

# Licensing Sub-Committee

**Date: Thursday 26th June 2025**

**Time: 10.00am**

**Venue: Council Chamber - Guildhall, Bath**

**Councillors:** Steve Hedges, Toby Simon and Ann Morgan

Chief Executive and other appropriate officers  
Press and Public

**A briefing session for Members will be held at 9.30am**



**Mark Durnford**

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## NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

## 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. We request that those filming/recording meetings avoid filming public seating areas, children, vulnerable people etc; however, the Council cannot guarantee this will happen.

The Council will broadcast the images and sounds live via the internet [www.bathnes.gov.uk/webcast](http://www.bathnes.gov.uk/webcast). The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

## 4. **Public Speaking at Meetings**

The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group.

**Advance notice is required not less than two full working days before the meeting. This means that for meetings held on Thursdays notice must be received in Democratic Services by 5.00pm the previous Monday.**

Further details of the scheme can be found at:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

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

## 6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

**Licensing Sub-Committee - Thursday 26th June 2025**

**at 10.00am in the Council Chamber - 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.

(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 4.4 Appendix 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 OF PREVIOUS MEETING: 12TH JUNE 2025 (Pages 5 - 10)

6. LICENSING PROCEDURE (Pages 11 - 14)

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

7. EXCLUSION OF THE PUBLIC

The Sub-Committee is asked to consider passing the following resolution:

“the Sub-Committee 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, **RESOLVES** that the public shall 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 HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:  
2025/JUN/03/TAXI (Pages 15 - 46)
9. CONSIDERATION OF FIT AND PROPER STATUS- 25/JUN/02/TAXI (Pages 47 - 96)

The Committee Administrator for this meeting is Mark Durnford who can be contacted on 01225 394458.

**BATH AND NORTH EAST SOMERSET COUNCIL**

**LICENSING SUB-COMMITTEE**

Thursday 12th June 2025, 10.00 am

**Councillors:** Steve Hedges (Chair), Toby Simon and Ann Morgan

**Officers in attendance:** Holly Woodrow (Public Protection Officer (Licensing)) and Emma Howard (Lawyer (Regulatory & Prosecution))

**1 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer drew attention to the Emergency Evacuation 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**

The Lawyer (Regulatory & Prosecution) addressed the Sub-Committee and provided the following update.

At the Licensing Sub-Committee Meeting on 3 April 2025, Members considered the fit and proper status of the licensee, the reference was 2025/APR/01/TAXI.

Member's reasons for this item included "that the licensee attend a driver's speed awareness course within the next three months and to provide evidence of successful completion of the course to the Council's officers. Officers will refer the matter back to the Licensing Sub-Committee if this is not done. The licensee must notify officers of any further motoring offences within the timeframes set out within their licence."

It was not possible for the licensee to attend a Speed Awareness Course, as to be eligible for this course an individual needs to be referred by the police with a crime reference number.

An alternative course was identified by the Licensing Officer, a Speed Management Workshop run by Trusted Training and Compliance (TTC), where drivers can self-refer onto the course and the course involves training on speed management and avoiding speeding.

Councillors Steve Hedges, Ann Morgan and Toby Simon have approved an amendment to the Member's decision and reasons. The member's decision quoted above, is amended by removing "driver's speed awareness course" and replacing this with "Speed Management Workshop".

The workshop is required to be completed within three months and evidence of the workshop being completed is to be provided to Council officers (for example, proof of payment, certificate of the course or confirmation the course was completed).

The licensee has been kept fully informed and updated in relation to this amendment to the Member's decision.

## **5 MINUTES OF PREVIOUS MEETING: 15TH MAY 2025**

The Sub-Committee **RESOLVED** to approve the minutes of the meeting held on 15<sup>th</sup> May 2025 and they were duly signed by the Chair.

## **6 LICENSING PROCEDURE**

The Chair referenced the procedure that would be followed during the course of the meeting.

Those that were present confirmed that they had received and understood the licensing procedure.

## **7 EXCLUSION OF THE PUBLIC**

The members of the Sub-Committee agreed that they were 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.

It was **RESOLVED** that the public be excluded from the meeting for the following items 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 HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE: 2025/JUN/03/TAXI**

Members were due to consider whether to grant a combined Hackney Carriage/Private Hire Driver's licence to an applicant. DBS check results and a review of the applicant's DBS certificate disclosed three previous convictions. In accordance with the BANES policy on previous convictions, cautions, fixed penalty notices, this application was subsequently referred to the Licensing Sub-Committee for determination.

The applicant did not attend the hearing. The report for the hearing was sent to the applicant three weeks before the hearing. The Licensing Officer contacted the applicant before the hearing to confirm they would be attending, as they had not responded following the circulation of the report. The applicant then responded to the Licensing Officer the day before the hearing, notifying them they had started a new job and were on a training course this week and next week.

As such, Members considered whether to defer the determination of this matter. They had regard to the procedure set out in the agenda reports pack which indicates "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."

Members noted the applicant's availability and decided to defer the hearing until 26 June 2025. If they fail to attend on this date, the matter may proceed in their absence.

## **9 CONSIDERATION OF FIT AND PROPER STATUS - 2025/JUN/01/TAXI**

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. She explained that they were being asked to consider whether the licensee remains fit and proper to hold a combined Hackney Carriage/Private Hire Drivers licence issued by this authority, following a series of complaints having been made against them.

The licensee addressed the Sub-Committee. They said that they had been stupid, would not now answer back to anyone anymore and would keep their mouth shut.

Councillor Toby Simon suggested the licensee attempt to count to 10 before replying if they felt like they were becoming angry. He said the licensee should think carefully before responding to a customer or a member of the public.

Councillor Ann Morgan asked the licensee if they realise that the language they had used in the reported incidents was unacceptable.

The licensee replied that they would not answer back badly anymore.

The Chair asked the licensee about the complaint involving smoking in their licensed vehicle, on 14 June 2016.

The licensee responded that it had been only once.

The Chair reminded the licensee that they represent the Council when carrying out their role. He said that he was concerned by their behaviour when dealing with a vulnerable passenger on 8th September 2022 and said that they should have been treated with more consideration. He said that the licensee could have checked with the Operator before entering into a dispute with the passenger.

The Chair asked the licensee if they felt that attendance of an anger management course would help.

The licensee replied that they felt that they would be calm with their passengers in the future.

The Chair asked the licensee if they would like to make a closing statement.

The licensee replied that they had nothing further to add.

## Decision & Reasons

Members have had to consider whether or not the Licensee is a fit and proper person to continue to hold their combined Hackney Carriage/Private Hire Driver's licence in the light of complaints made against them regarding their licence.

In doing so Members took account of the Local Government (Miscellaneous Provisions) Act 1976, Human Rights Act 1998, case law and the Council's Policy.

It is a legal requirement that drivers and operators must be 'fit and proper' for a licence to be granted under the Local Government (Miscellaneous Provisions) Act 1976. The Fit and Proper Person test is a statutory test, but there is no statutory definition. However, the Panel needs to be mindful of the Council's Policy and the Statutory taxi and private hire vehicle standards which provides the Fit and Proper person test as: "Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a fit and proper person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question: Without prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?"

Members have asked themselves if they would allow their friends, loved ones and indeed all members of the community to travel alone in a vehicle driven by this person, which is considered to be substantively the same as the suggestion in the Standards Guidance. Members of the Licensing Sub-Committee are aware that decisions on the suitability of an applicant or licensee are made on the balance of probabilities.

Members heard from the Licensee in oral representations and they had read the written explanations given by them in the agenda report pack.

Members considered the seven complaints against the Licensee, since they were first licensed. Members noted that the Licensee had received complaints from seven different people. The Licensee had shouted and been rude to passengers on previous occasions.

In oral representations, the Licensee said they had answered back, this had been stupid, they would try not to do this anymore. If a passenger were to swear at them, they will now not answer and will keep their mouth shut. The Licensee also said they would now go home if there were potential issues with speaking inappropriately to others.

In relation to the complaint on 14 June 2016 where the licensee was witnessed smoking in their licenced Private Hire Vehicle and then paid a Fixed Penalty Notice. Members requested further information from the licensee about this incident. The Licensee responded that smoking in their vehicle had been on one occasion.

On 8th September 2022, a complaint was received alleging the licensee had shouted at a vulnerable passenger, used bad language and requested they exit the vehicle due to a dispute over payment. Members noted that the Licensee could consider



various techniques for managing their behaviour and anger issues. For example, taking a 10 second break before responding to comments to work at keeping calm.

Members also considered the Licensee's previous referral to a Licensing Sub-Committee on 25 May 2017. At that Sub-Committee, the Licensee received a warning about their future conduct relating to speeding convictions and the fixed penalty notice. Members considered that the current referral to the Licensing Sub-Committee on 12 June 2025 was in relation to different circumstances, regarding complaints from members of the public about their behaviour.

The licensee confirmed to Members they would work on staying calm and would go home if there were potential issues with their behaviour.

Therefore, on balance, Members find that the Licensee is a fit and proper person to continue to hold the combined Hackney Carriage/Private Hire Driver's Licence however, they issue a final warning to them that:

- (i) They must ensure that they comply with all requirements, conditions and legal obligations upon them as a BANES licensed driver;
- (ii) They must conduct themselves with professionalism as an ambassador for BANES and be polite and considerate in all interactions as a BANES licensed driver.

If there are any further issues with their conduct and behaviour towards passengers, they will be referred back to the Licensing Sub-Committee and they are at risk of losing their licence by having it revoked.

The meeting ended at 11.08 am

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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### **Licensing Sub Committee Hackney Carriage and Private Hire Drivers Complaint Hearing 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 Complainant presents their case, may call witnesses and may be questioned by the Committee and other parties. Where a written complaint has been made the complaint will be read by the Committee. The procedure will be repeated should there be more than one complainant.
4. The Licensee presents their case, may call witnesses and may be questioned by the Committee and other parties.
5. The Chair will ask the Licensing Officers present whether they wish to comment. An Officer making comment may be asked questions.
6. The Complainant is invited to make a closing statement
7. The Licensee is invited to make a closing statement.
8. 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.
9. 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.
10. 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.

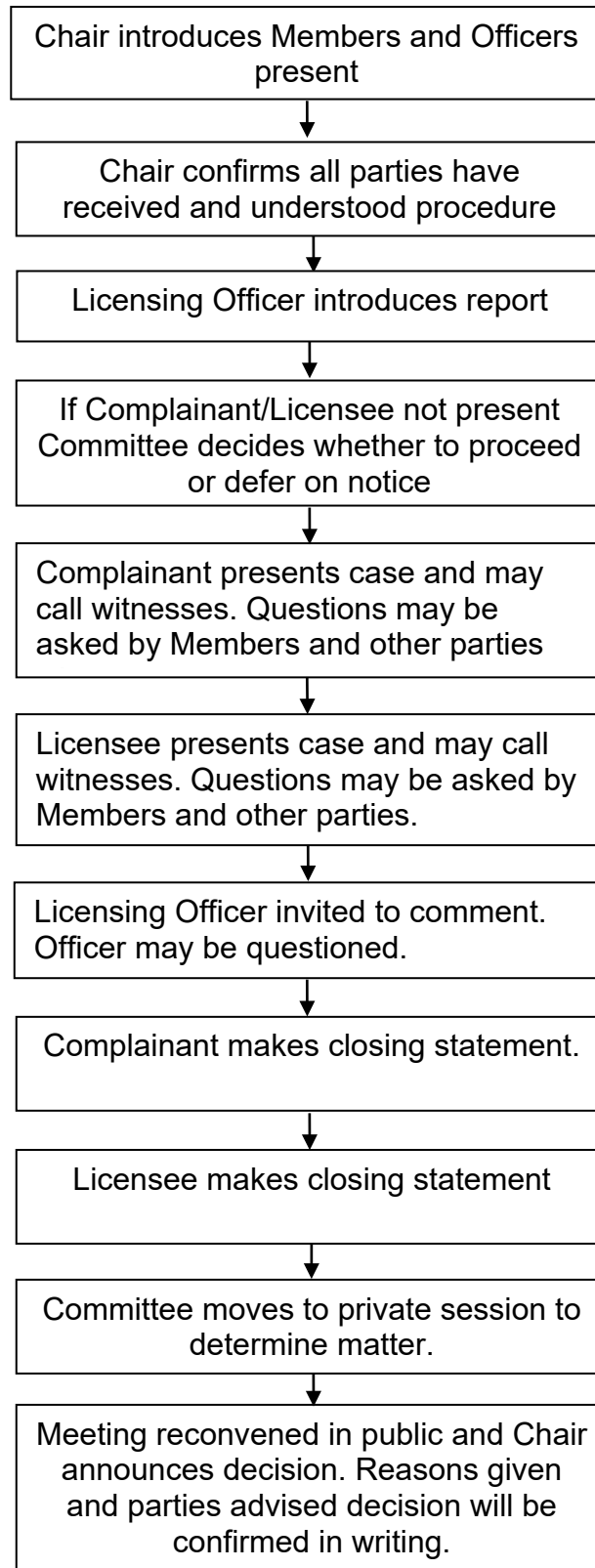
### **PLEASE NOTE:**

- 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 COMPLAINT PROCEDURE**



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## Access to Information Arrangements

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

Information Compliance Ref: LGA-2366550
Meeting / Decision: Licensing Sub-Committee
Date: Thursday 12 <sup>th</sup> June 2025
Author: Holly Woodrow
<p>Exempt Report Title: <b>Application For Hackney Carriage/Private Hire Driver's Licence</b></p> <p>Exempt Appendices:  <b>Exempt Annex A – Application Form</b>  <b>Exempt Annex B – Policy on Hackney Carriage &amp; Private Hire Licensing Standards for Drivers, Vehicles and Operators.</b></p>

The report and appendices contain 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 and appendices 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 2018 (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 Disclosure and Barring Service (DBS) 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 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-2373339
Meeting / Decision: Licensing Sub-Committee
Date: Thursday 26 <sup>th</sup> June 2025
Author: Wayne Campbell
<b>Exempt Report Title: Consideration of Fit and Proper status</b>  Exempt Appendix Title(s):  <b>Exempt Annex A- Current Licence</b> <b>Exempt Annex B – Correspondence</b> <b>Exempt Annex C – Correspondence</b> <b>Exempt Annex D – Copy of Email</b> <b>Exempt Annex E – Correspondence</b> <b>Exempt Annex F – Extract from the Bath &amp; North East Somerset Council Policy on Hackney Carriage and Private Hire Licensing Standards.</b> <b>Exempt Annex G - Policy on Hackney Carriage &amp; Private Hire Licensing Standards for Drivers, Vehicles and Operators.</b>

The report and appendices contain 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 and appendices 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 2018 (DPA). It is considered that disclosure of the information in this report and the appendices would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed.

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 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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