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County Hall
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Usk
NP15 1GA

Monday, 10 October 2016

Notice of Reports Received following Publication of Agenda.

Licensing and Regulatory Committee

Tuesday, 18th October, 2016 at 10.00 am,
County Hall, The Rhadyr, Usk, NP15 1GA

Attached are reports that the committee will consider as part of the original agenda but were submitted to democratic services following publication of the agenda.

Item No	Item	Pages
1.	Apologies for absence	
2.	Declarations of interest	
3.	To confirm and sign the minutes of the previous meeting Licensing and Regulatory Committee Meeting 13 th September 2016 Licensing and Regulatory Sub Committee Meeting 4 th October 2016	1 - 10
4.	To exclude the press and public from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information	11 - 12
5.	To consider whether the driver is "Fit and Proper" to continue to hold a Hackney Carriage/Private Hire Drivers Licence	13 - 18
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7.	FOR INFORMATION ONLY - To consider whether the driver is "Fit and Proper" to continue to hold a Hackney Carriage/Private Hire Drivers Licence	21 - 44

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10.	To note the date and time of the next meeting	

**Paul Matthews
Chief Executive**

Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Committee held
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 13th September, 2016 at 10.00
am

PRESENT: County Councillor L. Guppy (Chairman)
County Councillor B. Strong (Vice Chairman)

County Councillors: R. Chapman, R. Edwards, J. Higginson,
A. Webb and M. Hickman

OFFICERS IN ATTENDANCE:

Linda O'Gorman	Principal Licensing Officer
Ioan Gealy	Solicitor
Paula Harris	Democratic Services Officer
David Jones	Head of Regulatory Services
Sam Winn	Senior Licensing Officer

1. Apologies for absence

We received apologies from County Councillors D. Evans, J. Prosser and F. Taylor.

2. Declarations of interest

County Councillor R. Chapman declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of item 7 as the taxi driver was known to him. He left the meeting during the discussion of this item.

3. To confirm and sign the minutes of the previous meeting

The following minutes of the Committee were confirmed and signed by the Chairman.

L&R Committee

14th June 2016

8th July 2016

19th July 2016

L&R Subcommittee

14th June 2016

4. Public Protection performance report 2015/16

We received a report from the Head of Regulatory Services to inform Members of service delivery and performance across the Public Protection division, which comprises Environmental Health, Trading Standards and Licensing.

Strong Communities Select Committee received a performance report covering Public Protection Services on 21st July 2016. This was in response to a Cabinet report in January 2015 recommending this Committee monitors any changes in our performance, further to budget reductions implemented for 2014/15.

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On 7th January 2015 Cabinet requested regular six monthly reports to Strong Communities Committee to monitor performance over time. In this way, any negative impacts could be assessed and acted upon if necessary. To widen Member involvement and understanding of the range of Public Protection services delivered, it also assists to report on performance via Licensing & Regulatory Committee.

The report summarised the recent performance and highlights the following:-

- The four service teams, for the vast majority of services they deliver, meet the Authority's legal obligations in relation to Public Protection services.
- There has been some decline in closing complaints within Public Health, for example concerning noise and other statutory cases. It should be noted that this small team (5.5 FTE's) dealt with 1,559 new service requests (1,667 clients) in 2015/16.
- Six monthly reports will continue to be made to this Committee to assess the impact of budget reductions on Public Protection performance.
- Recent audits, by Wales Audit Office and Food Standards Agency Wales, indicate current performance is satisfactory within Environmental Health, but the service would struggle to take on any new statutory duties that protect the public and the environment.

In response to a question regarding staffing challenges within the department as the department takes on more statutory duties, we were advised that we will lobby Welsh Government for funding to meet any new burdens and that ensure that resources match expectations.

A Member asked about a specific issue of noise at a local public house in a residential area created by early morning deliveries. Officers advised that although a fixed noise source (i.e. Karaoke) was easier to monitor there are steps that can be taken to address the issue and will speak to the Member for further details.

A Member asked what was being done to address the areas of the County suffering from air pollution. We were told that there is an action plan in place and that Huw Owen from Environmental Health chairs a group who are working on this issue.

We would told that Amy Lawton will be providing Members training on the new legislation regarding landlord responsibilities.

It was asked where the money from food hygiene fines went and the officer from legal explained that the money from the fines go to Central Government and the court costs come to the Local Authority.

The Chair thanked The Head of Public Health & Culture for the report and asked that thanks were passed back to the team for their hard work and commitment.

5. Amendment to Taxi and Private Hire Policy and Conditions 2016

We received a report from The Principal Licensing Officer to consider the proposed amendment to the Taxi and Private Hire Policy and Conditions 2016.

The Authority approved the Taxi and Private Hire Policy and Conditions 2016 that came into force on 1st April 2016.

Appendix D item 6 of this Policy requested that vehicles in category N1 or N2 (goods vehicles) that have been converted will not be licensed unless an Individual Vehicle Approval to M1 or M2

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has been issued by VOSA. It has now become apparent that the Driver and Vehicle Standards Agency (previously VOSA) will not change a category of vehicle from N category (goods vehicles) to M category (passenger vehicles) vehicles following a vehicle approval check. However, they have stipulated that N category vehicles will be suitable to carry passengers providing this type of vehicle has either a British Single Vehicle Approval or a British Individual Vehicle Approval certificate. As such it is recommended the wording of Appendix D item 6 be amended to accommodate this.

3.3 Appendix D item 21 requested a fully serviced fire extinguisher (preferably with a gauge), shall be fitted in such a position to be readily available for use. The registration number of the vehicle shall be marked upon the extinguisher at all times. The extinguisher must be serviced in accordance with manufacturer's instructions and always replaced after use or in accordance with any date specified by the manufacturer. Only use the fire extinguisher for minor fires. In all other circumstances, stop the vehicle and escape, retiring to safe distance without straying onto the carriageway.

Concerns have been raised with regard to the safety of the driver and their passengers if they tried to tackle a fire with an extinguisher. It is therefore recommended that instead the driver ensure safe exit from a vehicle. If a vehicle is installed with a fire extinguisher the driver or a passenger may be tempted to remain with the vehicle and try and use the extinguisher, putting themselves at risk if the vehicle ignites quickly. As such it is recommended the wording of Appendix D item 21 be amended to accommodate this.

Consultation is not required on the amendments of the Taxi and Private Hire Policy and Conditions 2016 recommended in 3.2 and 3.3 above. 3.2 is a requirement of the DVSA and 3.3. is the removal of a condition to ensure the safety of the driver and passengers of a vehicle.

Members were told that fire extinguishers would not be subject to annual tests as the emphasis is now on the driver & passengers to remove themselves from the vehicle and not attempt to fight a fire.

It was explained that larger vehicles, such as minibuses would be subject to extra conditions.

The Committee voted unanimously to accept the two conditions as below;

1. Members approve the amendment of Appendix D item 6 of the Taxi and Private Hire Policy and Conditions 2016 to state the following:-

Before being licensed a vehicle must meet the technical standard of either;

- (i) A European Whole Vehicle Type approval
- (ii) A British National Type Approval or
- (iii) A British Single Vehicle Approval pre 31st December 2009
- (iv) A British Individual Vehicle Approval from 1st January 2010

Only vehicles in category M1 or M2 (passenger carrying vehicles), will be licensed by MCC. Vehicles in category N1 or N2 (goods vehicles) that have been converted will not be licensed unless the vehicle has been issued with either a British Single Vehicle Approval or a British Individual Vehicle Approval from the Driver and Vehicle Standards Agency to ensure the vehicle is suitable to carry passengers. More information on vehicle categories can be found at www.dft.gov.uk.

2. Members approve the amendment of Appendix D item 21 of the Taxi and Private

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Hire Policy and Conditions 2016, namely: In the instances of fire in a vehicle, in all circumstances, stop the vehicle and escape, retiring to safe distance without straying onto the carriageway.

6. Application for an Annual Block Street Trading Consent for Abergavenny Town Centre

We received an application from the Estates Manager and the Abergavenny Market Manager to consider an application for a Block Street Trading Consent to trade in Abergavenny Town Centre.

An application was received on 30th August 2016 from Ms Sharon Hutchinson, on behalf of Facilities and Market, Monmouthshire County Council for Abergavenny Town Centre, which is attached to this report as Appendix A. The application request is to trade on Monday to Sunday between the hours of 07.00hrs until 23.00hrs. The location and number of pitches requested in the application form for Abergavenny Town Centre are as follows:-

- Plan 1 : Abergavenny Castle (50 pitches)
- Plan 2 : Linda Vista Gardens (50 pitches), St Johns Square (26 pitches), Flannel Street (7 pitches), Nevill Street (23 pitches), High Street (32 pitches), Cross Street (70 pitches), Brewery Yard (50 pitches), Baker Street (10 pitches)
- Plan 3 : Pen-y-Pound (50 pitches), Bailey Park (50 pitches)

The total pitches requested for Abergavenny Town Centre is 418 pitches.

The applicant has stated the pitches will be subject to the following:

- Trading will not be permitted in any area that contravenes Traffic Regulation Orders / Highway Law.
- Facilities and Markets to notify the Licensing Section when events other than regular markets are taking place.
- Trading is subject to road closure where applicable.
- Trading on certain areas is subject to approval from relevant departments.

The applicant has further stated that if the consent is granted she will ensure pitch holders will comply with the Council's conditions for the consent. The applicant has stated within Section 6 of the application form that each person requesting a pitch will be required to complete an "Application for a Day Market Pitch", which will be issued by Facilities and Market, Monmouthshire County Council.

The application was forwarded to the consultees (Appendix A), these being Heddlu Gwent Police, Monmouthshire County Council's Highways, Planning, Environmental Health, Car Park Manager and Community Hub. Local Ward Members and Abergavenny Town Council.

It was noted that the Town Council have not responded to the Licensing department regarding this application.

A question was asked about car parking and the impact on residential parking, in answer we were told that car parking plays a large part of the consultation process and in all cases MCC will try to avoid taking away parking permits.

Members unanimously agreed to the recommendations as outlined in appendix A.

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**Minutes of the meeting of Licensing and Regulatory Committee held
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 13th September, 2016 at 10.00
am**

- 7. To exclude the press and public from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information**
- 8. To consider whether the driver is "Fit and Proper" to continue to hold a Hackney Carriage/Private Hire Drivers Licence**

Members of the Committee unanimously endorsed the actions of the Chair and Vice Chair.

- 9. To note the date and time of the next meeting**

October 18th 2016 at 10am

The meeting ended at 11.20 am

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MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Licensing and Regulatory Sub Committee held
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th October, 2016 at 9.30 am**

PRESENT: County Councillors: D. Evans, J. Higginson and L. Guppy

OFFICERS IN ATTENDANCE:

Linda O'Gorman	Principal Licensing Officer
Chris Rann	Senior Licensing Officer
Ioan Gealy	Solicitor
Paula Harris	Democratic Services Officer

1. Apologies

No apologies.

2. Declaration of Interests

None received.

3. Application for a Premises Licence for The Mad Platters, 7-9 Bridge Street, Usk, NP15 1BQ

We received an application to consider an application for a Premises Licence under the Licensing Act 2003 for the Mad Platters, 7-9 Bridge Street, Usk NP15 1BQ.

The Chairman welcomed all to the meeting and introduced Members of the Sub Committee, Officers and representatives present.

The Principal Licensing Officer presented the key issues, which summarised:

A new application for a premises licence under the Licensing Act 2003 was received by Miss Victoria Lewis for the Mad Platters, 7-9 Bridge Street, Usk NP15 1BQ for the following:-

- Supply of Alcohol (on sales) Monday to Sunday 10.00hrs – 01.00hrs
- Recorded Music (Indoors) Monday to Sunday 10.00hrs – 01.00hrs
- Live Music (Indoors) Monday to Sunday 10.00hrs – 01.00hrs
- Late Night Refreshment Monday to Sunday 23.00hrs – 01.00hrs
- Hours Open to the Public Monday to Sunday 10.00hrs – 01.15hrs

It must be noted that The Legislative Reform (Entertainment Licensing) Order 2014 permits live and recorded music for 500 persons between the 08.00hrs.

Gwent Police would not object to this application if the following amendments are made to the application:-

- CCTV cameras shall be in place which record all licenced areas of the premises and shall be operational at all times the premises are trading. All recordings shall be retained for a minimum of 28 days and made available to an authorised person upon request. Signage shall be displayed prominently within the premises to indicate CCTV is in operation.

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- No alcoholic drinks shall be allowed to be consumed outside the premises.
- Challenge 21. All staff shall check ID of all persons who appear to be less than 21 years. Publicity materials notifying customers of the operation of Challenge 21 shall be displayed at the premises.
- Regulated Activities to cease at midnight on Sunday to Thursday. If live music is being played doors and windows to the front of the premises will be kept closed to minimise sound escape from the building.

The applicant agreed to the Police recommendation following a meeting between the applicant, Police Licensing Officer - P.C. Andrew Lewis and Senior Licensing Officer - Mr Christopher Rann.

Similarly, a person who made an objection to the initial application referred to above would not object to this application providing regulated entertainment would cease at midnight on Sunday to Thursday and that the following amendment to the condition be made:-

- If regulated recorded music is being played doors and windows to the front of the premises will be kept closed to minimise sound escape from the building.

The applicant agreed within a telephone conversation with the Licensing Section to this recommendation.

As such, as a result of the applicant agreeing to the changes. The application to be considered is as follows:-

Supply of Alcohol (On Sales) Sunday to Thursday Friday to Saturday	Start 10.00hrs 10.00hrs	Finish 24.00hrs 01.00hrs
Recorded Music (Indoors) Sunday to Thursday Friday to Saturday	10.00hrs 10.00hrs	24.00hrs 01.00hrs
Live Music (indoors) Sunday to Thursday Friday to Saturday	10:00hrs 10.00hrs	23:00hrs 24.00hrs
Late Night Refreshment Sunday to Thursday Friday to Saturday	23:00hrs 23.00hrs	24:00hrs 01.00hrs
Hours open to the Public Sunday to Thursday	10.00hrs	00.15hrs

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Minutes of the meeting of Licensing and Regulatory Sub Committee held at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 4th October, 2016 at 9.30 am

Friday to Saturday	10.00hrs	01.15hrs
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The Chair invited the objector Mrs Hughes to speak who raised the following points;

- As a resident of Trelawney House to the rear of The Mad Platters concerns were raised over the nuisance caused by customers leaving the premises late at night. This had already been addressed with the hours of live music being reduced after a discussion with the applicant.
- Other than that the objector wished the applicant luck with the venture and looked forward to visiting the premises when open.

The Chair invited the applicant's representative County Councillor Sara Jones (at the meeting as a supporter of the applicant, not in her role as a County Councillor) to address the Sub Committee and the following points were noted;

- The venue will be a much needed asset to help revitalize the high street of Usk and a welcome new business.
- The music played on the premises will be recorded conversational level or local acoustic acts, nothing of great volume.
- The applicant has been flexible on all areas of concern raised by residents and Gwent Police.

The Chair invited the applicant's second representative Clive Hughes to address the Sub Committee and the following points were noted;

- Mr Hughes previously had been a licensee in Usk for 15 years and now lived away from the town for approx. 10 years. Coming back to the town he has witnessed the trade decrease and felt the new business would add to the local economy.
- He confirmed that there would be signage telling people not to take bottle/glass outside the premises with wording TBC.
- CCTV will be installed as per the recommendation by Gwent Police.

The Members were invited to ask questions based on the evidence provided. During discussion we noted:

- Customers will have access to a smoking shelter at the rear of the building and customers will not be allowed to take drinks outside.
- Although there will not be staff manning the door, no one will be allowed on the premises after closing time and staff have a duty of care not to serve anyone who appears intoxicated.
- The approximate capacity of the venue is 60, this is to be confirmed after a risk assessment with the Fire Service.

The Chair asked the applicant Victoria Lewis to sum up, in doing so it was noted;

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- The venue will support local suppliers, producers and musicians.
- The intention is for the venue to be a relaxed, seated environment with platters of food and a mixologist making cocktails.
- Food will be served until 10.30pm to suit busy lifestyles and offer an alternative to standard takeaways.

Following questioning members of the subcommittee and the legal officer left the meeting to take the opportunity to deliberate and discuss the findings.

Upon re-commencement, The Chair advised that the Committee had considered the application under the Licensing Act 2003 and resolved to grant a license. In advising the applicant of reasons, the Solicitor highlighted:

The sub-committee have considered your application for a premises license for The Mad Platters. We have heard representations from the applicant and residents with concerns.

We have also taken into account any other written representations and objections received.

In reaching the decision we have had regard to:

- The Licensing Act 2003
- The licensing objective
- The Council's statement of licensing policy
- The guidance issued by the Home Office

In taking into account all of the above matters, any other relevant legislation, for example the Human Rights Act 1998 and all the relevant circumstances of the application, the following points were raised and it was felt that:-

This application is a good application; we can't see any concerns in terms of public nuisance and there will be no increase. Taking into consideration the query of the opening hours which we note have been modified already and that CCTV is installed to the satisfaction of the Police we the Committee grant the license as applied.

The applicant and objector may appeal to the Magistrates Court against this decision within 21 days of being notified of the decision.

The applicant and objector will receive written confirmation of this decision within 5 working days.

The meeting ended at 10.45 am

SCHEDULE 12A LOCAL GOVERNMENT ACT 1972 EXEMPTION FROM DISCLOSURE OF DOCUMENTS

REPORT: To consider the suitability of a Hackney Carriage/ Private Hire drivers licence holder

AUTHOR: Christopher Rann

MEETING AND DATE OF MEETING: Tuesday 18th October 2016
Licensing and Regulatory Committee

I have considered grounds for exemption of information contained in the report referred to above and make the following recommendation to the Proper Officer:

Exemptions applying to the report:

Information relating to a particular individual as described in Paragraph 12 of part 4 of Schedule 12A to the Local Government Act 1972

Factors in favour of disclosure:

Openness and transparency in matters concerned with the public
Not applicable at this time (see below)

Prejudice which would result if the information were disclosed:

Applicable The applicant will be attending the Committee meeting on the Tuesday 18th October 2016 and any information disclosed prior to this date may jeopardise the applicant's right to a fair hearing

My view on the public interest test is as follows:

Factors in favour of **not disclosing** outweigh those against.

Recommended decision on exemption from disclosure:

Maintain exemption from publication in relation to report.

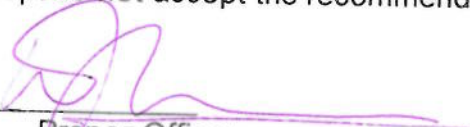
Date: 5th October 2016

Signed:



Post: Senior Licensing Officer

I accept/do not accept the recommendation made above.


Proper Officer

Date: 9/10/2016

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SCHEDULE 12A LOCAL GOVERNMENT ACT 1972 EXEMPTION FROM DISCLOSURE OF DOCUMENTS

REPORT: To consider the suitability of a Hackney Carriage/ Private Hire drivers licence holder

AUTHOR: Samantha Winn

MEETING AND DATE OF MEETING: Tuesday 18th October 2016
Licensing and Regulatory Committee

I have considered grounds for exemption of information contained in the report referred to above and make the following recommendation to the Proper Officer:-

Exemptions applying to the report:

Information relating to a particular individual as described in Paragraph 12 of part 4 of Schedule 12A to the Local Government Act 1972

Factors in favour of disclosure:

Openness and transparency in matters concerned with the public

Not applicable at this time (see below)

Prejudice which would result if the information were disclosed:

Applicable The applicant will be attending the Committee meeting on the Tuesday 18th October 2016 and any information disclosed prior to this date may jeopardise the applicant's right to a fair hearing

My view on the public interest test is as follows:

Factors in favour of not disclosing outweigh those against.

Recommended decision on exemption from disclosure:

Maintain exemption from publication in relation to report.

Date: 5th October 2016

Signed: 

Post: Senior Licensing Officer

I accept/do not accept the recommendation made above.


Proper Officer

Date: 10/10/16

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HAND DELIVERED TO:

**83 ROTHER AVENUE
ABERGAVENNY**

F.A.O. GRAHAM BEVAN

PRIVATE AND CONFIDENTIAL

The Licensing Section is dealing with this matter

Tel.No./Ffôn: 01633 644214

Fax No: 01633 644878

Minicom: Tel.No.

E-Mail:

Our Ref: *Ein Cyf*: D147

Your Ref: *Eich Cyf*:

Date: 11th October 2016

Dear Mr Bevan,

**RE: REVOCATION OF HACKNEY CARRIAGE / PRIVATE HIRE DRIVER LICENCE
– BADGE NUMBER D147**

This Authority has received information from the Police that you were arrested on the 20th August 2016 for the following:

you drove a motor vehicle, namely a white Ford Transit index number YH05ZLX, on a road, namely Hereford Road, Abergavenny, Monmouthshire, when the proportion of a controlled drug, namely Benzoylecgonine (BZE), in your blood, namely 61µg/L, exceeded the specified limit 50 µg/L. -- LEGISLATION: 'Contrary to section 5A(1)(a) and (2) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.'

You have been charged to appear at Cwmbran Magistrates Court on the 20th October 2016.

Due to this information your licence has been revoked under Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976. This decision was made in consultation with the Chair and Vice Chair of the Licensing and Regulatory Committee, as per our Hackney Carriage/Private Hire Policy and Conditions 2016.

Should you wish to reapply in the future please note the following:

6.30 of Monmouthshire County Council's Policy and Conditions 2016 in relation to criminal damage is as follows:-

A serious view will be taken of a conviction(s) or other matter(s) to be considered for driving or being in charge of a vehicle while under the influence of alcohol / drugs. A single conviction or other matter to be considered may not result in an application being refused or an existing licence being suspended or revoked, provided that **at least 3 years** have elapsed since the ending of the disqualification. A conviction or other matter to be considered for 'refusing or failing to provide a specimen' will be treated in the same way.

If you wish to apply after the three years you will be required to undergo hair and blood drug sampling at a company agreed by the Licensing Section before you submit an application.

You must cease from carrying out any activities previously permitted under this licence.

Section 61(3) of the 1976 Act allows any person aggrieved by the decision of the Council to appeal to the Magistrates Court, P.O Box 83, Cwmbran, NP44 1ZW within **21 days** from the date of receipt of this letter.

Yours sincerely

Mr David H Jones
Head of Public Protection

SCHEDULE 12A LOCAL GOVERNMENT ACT 1972 EXEMPTION FROM DISCLOSURE OF DOCUMENTS

REPORT: To consider the suitability of a Private Hire Operator licence

AUTHOR: Samantha Winn

MEETING AND DATE OF MEETING: Tuesday 18th October 2016
Licensing and Regulatory Committee

I have considered grounds for exemption of information contained in the report referred to above and make the following recommendation to the Proper Officer:-

Exemptions applying to the report:

Information relating to a particular individual as described in Paragraph 12 of part 4 of Schedule 12A to the Local Government Act 1972

Factors in favour of disclosure:

Openness and transparency in matters concerned with the public
Not applicable at this time (see below)

Prejudice which would result if the information were disclosed:

Applicable The applicant will be attending the Committee meeting on the Tuesday 18th October 2016 and any information disclosed prior to this date may jeopardise the applicant's right to a fair hearing

My view on the public interest test is as follows:

Factors in favour of not disclosing outweigh those against.

Recommended decision on exemption from disclosure:

Maintain exemption from publication in relation to report.

Date: 5th October 2016

Signed: 

Post: Senior Licensing Officer

I accept/~~do not~~ accept the recommendation made above.


Proper Officer

Date: 7/10/16

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