally Monkhouse said that she had not made her concerns about public safety clear in what she had said earlier. A minute's delay of an emergency vehicle could be life-threatening. She again urged that all activities should terminate at midnight.

Cllr Pritchard emphasised Mr Harvey's concern about the consequences of his cattle escaping from his land.

Mr Betton reiterated his concerns about noise.

The Applicant referred to the additional document which he had submitted in response to the representations which had been circulated to Members and the parties. He pointed out that there would be a 24-hour event hotline for residents to report complaints and concerns about noise and other issues. There would be noise monitoring points 1600 metres from the site. He gave an assurance that there would be no access to Mr Harvey's land. He said that he would be happy to reduce the maximum capacity for the event from 4,500 to 3,000, reduce the number of vehicles on site by 600 and reduce the terminal hour for regulated activities by one hour on Sunday. He drew attention to the lack of representations by the police and the fire service. He submitted that the event would bring significant economic benefits to the local community.

Following an adjournment it was **RESOLVED** to grant the application with modifications and additional conditions.

### **Decision and reasons**

Members have today determined an application for a premises license for Valley Fest, Denny Lane, Chew Magna. 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.

The applicant produced some additional information in relation to the application for the music, arts and food festival which is to be held over 3 days in the Chew Valley. The aim of the event was to provide quality family entertainment and education on the Community Farm, Denny Lane and is produced in conjunction with Yeo Valley, who are interested in supporting local businesses. It was stated there had been previous events in 2007 and 2014, which catered for 1,000 people, but that this year the festival is planned to attract 4,500 people with 5 stages and 5 bars each closing at different times managed by an experienced team.

Whilst in public nuisance terms it was accepted there will be an impact on the locality, it was stated that last year's event did not attract any record of complaint. Regarding this year the applicant had produced a Noise Management Plan in consultation with the Council's Environmental Health Officer aimed at reducing any negative impacts. For example noise limits will be imposed, the noise monitored throughout the event on and off the site and limits adjusted immediately should the need arise. It was also stated that the orientation of the venues and PA systems were to be altered, there will be no unauthorised PA systems on site and security will deal with any noise arising from the campsite. It was further suggested that although inaudibility could not be achieved the steps proposed would reduce the noise to a general hubbub after 23:00 with the closure of the outdoor. The applicant suggested that the hours of regulated entertainment could be reduced if the committee considered it appropriate.

With regard to public safety and traffic management the plan was for 1,300 vehicle movements and a shuttle bus was in place for those wishing to use public transport. Further, a traffic regulation order will be in place to control access and egress to the site and there will be active traffic management of the closure and on site. It was stated that a lot of time and energy had gone into producing a Traffic Management Plan, Event Safety Plan and Major Incident Plan & Evacuation Procedure and talks were continuing with Bristol Water for emergency access over their land if necessary. In conclusion the organisers considered the main issues was access and egress on the opening and closing days but that they had in place a robust plan should an emergency arise. In any event the access road could be cleared using a tow truck and vehicles could use other gates if necessary. It was however suggested that the capacity of those attending could be limited to 3,000 with the vehicle capacity being reduced by 600.

With regards to crime and disorder there is a no drugs policy and a robust Security Plan and Communications Plan to be agreed by Responsible Authorities. With regard to last year's criminal damage issue the applicant suggested conditions as follows: Mr Harvey's land as it borders the festival site shall be guarded by Heras fencing, and an SIA registered member of security staff will be stationed at the entrance to Mr Harvey's land.

The Interested Parties made representations under the objectives of public nuisance and public safety. It was said there had been an absence of consultation, but in any event this was the wrong place due to the highway and topography issues. Last year's smaller event had unacceptable noise levels affecting neighbouring properties and for those in Bishop Sutton, given the peculiar topography, sound travelled and bounced off the surrounding hills. It was stated the application should be refused or if granted limited in its hours, or moved to a more suitable venue. Some concern was raised about last year's event as no noise monitoring was carried out and it was noted that the Noise Management Plan did not contain a schedule of monitoring nor had the monitoring sites been fixed.

The Education and Enforcement Manager made a representation under the objective of Public Safety as access to the event was along a single track lane with two gates off. The only vehicle access to the site is via the Blue gate with access to the parking areas being beyond that gate. There are steep gradients throughout and around the site and access may be hampered in the event of bad weather and the lack of regular public transport. The site and location is therefore considered unacceptable and poses a serious risk to public safety both in the event of an emergency and to vehicles and pedestrians using the lane when leaving the site on Monday.

In determining the application Members took into account all relevant representations, disregarded the irrelevant and noted there were no representations from the police, fire or environmental health services.

With regard to policy it was noted that the Statement of Licensing Policy recognised the need to encourage live music for the wider cultural benefit of the community and that performances of live music had further been encouraged by the Live Music Act. However, Members recognised that licensed premises have a significant potential to adversely impact on communities through public nuisance and were therefore careful to balance the competing interests of the applicant and objectors.

Whilst noting there had been no recorded complaints about last year's event, Members heard that Interested Parties had been affected by noise nuisance and feared this would increase. Members further noted, however, that there was a proposed stepped closure of venues beginning at 23:00 with the outdoor stage and unlike last year all PAs and venues will be orientated towards the hill away from both the lake and village of Bishop Sutton where the majority of Interested Parties were located. Whilst acknowledging there would inevitably be some noise Members considered that the steps set out in the draft Event Management Plan would go some way in furthering the licensing objectives. However, it was considered that to authorise the provision of regulated entertainment to the extent applied for may lead to the likelihood that the objective of the prevention of public nuisance could be undermined, given the event's size, location and duration. Having noted the applicant's suggestion that there could be a reduction in hours, numbers of people

and vehicles, Members resolved to grant the application on a limited basis with additional conditions as appropriate and proportionate, preferring the preventative approach to that of dealing with nuisance and safety rather than an after the event approach which in the circumstances would not suffice. Accordingly the following conditions are imposed to further the prevention of public nuisance objective:

- The capacity shall be limited to 3,000 people attending the event
- The vehicle capacity shall be reduced by 600
- The premises shall have an Event Management Plan agreed by all Responsible Authorities and the Safety Advisory Group for Events.
- The Event Management Plan shall include a Noise Management Plan.
- Noise levels at monitoring points must not exceed 65dB LAeq (over 15 minutes) between 12:00hrs and 23:00hrs.
- Noise levels at monitoring points must not exceed 45dB LAeq (over 15 minutes) between 23:00hrs and 02:00hrs
- The Noise Management Plan shall include the monitoring location points and a time schedule for noise monitoring.
- Event noise monitoring shall be conducted in accordance with the Noise Management Plan.
- A record of all sound measurements shall be maintained and produced at the request of a licensing officer.
- Live and recorded music shall cease on the outside main stage at 23:00hrs Fri-Sun.
- Live and recorded music shall cease in the Tutti Frutti Tent at 01:00hrs Fri – Sun.
- Live and recorded music shall cease at the Tipi Valley Fri – Sat at 01:00hrs and 00:00hrs Sun.
- Live and recorded music shall cease at the Folk Café at 02:00hrs Fri – Sat and 00:00 Sun.
- Live and recorded music shall cease at the Circus Valley at 00:00hrs Fri-Sat and 23:00 Sunday.
- 1 member of SIA registered security staff shall be stationed at the entrance to Mr Harvey's land
- Mr Harvey's land as it borders the festival site shall be guarded by Heras fencing.

With regard to public safety Members impose the following condition.

- An Event Management Plan including a Traffic Management Plan, Event Safety Plan and a Major Incident & Evacuation Procedure shall be agreed by all Responsible Authorities and the Safety Advisory Group for Events.

Members considered in all other respects the application should be granted as applied for together with the mandatory conditions and those consistent with the operating schedule.

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

The meeting ended at 2.00 pm

Chair(person) .....

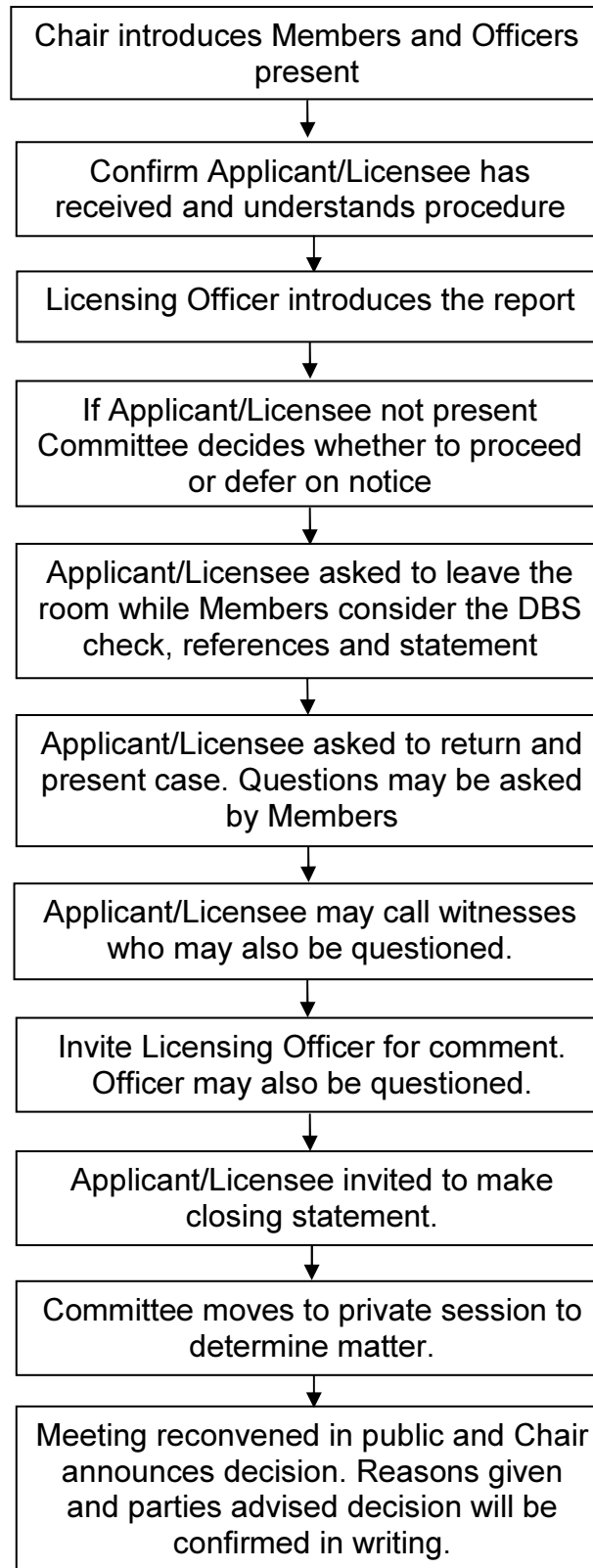
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**LICENSING SUB-COMMITTEE  
HACKNEY CARRIAGE (TAXI) AND  
PRIVATE HIRE VEHICLES DRIVERS' LICENCE PROCEDURE**



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**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-942/15

Meeting / Decision: Licensing Sub-Committee

Date: 4<sup>th</sup> August 2015

Author: John Dowding

Exempt Report Title: **Consideration of Conviction Obtained – Mr K**

Exempt Appendix Title:

**Annex A – Current Combined Hackney Carriage/Private Hire Drivers  
Licence.**

**Annex B – Conviction and Caution Policy.**

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.

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**Access to Information Arrangements**

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

Information Compliance Ref: LGA-935/15

Meeting / Decision: Licensing Sub-Committee

Date: 4<sup>th</sup> August 2015

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

Exempt Appendix Title:

**Annex A – Application Form**

**Annex B – Policy on Previous 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.

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