

**Date:** Tuesday 18 April 2023 at 10.00 am

**Venue:** Jim Cooke Conference Suite, Stockton Central Library, The Square, Stockton-on-Tees, TS18 1TU

**Cllr Paul Kirton (Chair)**  
**Cllr Eileen Johnson (Vice-Chair)**

Cllr Jacky Bright  
Cllr Evaline Cunningham  
Cllr Tina Large  
Cllr Maurice Perry  
Cllr Marilyn Surtees  
Cllr Julia Whitehill

Cllr Robert Cook  
Cllr Ken Dixon  
Cllr Mick Moore  
Cllr Lee Spence  
Cllr Hilary Vickers  
Cllr Bill Woodhead MBE

## **AGENDA**

- |          |  |                  |
|----------|--|------------------|
| <b>1</b> | <b>Evacuation Procedure</b>  | (Pages 7 - 8)    |
| <b>2</b> | <b>Apologies for Absence</b>   |                  |
| <b>3</b> | <b>Declarations of Interest</b>  |                  |
| <b>4</b> | <b>Minutes</b>   |                  |
|          | To approve the minutes of the last meeting held on 13 February 2023          | (Pages 9 - 16)   |
| <b>5</b> | <b>Exclusion of the Public</b>   |                  |
| <b>6</b> | <b>GENERAL LICENSING FUNCTIONS DELEGATION</b>                                | (Pages 17 - 18)  |
| <b>7</b> | <b>Combined Hackney Carriage and Private Hire Driver Application- 154307</b> | (Pages 19 - 76)  |
| <b>8</b> | <b>Combined Hackney Carriage and Private Hire Driver – 001223</b>            | (Pages 77 - 106) |

**Members of the Public - Rights to Attend Meeting**

With the exception of any item identified above as containing exempt or confidential information under the Local Government Act 1972 Section 100A(4), members of the public are entitled to attend this meeting and/or have access to the agenda papers.

Persons wishing to obtain any further information on this meeting, including the opportunities available for any member of the public to speak at the meeting; or for details of access to the meeting for disabled people, please

Contact: Sarah Whaley on email [sarah.whaley@stockton.gov.uk](mailto:sarah.whaley@stockton.gov.uk)

**KEY - Declarable interests are:-**

- Disclosable Pecuniary Interests (DPI's)
- Other Registerable Interests (ORI's)
- Non Registerable Interests (NRI's)

**Members – Declaration of Interest Guidance**



**Table 1 - Disclosable Pecuniary Interests**

Subject	Description
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
<b>Land and property</b>	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
<b>Licences</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
<b>Corporate tenancies</b>	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
<b>Securities</b>	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## Table 2 – Other Registerable Interest

You must register as an Other Registrable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
  - (i) exercising functions of a public nature
  - (ii) directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

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## **Jim Cooke Conference Suite, Stockton Central Library** **Evacuation Procedure & Housekeeping**

If the fire or bomb alarm should sound please exit by the nearest emergency exit. The Fire alarm is a continuous ring and the Bomb alarm is the same as the fire alarm however it is an intermittent ring.

If the Fire Alarm rings exit through the nearest available emergency exit and form up in Municipal Buildings Car Park.

The assembly point for everyone if the Bomb alarm is sounded is the car park at the rear of Splash on Church Road.

The emergency exits are located via the doors between the 2 projector screens. The key coded emergency exit door will automatically disengage when the alarm sounds.

The Toilets are located on the Ground floor corridor of Municipal Buildings next to the emergency exit. Both the ladies and gents toilets are located on the right hand side.

### **Microphones**

During the meeting, members of the Committee, and officers in attendance, will have access to a microphone. Please use the microphones, when directed to speak by the Chair, to ensure you are heard by the Committee.

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## General Licensing Committee

A meeting of General Licensing Committee was held on Monday, 13th February, 2023.

**Present:** Cllr Paul Kirton(Chairman), Cllr Eileen Johnson(Vice-Chair), Cllr Robert Cook, Cllr Evaline Cunningham, Cllr Mick Moore, Cllr Maurice Perry, Cllr Marilyn Surtees, Cllr Hilary Vickers, Cllr Julia Whitehill, Cllr Bill Woodhead MBE

**Officers:** Natalie Hodgson, Sarah Whaley (D o CS), Elliott Beevers, Polly Edwards, Leanne Maloney-Kelly, Amy Stephenson (D o AH),

**Also in attendance:** Combined Hackney Carriage and Private Hire Driver – 000928 and his representative Mr David Wilson.  
Combined Hackney Carriage and Private Hire Driver Applicant– 119522 and his representative Mr David Wilson.  
Private Hire Driver Applicant – 154676.

**Apologies:** Cllr Jacky Bright, Cllr Ken Dixon, Cllr Tina Large, Cllr Lee Spence

**GLC 39/22 Evacuation Procedure**

The Evacuation Procedure was noted.

**GLC 40/22 Declarations of Interest**

There were no declarations of interest.

**GLC 41/22 Exclusion of the Public**

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

**GLC 42/22 Combined Hackney Carriage and Private Hire Driver – 000928**

Members were asked to consider and determine the continued fitness of Combined Hackney Carriage and Private Hire Driver - 000928, who was arrested and currently suspended from driving licensed vehicles.

Combined Hackney Carriage and Private Hire Driver – 000928 and his representative Mr David Wilson attended the meeting and were given the opportunity to make representation.

Committee papers and reports had been provided to all relevant parties prior to the meeting.

The report detailed the following:

- A copy of a final suspension letter to Combined Hackney Carriage and Private Hire Driver – 000928.
- A redacted summary provided by Cleveland Police.
- A summary transcript of an interview with Licensing Officers and Combined

Hackney Carriage and Private Hire Driver – 000928.

- Copies of Character references provided by Combined Hackney Carriage and Private Hire Driver – 000928.

The Chair introduced everyone present and explained the procedure to be followed during the hearing.

Members noted that they were to consider and determine the continued fitness of Combined Hackney Carriage and Private Hire Driver – 000928 to remain a licensed hackney carriage and private hire driver with this Authority after Combined Hackney Carriage and Private Hire Driver – 000928 was arrested in August 2021 for the offences of, ‘Rape of a female aged 16 years or over’.

Members also noted that Combined Hackney Carriage and Private Hire Driver – 000928 was bailed following his arrest and subsequently the Police took No Further Action in the matter.

The Committee had regard to the report and appendices and listened to the oral submission given by Combined Hackney Carriage and Private Hire Driver – 000928’s representative, Mr David Wilson.

Members of the Committee considered the details of the report carefully and after some deliberation determined that they considered Combined Hackney Carriage and Private Hire Driver – 000928 to be a fit and proper person and resolved to lift the suspension of his licence and have his licence reinstated.

Combined Hackney Carriage and Private Hire Driver – 000928 was reminded to familiarise himself with the conditions imposed on him as part of Combined Hackney Carriage and Private Hire Driver – 000928’s licence and ensure that he report any future incidents directly to the Licensing Department.

Combined Hackney Carriage and Private Hire Driver – 000928 was asked to ensure that he always informed the Police, if he was arrested again, that he was a taxi driver.

RESOLVED that that Combined Hackney Carriage and Private Hire Driver – 000928 have his Combined Hackney Carriage and Private Hire Drivers Licence reinstated for the reasons as detailed above.

**GLC  
43/22**

**Combined Hackney Carriage and Private Hire Driver Application– 119522**

Members were asked to consider and determine an application for a combined hackney carriage and private hire driver licence, from Applicant – 119522 who had previously been revoked by this authority.

Applicant – 000928 and his representative Mr David Wilson attended the meeting and were given the opportunity to make representation.

Committee papers and reports had been provided to all relevant parties prior to the meeting.

The report detailed the following:

- A copy of Applicant -119522's application including a DVLA check code, showing 3 live DVLA points.
- A summary transcript of an interview with Licensing Officers and Applicant -119522.
- A copy of a committee meeting minute and warning letter to Applicant -119522's from a meeting dated 28th November 2017.

The Committee noted that the application was for the grant of an application to drive hackney carriage and private hire vehicles, full details of which were contained within the main report.

Members heard that DVLA information revealed three live penalty points on Applicant -119522's driving licence, and that DBS disclosure confirmed three convictions dated 17th October 2013 for 'exceed 50mph speed limit detected by ACD', 'resist or obstruct constable' and 'using a vehicle while uninsured'.

The Committee further noted that Applicant -119522 was previously a licensed private hire driver with Stockton-on-Tees Borough Council from 21st December 2010 until 1st July 2014.

The Committee heard that Applicant -119522 reapplied for a private hire driver licence and was re-licensed with a warning, after a Licensing Committee hearing in November 2017. The Committee noted that Applicant -119522's licence was revoked by the Authority in April 2019, due to not declaring speeding offences.

Applicant -119522's representative, Mr Wilson, and the Committee were given an opportunity to ask questions of the Officer.

Mr Wilson explained to the Committee that Applicant -119522's was previously licenced until the revocation in 2019, and that he had not been licenced for the past four years.

Mr Wilson informed the Committee that, in relation to the convictions from 2013, Applicant -119522 admitted giving false details to police when stopped by them in relation to speeding and driving whilst uninsured. Mr Wilson told the Committee that this was after a house fire and therefore Applicant -119522 was not thinking clearly as he was rushing to attend University, and that he later thought better of this and admitted his wrongdoing.

Mr Wilson told the Committee that in relation to the more recent speeding offence on the A66, Applicant -119522 had not appreciated that he was speeding, and that he had accepted the consequences of his actions in this regard.

The Committee heard from Mr Wilson that in relation to not disclosing convictions, Applicant -119522 felt that the application form did not clearly set out its requirements in this regard. The Licensing Team Leader advised the

Committee that the online form completed by drivers was very clear and unambiguous in relation to the applicant's requirement to disclose all convictions/warnings and cautions.

In response to the Committee's questions, Applicant -119522 suggested that he had disclosed his speeding offences from July 2022 within his application but accepted that this did not appear on the copy of his online application form before the Committee.

In response to further questioning by the Committee, Applicant -119522 confirmed that when convicted of the speeding offence in July 2022, he was "pottering" along the A66, talking to his mother who was a passenger in the vehicle, and had inadvertently exceeded the speed limit. The Committee heard Applicant -119522 apologise for this offence.

The Committee was given an opportunity to ask questions of Applicant -119522, with his representative, Mr Wilson, speaking last.

Members had regard to the Committee papers, which had been circulated prior to the hearing and presented to them, in addition to the oral submissions made by the applicant and the applicant's representative, including in response to the Committee's questions.

Having carefully considered the written application and documentation before them and in reaching their decision, Members had regard to the provisions of the Local Government (Miscellaneous Provisions) Act 1976. The Committee also had regard to the Council's Private Hire and Hackney Carriage Licensing Policy 2021 – 2026.

Under section 51 Local Government (Miscellaneous Provisions) Act 1976, the Committee shall not grant a driver's licence unless they are satisfied that the applicant is a fit and proper person. When determining this matter, the Committee considered this application on its merits.

The Committee found Applicant -119522 to be disingenuous when asked why he did not declare his conviction for speeding dated July 2022. The Committee noted that this was the third occasion upon which Applicant -119522 had failed to declare criminal convictions to the Licensing Authority, having been presented with information that Applicant -119522 had previously failed to declare convictions in 2011 and 2019.

The Committee felt that by repeatedly choosing not to declare his criminality, Applicant -119522 gave the Committee a valid reason to doubt his fitness and propriety to hold a licence.

The Committee's doubts in relation to Applicant -119522 fitness and propriety were compounded by his explanation of the circumstances that led to his conviction for speeding in July 2022.

The Committee found that Applicant -119522's justification that he was distracted by his conversation with his mother, a passenger in the vehicle, was particularly concerning. The Committee noted that their overriding consideration was the safety of the public, and that safe drivers were able to transport and

speak to their passengers without exceeding the speed limit.

Ultimately, the Committee did not believe that Applicant -119522 was a fit and proper person to hold a hackney carriage and private hire vehicle drivers licence owing to his repeated failures to declare criminal convictions and his attitude before the Committee in relation to the circumstances of his most recent conviction. The Committee were satisfied that the application should therefore be refused.

RESOLVED that that Applicant – 119522's, application for a Combined Hackney Carriage and Private Hire Drivers Licence be refused for the reasons as detailed above.

**GLC  
44/22 Private Hire Driver Application – 154676**

Members were asked to consider and determine an application for a private hire driver licence, from Applicant – 154676 who had previously been revoked by this authority.

Applicant – 154676 attended the meeting and was given the opportunity to make representation.

Committee papers and reports had been provided to all relevant parties prior to the meeting.

The report detailed the following:

- A copy of Applicant – 154676's application which contained a DVLA check code, showing no live DVLA endorsements.
- A copy of a victim statement.
- A copy of Applicant – 154676's statement to Middlesbrough Borough Council Licensing Officers.
- A copy of a committee report relating to Applicant – 154676.
- A copy of a committee decision letter relating to Applicant – 154676.
- A summary transcript of an interview between Licensing Officers and Applicant – 154676.

Members of the Council's General Licensing Committee considered the above application, full details of which appeared before the Members in their agenda and background papers.

A copy of the report had been provided to everyone present and to members of the Committee.

The Committee noted that the application was for the grant of an application to drive private hire vehicles as detailed in the application.

The Committee heard that Applicant – 154676 had previously held a private hire

licence with Middlesbrough Borough Council, until he was revoked by their Licensing Committee on 29th July 2019. Middlesbrough Borough Council's Licensing Committee took this decision as they found on the balance of probabilities that Applicant – 154676 had made comments of a sexual nature to a young female passenger, which caused her to feel very uncomfortable and intimidated.

Members considered the contents of the documents relating to the revocation, provided by Middlesbrough Borough Council, including copies of the witness statements of the complainant and Applicant – 154676, the Committee report and the Committee's decision letter. The Committee heard that Applicant – 154676 did not appeal Middlesbrough Borough Council's decision.

Applicant – 154676 and the Committee were given an opportunity to ask questions of the Officer.

Applicant – 154676 explained to the Committee that he was shocked when the allegation that he had made sexual comments were made.

The Committee heard from Applicant – 154676 that he accepted that he had a conversation with the female passenger and that he made comments regarding her age however denied making inappropriate comments or any of a sexual nature.

In response to the Committee's questioning on why the passenger would fabricate such allegations, Applicant – 154676 said that in his opinion this may be due to racism or perhaps for financial gain.

In response to further questioning by the Committee, Applicant – 154676 urged the Committee to trust him and not the complainant, particularly as he had not received any other complaints.

The Committee was given an opportunity to ask questions of Applicant – 154676, with Applicant – 154676 speaking last.

Members had regard to the Committee papers, which had been circulated prior to the hearing and presented to them, in addition to the oral submissions made by the applicant and the applicant's representative, including in response to the Committee's questions.

Having carefully considered the written application and documentation before them and in reaching their decision, Members had regard to the provisions of the Local Government (Miscellaneous Provisions) Act 1976. The Committee also had regard to the Council's Private Hire and Hackney Carriage Licensing Policy 2021 – 2026.

Under section 51 Local Government (Miscellaneous Provisions) Act 1976, the Committee shall not grant a drivers licence unless they are satisfied that the applicant is a fit and proper person. When determining this matter, the Committee considered this application on its merits.

The Committee gave weight to the information provided by Middlesbrough Borough Council relating to their Licensing Committee's revocation from July

2019. The Committee noted that Middlesbrough Council's Licensing Committee took the decision to revoke Applicant – 154676's licence after hearing live evidence from the complainant, who they found to be a competent and believable witness with no reason to make up the complaint.

The Committee also gave weight to Middlesbrough Borough Council's decision that they found on the balance of probabilities that Applicant – 154676 had made comments of a sexual nature to a young female passenger, which caused her to feel very uncomfortable and intimidated.

Ultimately, the Committee did not believe that Applicant – 154676 was a fit and proper person to hold a private hire vehicle drivers licence owing to him making inappropriate sexual comments to a young female passenger, as determined by Middlesbrough Borough Council's Licensing Committee in 2019. The Committee were satisfied that the application should therefore be refused.

RESOLVED that that Applicant – 154676's, application for a Private Hire Drivers Licence be refused for the reasons as detailed above.

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## AGENDA ITEM

### REPORT TO LICENSING COMMITTEE

18 April 2023

### REPORT OF THE ASSISTANT DIRECTOR COMMUNITY SAFETY AND REGULATED SERVICES

## GENERAL LICENSING FUNCTIONS DELEGATION

### SUMMARY

To allow officers to suspend driver licences with immediate effect under the provisions of Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976 in relation to a drivers medical fitness where public safety is deemed to be a relevant consideration.

### RECOMMENDATIONS

1. The Licensing Committee are asked to consider and agree the proposed delegation.

### DETAIL

1. A copy of the current Hackney Carriage and Private Hire Vehicle Licensing Policy can be found at [www.stockton.gov.uk/article/1514/Introduction](http://www.stockton.gov.uk/article/1514/Introduction). With regards to medicals the policy states at page 6:

In line with DVLA guidelines, the Council applies the DVLA Group 2 driver standards for the medical fitness of hackney carriage and private hire drivers. This is a higher medical standard than that required of drivers of other motor vehicles and is required due to the length of time the driver may spend at the wheel and the responsibility they have for the safety of their passengers and the public. A medical assessment is not needed for those with a provisional or current HGV entitlement on the understanding a medical examination has already been carried out to gain this entitlement.

2. As well as medical assessments carried out to DVLA Group 2 driver standards, Officers also use the Department for Vehicle Licensing Authority (DVLA) document: Assessing Fitness to drive a guide for Medical Professionals. This document is refreshed regularly and the most up to date version is available online at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1084397/assessing-fitness-to-drive-may-2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1084397/assessing-fitness-to-drive-may-2022.pdf)
3. Officers currently have powers to suspend a driver under Section 61(1) (b) of the Local Government (Miscellaneous Provisions) Act 1976. If aggrieved the driver has a right of appeal against this decision which must be lodged with the Magistrates Court within 21 days. The driver can continue to drive during the appeal period and until the appeal is determined.
4. Under the provisions of Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976 a driver can be suspended with immediate effect, the driver still has the right of appeal but as public safety is deemed a consideration, the suspension is immediate and if an appeal is lodged the driver is still suspended during the appeal period and until the appeal is determined.
5. Currently for officers to suspend drivers following concerns over medical fitness under 61

licensing committee and legal advisor, before the suspension is produced and served onto a driver.

6. It is proposed the power to suspend a driver licence relevant to public safety and with immediate effect under the provisions of Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976 be delegated to officers when:
  - Medical information is received meaning a driver does not currently meet group 2 DVLA medical standards.
  - Concerns over a drivers ability to meet group 2 medical standards are raised and a medical assessment must be arranged.
  - Notification of medical status is received and the DVLA guidance document to assess medical fitness states a licence should be suspended.
  - Any refusal to undertake or provide a compliant medical assessment.
7. The proposed delegation streamlines the decision and administration process to ensure public safety as agreement of a delegated decision can take 48 hours. In addition this immediate suspension process could be used outside of the office environment, when producing a written delegated decision is impractical.
8. The proposed delegation will mirror the delegation agreed by this committee in March 2020, to allow the immediate suspension of driver licence when a positive drug screening sample is given or a refusal to provide a specimen of saliva for a drug screen sample is given.
9. There have been no adverse issues from this current practice, any individual who has been suspended under this delegation has returned a positive back to lab sample and has then had their licence revoked.

**Assistant Director Community Safety  
and Regulated Services**

**Contact Officer Name:**

Marc Stephenson  
Leanne Maloney-Kelly

**Telephone No.**

01642 526566

**Email Address:**

[leanne.maloney-kelly@stockton.gov.uk](mailto:leanne.maloney-kelly@stockton.gov.uk)

**Financial Implications:**

none

**Environmental Implications:**

none

**Legal Implications:**

If a person is aggrieved with the suspension of licence they have the right of appeal to the Magistrates Court which must be lodged within 21 days.

**Community Safety Implications:**

Contributes towards the Council's Community Safety objectives. Action following the consideration of this report will aim to reinforce community confidence, reduce the fear of the public and increase the safety of those who may be vulnerable when using 'taxi' services.

**Human Rights Implications:**

Members should have regard to the Human Rights Act when determining what action to take in this matter.

**Background Papers:**

Appendices

**Ward(s) and Ward Councillors:**

Not ward related.

# Agenda Item 7

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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# Agenda Item 8

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