

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: 585/13

Decision Maker:

Date: 4th June 2013

Author: John Dowding

Report/Appendix:

Consideration of Change in Medical Fitness

A – Application for a Combined Hackney Carriage/Private Hire Driver’s Licence.

B – Letter from Licensing March 2013

C – Letter from Licensing April 2013

D – DVLA Group 2 Licensing Criteria.

This 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 a Decision Maker wishes to consider a Report / Appendix relating to a Decision in private, they must be satisfied on two matters.

Firstly, they must be satisfied that the information contained within the Report / Appendix falls within one of the accepted categories of exempt information under the Local Government Act 1972. Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds

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.

Public interest factors for withholding:

All exemptions under Schedule 12A of the Local Government Act 1972 are subject to the public interest test. 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. The Council considers that most of the factors suggested by the Information Commissioner as being relevant to an assessment of public interest apply to this information. Disclosure would:-

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

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

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