

Licensing Sub-Committee

Date: Thursday, 2nd January, 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. 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, 2nd January, 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: 28TH NOVEMBER 2024 & 12TH DECEMBER 2024 (Pages 5 - 12)

6. LICENSING PROCEDURE (Pages 13 - 16)

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. CONSIDERATION OF 'FIT AND PROPER' STATUS – 2024/DEC/02/PHOP (Pages 17 - 50)
9. CONSIDERATION OF 'FIT AND PROPER' STATUS – REPORT 2024/DEC/01/TAXI (Pages 51 - 90)

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

BATH AND NORTH EAST SOMERSET

LICENSING SUB-COMMITTEE

Thursday, 28th November, 2024

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

Also in attendance: Carrie-Ann Evans (Team Leader, Legal Services), Geoff Cannon (Public Protection Officer (Licensing)) and Jacob Booth (Public Protection Officer (Licensing))

82 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer drew attention to the Emergency Evacuation Procedure.

83 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

84 DECLARATIONS OF INTEREST

There were none.

85 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

86 MINUTES OF PREVIOUS MEETINGS: 17TH OCTOBER 2024 & 31ST OCTOBER 2024

The Sub-Committee **RESOLVED** to approve the minutes of the meetings held on 17th October 2024 and 31st October 2024 and they were duly signed by the Chair.

87 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.

88 APPLICATION FOR A VARIATION OF STREET TRADING PITCH 02 (LJ HUGS), TERRACE WALK, BATH.

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. He explained that an application has been received from Nathan Lewis Farquharson of LJ Hugs, Street Trading Consent Holder for Pitch 02, Terrace Walk, Bath to vary the existing Street Trading Consent.

He stated that the details of the proposed variation are:

To add Mondays as a trading day 11:00 – 18:00 and that the current Street Trading Consent permits trading Tuesday to Saturday 11:00 – 18:00.

He informed the Sub-Committee that three objections to the application had been received.

Tom Barton addressed the Sub-Committee and explained that they had traded between Monday – Saturday for three years previously at another pitch within the city. He said that the business has gained a large following and that they have been able to establish a contract with Uber Eats.

Lewis Farquharson explained that it was due to a clerical error that they were currently unable to trade on a Monday. He added that they collect any rubbish from around their pitch daily and have refuse collections that take place twice a week. He said that they were proud of their work and to uphold the heritage of the city.

Delshad Mageed, one of the objectors, asked how long they use the area near their pitch for unloading their equipment.

Lewis Farquharson replied that they unload all their equipment within 15 minutes from 8.00am each day that they trade.

Delshad Mageed addressed the Sub-Committee and said that he believed that customers from LJ Hugs purchase food from the stall and then proceed to sit within his restaurant to eat their food. He added that their customers will park their vehicles and block the loading bay and the entrance to his premises. He declined to make a closing statement.

Lewis Farquharson made a closing statement on behalf of the applicant. He said that they were a community-based company that look to give back as much as possible. He stated that they love working within the city and have worked tirelessly to achieve what they have.

Decision & Reasons

Members have had to determine an application to extend the days of operation of an existing Street Trading pitch at LJ Hugs, Terrace Walk, Bath. In determining the application, the Local Government (Miscellaneous Provisions) Act 1982, the council's Street Trading Policy and Human Rights Act 1998 were taken into account.

The application relates to an existing pitch which already has a street trading consent. The applicant wishes to extend the days of operation to include Monday, and the hours of operation would be 1100 to 1800.

Lewis Farquharson and Tom Barton attended the Licensing Sub Committee to make oral representations on behalf of the applicant. They told members that they strive to be excellent. They have a waste contract to ensure regular waste disposal, they pay the Bath BID to clean their area, members of staff pick up any of their litter that they

observe. They work with the university and run a disability and learning scheme where they employ someone with learning difficulties.

They had unwittingly been operating on a Monday without consent as they did not realise that Monday operation was not part of their consent due to a clerical error. When that came to light, they had stopped doing so but this had had an impact on their business which meant they had to reduce staff hours and terminate the employment of two members of staff. They had been able to reemploy one member of staff as they had opened a new premises in Trowbridge. In summary, Mr Farquharson said that LJ Hugs is a community-based company and one of their goals is to create jobs not just locally but regionally. They reinvest to do better and bring wealth to the area.

The three objectors stated in written representations that if the application was granted it would result in an increase in food litter, an increase in traffic congestion, a risk to pedestrians from increased traffic, parking violations on double yellow lines, obstructing loading bays, increased noise and unauthorised use of seating, as well as the smell of fried food affecting a clothing business and being unpleasant to businesses and residents.

Members heard from Delshad Mageed in oral representations who was one of the objectors to the application and who indicated that customers from LJ Hugs have used the seating in his premises. He said that they also park up in the loading bay outside of his premises and sit and eat the food they have purchased from LJ Hugs. He also indicated that LJ Hugs employees park on the double yellow lines near to their pitch.

In reaching a decision Members took account of the relevant representations and balanced the conflicting interests of the applicant and the objectors.

Members were mindful to deal with the matter on its merits and disregarded concerns raised relating to commercial competition and parking infringements, which are beyond the scope of the committee.

Members reminded themselves that the principle of a pitch in this location was already established, selling the goods that it sells. They found that the additional day of operation would be unlikely to have a detrimental effect on public safety or amenity, nor would it cause an obstruction.

Accordingly, Members found it reasonable to grant the consent for the additional day. Therefore, the application was granted as applied for and authority was delegated to the Licensing Officer to issue consent.

89 APPLICATION FOR A NEW STREET TRADING PITCH - OUTSIDE PINK ART, YORK STREET, BATH (FOR USE DURING THE BATH CHRISTMAS MARKET PERIOD).

The Public Protection Officer (Licensing) introduced the report to the Sub-Committee. He explained that the application was for a new Street Trading Pitch to be created outside Pink Art, York Street, Bath and that the pitch would be for use during the period of the official Bath Christmas Market.

He informed the Sub-Committee that the times applied to trade for are: 1000hrs to 2000hrs every day.

Councillor Toby Simon asked if any other departments within the Council had objected to the application.

The Public Protection Officer (Licensing) replied that they had not.

Svilena Nikolova, the applicant, addressed the Sub-Committee and said that they have worked throughout the past year with the Council and representatives of the Christmas Market to be able to have a pitch to use over the applied period. She explained that an agreement had been reached whereby there would not be another stall opposite theirs so that any congestion to the area would be minimised.

Tim Coffey, Director, Pink Art added that in 2022 they had traded for 18 days without any issue. He said that an issue did arise in 2023 where, due to the location of other stalls a pinch point was created.

The objector to the application, Councillor Paul Roper, was not present at the meeting.

Tim Coffey made a closing statement and said that they had operated from outside their premises previously and have worked with the Council and the Christmas market to alleviate the issues that occurred last year.

Svilena Nikolova added that they are a small independent business and that the income generated from the stall is much needed.

Decision & Reasons

Members have had to determine an application to create a Street Trading pitch at Pink Art, York Street, Bath. In determining the application, the Local Government (Miscellaneous Provisions) Act 1982, the council's Street Trading Policy and Human Rights Act 1998 were taken into account.

The application is for a pitch outside of Pink Art on York Street as indicated on the plan to accompany the application. The hours of operation proposed are 10:00 to 20:00 daily and the duration of the Street Trading consent applied for is for the period of the official Bath Christmas Market. In the application it was indicated that

the stall would offer a selection of homemade beverages, including mulled wine, mulled cider, and authentic Italian hot chocolate, paired with freshly made Belgian waffles.

The applicant's focus is on high-quality ingredients and traditional recipes supporting the promotion of local food. These offerings cater to local needs by providing warm, comforting treats that enhance the festive atmosphere, appealing to both residents and visitors. The stall adds product diversity to the market by introducing a unique combination of traditional European holiday drinks and desserts, which complements rather than competes with existing retailers.

Tim Coffey and Svilena Nikolova attended the Licensing Sub Committee to make oral representations on behalf of the applicant. They indicated that they had operated as proposed without issue in 2022 but there had been a problem with their operation in 2023 as there was a chalet located directly opposite which had caused a pinch point. They had had to cease their operation which had resulted in a loss last year as they had already bought the products and employed the staff for the Christmas Market period. They had been working with Tilley from the Bath Christmas Market, Licensing and Highways to ensure their application was acceptable this year. They had had confirmation from Gary Peacock in Highways that the proposal was acceptable, and Tilley had ensured that there was not a chalet located opposite the proposed pitch. Ms Nikolova indicated that they operated a queueing system alongside the wall, rather than across the road, in order to prevent congestion.

In closing submissions, the representatives for the applicant indicated that they had been working hard all year to make sure that there are no problems with their proposed operation this year. They are a small independent business, and the pitch is extremely important to Pink Art.

Councillor Roper objected in writing to the application and expressed the view that a pitch in this location would disrupt the flow of pedestrians during Christmas Market and diminish ambiance of York Street.

In reaching a decision Members took account of the relevant representations and weighed them in the balance. Members were mindful to deal with the matter on its merits.

With regard to the creation of the pitch, Members had regard to their policy. Members noted the area identified in the application measured 2m x 3m and there were no objections from the Highway Authority in relation to its size or location, or at all. Members found the proposed pitch would be unlikely to have a detrimental effect on public safety or amenity, nor would it cause an obstruction or impede safe access and egress to and from it, or premises-based trading. So far as the nature of the goods were concerned, Members were content that this was in accordance with the Policy.

Accordingly, Members found it reasonable to create the pitch which provided ample space for pedestrians to pass and repass and they were content with the proposed street trading offering. Therefore, the application was granted as applied for and authority was delegated to the Licensing Officer to issue consent subject to the standard conditions.

Members noted that it was the applicant’s responsibility to ensure that they obtain all consents, permissions and licences required in order to operate as proposed.

The meeting ended at 11.31 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET

LICENSING SUB-COMMITTEE

Thursday, 12th December, 2024

Present:- Councillors Steve Hedges (Chair), Toby Simon and George Tomlin (in place of Ann Morgan)

Also in attendance: Carrie-Ann Evans (Team Leader, Legal Services) and John Dowding (Lead Officer - Licensing)

90 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer drew attention to the Emergency Evacuation Procedure.

91 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor George Tomlin was present as a substitute for Councillor Ann Morgan for the duration of the meeting.

92 DECLARATIONS OF INTEREST

There were none.

93 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

94 LICENSING PROCEDURE

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

95 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.

96 CONSIDERATION OF 'FIT AND PROPER' STATUS – 2024/DEC/02/PHOP

This item had been deferred in advance of the hearing on notice to the licensee. The matter will be heard on 2nd January 2025, or at such other date as is required, which will be notified to the licensee. If the licensee fails to attend the hearing, the matter may proceed in his absence.

97 CONSIDERATION OF 'FIT AND PROPER' STATUS – REPORT 2024/DEC/01/TAXI

This matter was due to be determined today by the Licensing Sub Committee.

The licensee failed to attend and had not been in contact with the Licensing Section in relation to his attendance. The Lead Officer Licensing had called the licensee on his contact telephone number shortly after the hearing was due to start but there was no answer and a voice message was left. At 10:15 the licensee was not in attendance and Members considered whether or not to proceed in his absence.

In all the circumstances, Members determined in the interests of fairness to defer the matter to 2nd January 2025, or at such other date as is required, which will be notified to the licensee. If the licensee fails to attend the next hearing, the matter may proceed in his absence.

The meeting ended at 10.20 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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.

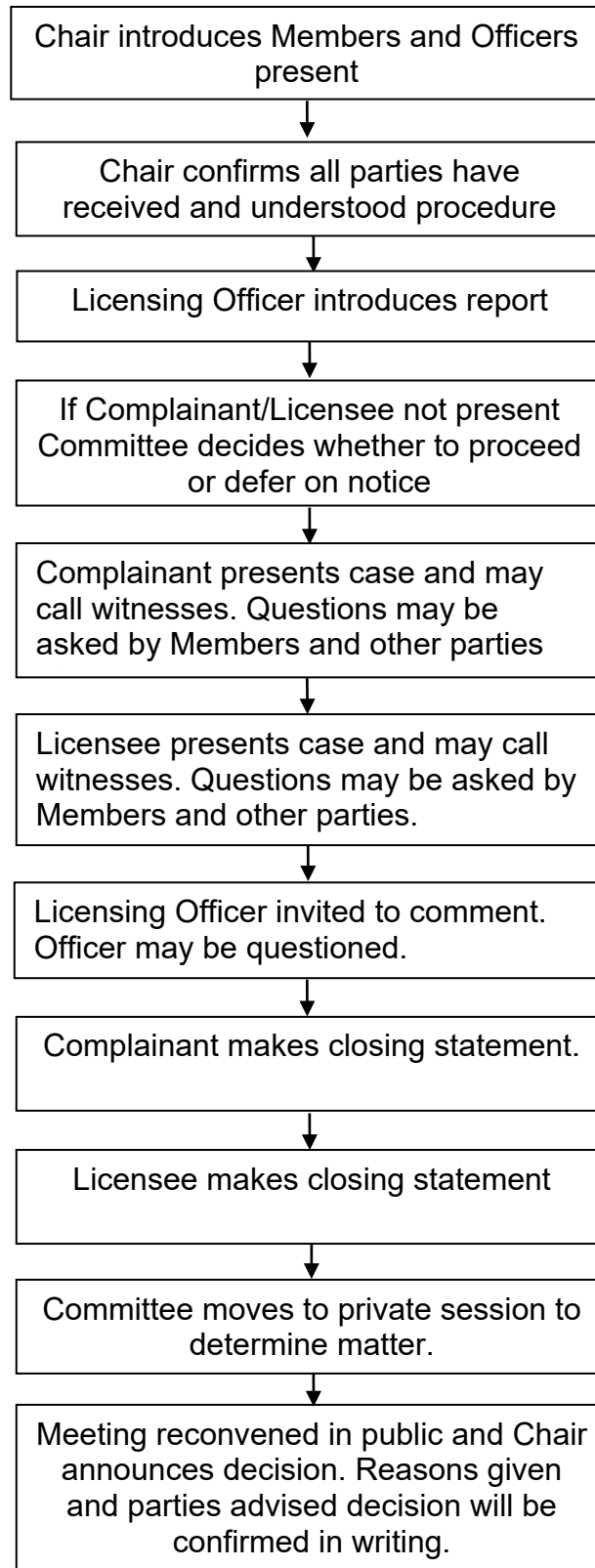
PLEASE NOTE:

- 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-2132338
Meeting / Decision: Licensing Sub-Committee
Date: Thursday 2 nd January 2025
Author: Wayne Campbell
<p>Exempt Report Title: Consideration of Fit and Proper status</p> <p>Exempt Appendix Title(s):</p> <p>Exempt Annex A- Current Private Hire Operators Licence Exempt Annex B – Minutes and Resolution of LSC 22nd August 2024 Exempt Annex C – Current Policy On Hackney Carriage and Private Hire Licensing Standards for Drivers, Vehicles & Operators</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 and its 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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Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA-2132345
Meeting / Decision: Licensing Sub-Committee
Date: Thursday 2 nd January 2025
Author: Wayne Campbell
<p>Exempt Report Title: Consideration of 'Fit and Proper' status</p> <p>Exempt Appendix Title(s):</p> <p>Exempt Annex A- Current Combined Hackney Carriage/Private Hire Drivers Licence. Exempt Annex B – Copy of Complaint from Uber. Exempt Annex C- Copy of Email. Exempt Annex D – Copy of Email. Exempt Annex E – Policy on Hackney Carriage & Private Hire Licensing Standards for Drivers, Vehicles and Operators.</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 and its 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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