



Licensing Committee (Informal)

Tuesday 14th June 2022

10.00 am

A virtual meeting using Zoom meeting software

The following members are requested to attend the meeting.

Chairman: David Recardo
Vice-chairman: Wes Read

Jason Baker
Dave Bulmer
Adam Dance
Karl Gill

Tony Lock
Kevin Messenger
Crispin Raikes
Paul Rowsell

Andy Soughton
Martin Wale
William Wallace
2 vacancies

Any members of the public wishing to address the meeting need to email democracy@southsomerset.gov.uk by 9.00am on Monday 13th June 2022.

The meeting will be viewable online by selecting the committee meeting at: https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA

For further information on the items to be discussed, please contact democracy@southsomerset.gov.uk

This Agenda was issued on Monday 6 June 2022.

Jane Portman, Chief Executive Officer

This information is also available on our website
www.southsomerset.gov.uk and via the mod.gov app

Members Questions on reports prior to the Meeting

Members of the Committee are requested to contact report authors on points of clarification prior to the Committee meeting.

Information for the Public

The Licensing Committee shall be responsible for those functions listed in part 3 of the Constitution as being the responsibility of the Committee. This will include licensing matters referred to it by officers, in accordance with the Officer Scheme of Delegation, such as contested public entertainment licences, and applications for taxi driver licences where the officer considers the application should be determined by members. The Committee shall also be responsible for all the functions assigned to it under the Licensing Act 2003.

The Statutory Licensing Committee has responsibility for all activities under the Licensing Act 2003 and the Gambling Act 2005 except for policies and fees. Established under the Licensing Act 2003, it exercises the functions of the Licensing Authority which itself is the Council.

The Other Licensing Committee can be responsible for all other licensing matters. Established by the Council under discretionary power contained in Section 101 of the Local Government Act 1972.

It is lawful for the membership of the two committees to be the same, but they are differently constituted and run under different powers.

Licensing Committee agendas and minutes are published on the Council's website at:
<http://modgov.southsomerset.gov.uk/ieDocHome.aspx?bcr=1>

The Council's Constitution is also on the web site.

In light of the coronavirus pandemic (COVID-19), Licensing Committee will meet virtually via video-conferencing to consider reports. As of 7 May 2021 some interim arrangements are in place for committee meetings.

At the meeting of Full Council on 15 April 2021 it was agreed to make the following changes to the Council's Constitution:

- a) To continue to enable members to hold remote, virtual meetings using available technology;
- b) To amend Part 3 (Responsibility for Functions) of the Council's Constitution to allow those remote meetings to function as consultative bodies and delegate decisions, including Executive and Quasi-Judicial decisions, that would have been taken by those meetings if the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 had continued in force to the Chief Executive (or the relevant Director in the Chief Executive's absence) in consultation with those meetings and those members to whom the decision would otherwise have been delegated under Part 3 of the Constitution;
- c) The delegated authority given under (b) will expire on 31 July 2021 unless continued by a future decision of this Council;

For full details and to view the report please see -

<https://modgov.southsomerset.gov.uk/ieListDocuments.aspx?CId=137&MId=2981&Ver=4>

Further to the above, at the meeting of Full Council on 8 July 2021, it was agreed to extend the arrangements for a further 6 months to 8 January 2022. For full details and to view the report please see -

<https://modgov.southsomerset.gov.uk/ieListDocuments.aspx?CId=137&MId=3033&Ver=4>

Further to the above, at the meeting of Full Council on 16 December 2021, it was agreed to extend the arrangements for a further 6 months to 8 July 2022 for all meetings apart from Full Council - Full Council will be in person. For full details and to view the report please see -

<https://modgov.southsomerset.gov.uk/ieListDocuments.aspx?CId=137&MId=2991&Ver=4>

Public participation at meetings (held via Zoom)

We recognise that these are challenging times but we still value the public's contribution to our virtual meetings. The public are able to participate and contribute to the meeting, you will need to be able to access the meeting through Zoom at: <https://zoom.us/join>

Each individual speaker shall be restricted to a total of three minutes. The period allowed for public participation usually shall not exceed 15 minutes

If you would like to address the virtual meeting during public participation, please email democracy@southsomerset.gov.uk by 9.00am on Monday 13th June 2022. When you have registered, an officer will provide the details to join the meeting. The Chairman will invite you to speak at the appropriate time during the virtual meeting.

If you would like to view the meeting without participating, please see:

https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA

Virtual meeting etiquette:

- Consider joining the meeting early to ensure your technology is working correctly.
- Please note that we will mute all public attendees to minimise background noise. If you have registered to speak during the virtual meeting, the Chairman will un-mute your microphone at the appropriate time.
- Each individual speaker shall be restricted to a total of five minutes.
- When speaking, keep your points clear and concise.
- Please speak clearly – the Councillors are interested in your comments.

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

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Licensing Committee (Informal)

Tuesday 14 June 2022

Agenda

Preliminary Items

1. Minutes

To approve as a correct record the minutes of the previous meeting held on Tuesday 11 January 2022. The draft minutes can be viewed at:

<https://modgov.southsomerset.gov.uk/ieListMeetings.aspx?CId=435&Year=0>

2. Apologies for Absence

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

4. Public Participation at Committees

a) Questions/comments from members of the public. This is a chance for members of the public and representatives of Parish/Town Councils to participate in the meeting by asking questions, making comments and raising matters of concern.

5. Date of Next Meeting

Councillors are asked to note that the next scheduled meeting of the Licensing Committee will be held on Tuesday 13th September 2022 at 10.00am.

6. Taxi Fare Review (Pages 6 - 19)

7. Appointment of Chairmen for Licensing Sub Committees (Page 20)

8. Exclusion of the Press and Public (Page 21)

**9. Permission to Apply for a Hackney Carriage Vehicle Licence (Confidential)
(Pages 22 - 25)**



Taxi Fare Review

Executive Portfolio Holder: Adam Dance, Area North and Licensing, Environmental Health, Equalities
Strategic Director: Kirsty Larkins, Director Service Delivery
Service Manager: Vicki Dawson, Lead Specialist Environment
Lead Officer: Rachel Lloyd, Specialist Licensing
Contact Details: Rachel.lloyd@southsomerset.gov.uk

Purpose of the Report

1. For members to consider changes to the hackney carriage fares.

Public Interest

2. The Council is responsible for setting the maximum fares that hackney carriages (taxis) can charge for journeys. Charges that hackney carriage drivers can make include distance as well as carrying luggage and other services which are listed on the fare card. The Council does not set the fares or charges that private hire operators can make for journeys.

Recommendations

3. That the Licensing Committee
 - a) Discuss the review of the fares and the comments received from the hackney carriage vehicle licence holders.
 - b) Agree that consultation can take place.

Background

4. The Local Government (Miscellaneous Provisions) Act 1976, Section 65 the Council provides the power to set fares charged by hackney carriage (taxi) drivers within its controlled district.
5. Several hackney carriage vehicle licence holders have contacted Licensing to request that the fares they can charge are reviewed.
6. Due to increasing fuel and vehicle operating costs, drivers have asked that we review the fares. The last review of fares took place in 2016.
7. The formula, previously agreed by the Licensing Committee in April 2016 was used to set the proposed fares.



8. The legislation requires the Council to publish a notice in local newspaper regarding proposed changes to the fares and to consider any objections.
9. The fares were last reviewed in 2016 and this resulted in an increase. It is now appropriate to review the fares given the recent significant rises to the cost of fuel. It is recognised that raising the cost of fares too greatly may adversely impact the ability of users to afford to use taxis.

Report Detail

Formula for Setting Fares

10. A formula for setting fares was agreed by the Licensing Committee in 2016.
11. The calculation in the 2016 report is as follows:
 1. Government's April published annual average earnings figure (published by Office for National Statistics (ONS)).
 2. Average of the AA pence per mile total for standing charges and running costs in respect of petrol cars £25,000 to £32,000 and for diesel cars £26,000 to £36,000 both based on an average of 30,000 miles per annum.
 3. Additional taxi insurance premium, over and above the AA insurance figure, currently approx £1,300.
 4. The cost of a Council taxi drivers badge and vehicle licence.
 5. Dead mileage figure, it is thought that given the nature of Hackney Carriage work in a large rural area like South Somerset, then this figure should be set at 40% of the total annual mileage, in this case 18,000. 40% is also the figure that is generally considered reasonable by HMRC.

$$\frac{1+2+3+4}{5}$$

12. The agreed formula used the AA cost of motoring figures as part of the calculation, however this data is no longer published, therefore the motoring expenditure published by the ONS was applied to the AA cost of motoring figures which were used when setting the 2016 fares.
13. The formula and updated costs were used to calculate the cost per mile. The new cost per mile is £2.66 (cost £2.31 per mile in 2016). This represents an increase of approximately 14% from the last time the fares were reviewed.
14. The proposed fares can be seen in Appendix 2.

Comparison with Neighbouring Authorities

15. Private Hire and Taxi Monthly magazine publish a table showing the fares set by each local authority. The fares show the cost of a two mile journey (on tariff one). There are 355 local authority fares included in the table.

16. The chart below shows the position on the table, cost, and when the fares were set.

Council	Position on table	Cost	Year Fares Set
Mendip	56	£6.80	2019
Sedgemoor	59	£6.80	2019
Somerset West and Taunton	60	£6.80	2022
South Somerset	101	£6.50	2016

17. If the proposed fares are agreed, a two mile journey would cost £7.60.

Comments from Hackney Carriage Vehicle Licence Holders

18. The proposed fares were sent to hackney carriage vehicle licence holders to let them know that a review is taking place and to seek their views on the proposals.

19. This does not replace the full consultation which will take place if the Committee approves consultation for the proposals.

20. The proposed fares were sent to 44 vehicle licence holders.

21. Three comments were received in relation to the proposed fares.

22. A representative from one company requested that the rate for the first six tenths of a mile be increased from the £4.60 to £5.00

23. One respondent said that they were happy that the fares were being reviewed.

24. Another respondent commented on the additional charges for passengers in excess of four and luggage. They gave an example of a journey which would normally cost £15. If they carried the maximum number of people their vehicle allows (8 passengers) and they had 15 pieces of luggage between them, the extras would be £21.85 on top of the £15 fare.

25. They have suggested that rate 2 is used for 6 to 8 seater vehicles, reducing the charge for extras to £0.70 for items/pets etc. and removal of extra charges for additional passengers.

Financial Implications

26. The financial costs arising from the implementation of the new hackney carriage fares can be funded from the 2022/23 approved licensing budget. The costs incurred in implementing this change relate to advertising, communication and the administrative costs.

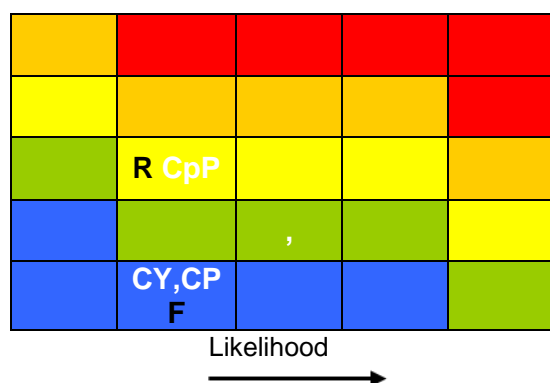
Legal implications (if any) and details of Statutory Powers

27. There is no legislative requirement to set or review hackney carriage fares, however, fares set by the Council it is effectively a salary cap so it is best practice to review the fares periodically. The ability to set fares is contained in section 65 of Local Government (Miscellaneous Provisions) Act 1976 and the process is outlined in the report. The Equality Impact Assessment identified the need to carry out a greater level of consultation than the legislation requires to ensure that people who are likely to impacted by changes to fares are aware and have the opportunity to comment. It is proposed that there is a 28 day consultation period and Citizen Space is used to gather views.

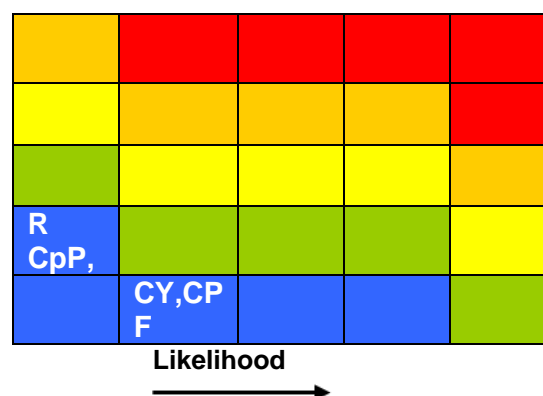
Risk Matrix

28. The risk matrix shows risk relating to the Council Plan headings.

Risk Profile before officer recommendations



Risk Profile after officer recommendations



Key

Categories	Colours (for further detail please refer to Risk management strategy)
R - Reputation	High impact and high probability
CpP - Corporate Plan Priorities	Major impact and major probability
CP - Community Priorities	Moderate impact and moderate probability
CY - Capacity	Minor impact and minor probability
F - Financial	Insignificant impact and insignificant probability

Council Plan Implications

29. This revised policy supports the Council Plan themes, in particular The Protecting Core Services and Economy.

- Deliver a high quality, effective and timely service to our customers
- Supporting growth within the South Somerset economy.



30. The environmental assessment toolkit has been used to consider carbon and climate implications of this report. Overall there are no negative carbon or climate change implications in reviewing the fares.

31. There are no effects on the greenhouse gas emissions from the Councils own estate and operations.

Equality and Diversity Implications

32. A full equality impact assessment was carried out because even though the fares would apply to all journeys, the changes may have a negative impact on persons with protected characteristics because research carried out by Department for Transport that persons aged 17 to 29 made journeys in taxis and private hire vehicles than other age groups and people with mobility difficulties made more journeys in taxis and private hire vehicles than people who do not have mobility difficulties.

Privacy Impact Assessment

33. The fares which are the subject of this report do not involve the processing or handing of personal data. The consultation process is likely to result in personal data being processed. The responses would be handled by SSSDC and any responses would have any personal details removed before being published.

Background Papers

34. SSSDC Taxi Fare Formula Setting 12 April 2016

Source dataset: Consumer price inflation time series (MM23)

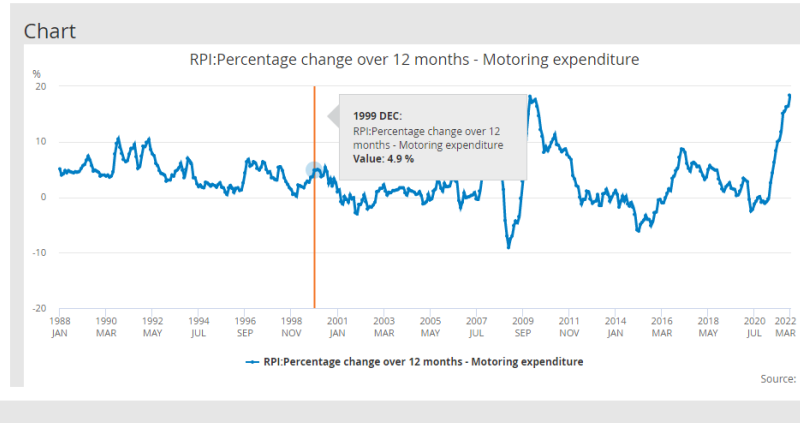
Contact: Philip Gooding	Release date: 13 April 2022 View previous versions	Next release: 18 May 2022	Series ID: CZDY What's this? Units: %
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Filters

Show data as
Chart Table

Frequency
Month Quarter Year

Time period
All Last 10 years Last 5 years Custom



Current 18.4%

ONS average salary £31,000

18.4% of £12,480 = £2,296.32

Cost of car expenditure = £14,776.32

Cost of insurance = £1,500

Cost of driver licence = £266 (plus £13 for DBS update service and £20 per year medical costs) £58 for additional test

Cost of vehicle licence = £318

£31,000 + £14,780 + £1,500 + £587 / 18,000 = £ 2.66 per mile

14% difference

Maximum Permitted Fares (INCLUSIVE OF VAT) effective from: TBC

Tariff One – Applies 06.00hrs to 23.00hrs Monday to Saturday		Tariff Two – Applies 23.00hrs to 06.00hrs Monday to Saturday and all day Sundays		Tariff Three – Applies to All English Bank Holidays and from 18.00hrs until midnight Christmas Eve & from 18.00hrs New Year’s Eve until midnight.	
If the distance does not exceed one mile: For the whole distance	£4.60	If the distance does not exceed one mile: For the whole distance	£6.90	If the distance does not exceed one mile: For the whole distance	£9.20
If the distance exceeds 1 mile: For the first mile	£4.60	If the distance exceeds 1 mile: For the first mile	£6.90	If the distance exceeds 1 mile: For the first mile	£9.20
For each 1/10 of a mile or uncompleted part thereof after the first mile	30p	For each 1/10 of a mile or uncompleted part thereof after the first mile	50p	For each 1/10 of a mile or uncompleted part thereof after the first mile	60p

FOR WAITING, THE CARRIAGE BEING STATIONARY

For each period of 2 minutes or part thereof	£1.15
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EXTRA CHARGES

Soiling of vehicle	Up to £100
Passengers in excess of four (for each additional passenger)	£1.15
Use of boot for luggage, shopping, prams and bikes	£1.15 per item
Pets, birds and animals per cage/animal	£1.15 per item

Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer

Organisation prepared for	South Somerset District Council		
Version	1.0	Date Completed	23/05/2022
Description of what is being impact assessed			
Proposal to increase taxi fares			
Evidence			
What data/information have you used to assess how this policy/service might impact on protected groups? Sources such as the South Somerset District Equalities Profile , SSDC Workforce Profile , Office of National Statistics , Somerset Intelligence Partnership , Somerset’s Joint Strategic Needs Analysis (JSNA) , Staff and/ or area profiles , should be detailed here			
South Somerset District Equalities profile Taxi and Private Hire Vehicle Statistics England 2021			
Who have you consulted with to assess possible impact on protected groups? If you have not consulted other people, please explain why?			
Consultation with the public hasn’t been carried out at this stage as public consultation will take place as part of the statutory process to review the fares.			

Analysis of impact on protected groups				
<p>The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.</p>				
Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	<ul style="list-style-type: none"> • People who are at the age of retirement are more likely to be on fixed incomes such as pensions so would be likely to be affected by any changes to taxi fares if they rely on taxis for transport. Data in the Somerset Equalities profile shows that people aged 65 and over less likely to have a car in their household. • Data published by the Department for Transport (Taxi and Private Hire vehicle Statistics 2021) shows that in 2019 people aged 17 to 29 made the most taxi trips compared with other age groups (17-20 15 trips 21-29 17 trips). Younger people may be affected by the change in fares due to the lower minimum wage for people ages under 23. 	☒	☐	☐
Disability	<ul style="list-style-type: none"> • Taxis (and private hire vehicles) are one of the most popular modes of transport for disabled people after the private motor car. • Disabled people use taxis more than non-disabled people despite more of them living in relative poverty. 	☒	☐	☐

	<ul style="list-style-type: none"> Taxis (and private hire vehicles) provide a door-to-door service, with scope for individual assistance with the particular needs of a disabled passenger (source: Disabled Persons Transport Advisory Committee (DPTAC) position on taxis and PHVs. Based on the information from the above source, it is likely that disabled persons will be affected by the change to fares. Data published in Taxi and Private Hire Statistics 2021 shows that in 2019 persons with mobility difficulties made 21 trips in taxis and private hire vehicles compared to 11 trips for people with no mobility difficulties. 			
Gender reassignment	There is no evidence to suggest that the action plan would have a potential impact on this characteristic.	□	⊗	□
Marriage and civil partnership	There is no evidence to suggest that the action plan would have a potential impact on this characteristic.	□	⊗	□
Pregnancy and maternity	There is no evidence to suggest that the action plan would have a potential impact on this characteristic.	□	⊗	□
Race and ethnicity	There is no evidence to suggest that the action plan would have a potential impact on this characteristic.	□	⊗	□

Religion or belief	There is no evidence to suggest that the action plan would have a potential impact on this characteristic.	□	⊗	□
Sex	<ul style="list-style-type: none"> • Data published by the Department for Transport (Taxi and Private Hire vehicle Statistics 2021) shows that women made more taxi and private hire vehicle trips than men (12 trips per person per year compared with 10 trips per person per year). • Taxi and Private Hire Vehicle Statistics 2021 shows that women aged 70 plus made 13 trips per person per year compared to men aged 70 plus who made 8 trips per person per year. 	□	⊗	□
Sexual orientation	There is no evidence to suggest that the action plan would have a potential impact on this characteristic.	□	⊗	□
Other, e.g. carers, veterans, homeless, low income, rurality/isolation, etc.	<ul style="list-style-type: none"> • Due to the rural nature of the district and the availability of other public transport, residents may rely on taxis to get them to and from places before or after bus services operate or where other public transport services do not operate. • There will also be an impact on those people and families on low and fixed incomes. Taxi and Private Hire Vehicle Statistics 2021 showed that people in the lowest household income quintile made the most taxi and private hire trips (15, travelling 69 miles per person per year). 	⊗	□	□

Negative outcomes action plan				
Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.				
Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
<p>Carrying out a more comprehensive consultation than the legislation requires us to do. The legislation says that we have to publish a table of proposed fares in a local newspaper and make the proposed fares available in council offices . Citizen space would be used to gather views as well as the use of social media to make residents aware of the consultation.</p> <p>Should objections be received, these referred to the Licensing Committee for consideration.</p>	Select date	Rachel Lloyd	This would be carried out at the time the Licensing Committee approves consultation can take place. Any comments would be shared with and discussed by the Licensing Committee	<input type="checkbox"/>
<p>Consulting with the Somerset Disability Engagement Service</p> <p>Should objections be received, these referred to the Licensing Committee for consideration.</p>	Select date	Rachel Lloyd	This would be carried out at the time the Licensing Committee approves	<input type="checkbox"/>

			consultation can take place.	
Consulting with relevant organisations to do with age such as Age UK Somerset and Yeovil College because the changes to fares are likely to impact younger and older people more because of their taxi use (as shown in research. Should objections be received, these referred to the Licensing Committee for consideration.		Rachel Lloyd	This would be carried out at the time the Licensing Committee approves consultation can take place.	
Although the proposed increases are not insignificant (increase of 60p for the first mile and 50p for each mile thereafter, they represent the increased running costs incurred by taxi operators. The proposed fares were set using a formula approved by the Council. There hasn't been a rise to fares since 2016 . The fare on the meter is the maximum a driver can charge and they can charge a lower fare for the journey.	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
If negative impacts remain, please provide an explanation below.				

Completed by:	Rachel Lloyd
Date	30/05/22
Signed off by:	Michelle James
Date	30/05/2022
Equality Lead/Manager sign off date:	Dave Crisfield 30th May 2022
To be reviewed by: (officer name)	Rachel Lloyd
Review date:	13/09/22

Appointment of Chairmen for Licensing Sub Committees for 2022/23

Strategic Director: Nicola Hix, Director – Support Services and Strategy
Lead Specialist: Angela Cox, Specialist Democratic Services
Lead Officer: Jo Morris, Case Officer – Support Services and Strategy
Contact Details: jo.morris@southsomerset.gov.uk or 01935 462055

Purpose of the Report

As the Council has entered a new municipal year, the Committee is asked to review the appointment of Chairmen for Licensing Sub Committees.

Please could members make every effort to make themselves available for Licensing Sub Committee hearings.

Recommendation

That Licensing Committee recommend that the Chief Executive appoint up to five members in addition to the Chairman and Vice-Chairman of the Licensing Committee as Licensing Sub Committee Chairmen.

Background

The Licensing Sub-Committee is made up of three members from the Licensing Committee. The Licensing Committee has been established under the Licensing Act 2003, with the power to hear and determine all applications referred to it under the SSDC Statement of Licensing Policy. The Sub-Committee also considers taxi driver applications, which need to be referred to members due to the nature of the application.

The following members were appointed as Licensing Sub Committee Chairmen in July 2021: Councillors Jason Baker, Tony Lock, Crispin Raikes, Wes Read, David Recardo, Linda Vjeh (no longer a Councillor) and Martin Wale.

Financial Implications

All Chairmen of the Licensing Sub Committee receive an allowance of £369 per annum. There is sufficient capacity within the Members Special Responsibility budget to appoint up to five Licensing Sub Committee Chairmen in addition to the Chairman and Vice-Chairman of the Licensing Committee.

Background Papers

None



Exclusion of the Press and Public

The Committee is asked to agree that the following item (Agenda Item 9) be considered in Closed Session by virtue of the Local Government Act 1972, Schedule 12A under paragraph 1: "Information relating to any individual for, or recipient or form recipient of any service provided by the authority." It is considered that the public interest in maintaining the exemption from the Access to Information Rules outweighs the public interest in disclosing the information.

Agenda Item 9

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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