

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA 902/20
Meeting / Decision: Licensing Sub-Committee
Date: Thursday 15 th October 2020
Author: John Dowding
<p>Exempt Report Title: Consideration of Fit and Proper Exempt Appendix Title(s): Exempt Annex A- Current Licence. Exempt Annex B- Correspondence Ref Failed Compliance Test July 2019. Exempt Annex C – Notice of Failure of MOT & Compliance Test 22nd October 2019. Exempt Annex D – Operators Records 22nd October to 29th October 2019. Exempt Annex E – Operators Records 22nd October to 29th October 2019. Exempt Annex F – MOT Certificate & Compliance Test Issued 29th October 2019. Exempt Annex G – Correspondence ref Failed Compliance Test October 2019. Exempt Annex H – Chronology of Previous Recorded Incidents. Exempt Annex I – Breach of Licensing Conditions. Exempt Annex J – Complaint Exempt Annex K – Complaint Exempt Annex L = Contemporaneous Notes of Interview. Exempt Annex M – Complaint Exempt Annex N – Breach of Licensing Conditions. Exempt Annex O – Complaint Exempt Annex P – Incident of Alleged Aggressive Behaviour. Exempt Annex Q – Policy on Driver, Vehicle & Operator Standards.</p>

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 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) 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.