**Request Reference: 16171282**

**Date received: 3 January 2017**

**Date response sent: 30 January 2017**

**I am writing to request some information in accordance with the FOI Act 2000**

**In normal circumstances**

**I need information relating to two existing mobile ice cream trading rights.**

**Daddyhole Plain, Daddyhole Road, Torquay**

**Kilmorie Car Park, Ilsham Road, Torquay**

**I would like to know how much the trading rights have previously raised/cost in past years. If the last trading rights were for a 5 year period, then I only require the information for the last period.**

The Licensing department issues street trading licences in 3 zones (A, B and C) and the relevant zone is all that is stated on the licence.

Once a licence is granted it is a requirement that the licence holder obtains permission from the land owner for any pitch within the area covered by their licence and for this reason there is limited or no information held on file as to who trades at a specific spot at any given time.

We are unable to provide information for the individual site at Daddyhole Plain as, shown in the example above, this information would not be held.

With regard to Kilmorie Car Park, we are aware of how much income has been received from Kilmorie Car Park as this is a Council asset however, under Section 43 of the Freedom of Information Act 2000 this information is being withheld as it is deemed to be commercially sensitive.

When considering whether to release information we have to be mindful of not only the Council’s commercial interests in the information but also the commercial interests of other third parties. In this instance, I am aware that there is a current tender exercise relating to these types of concessions and to release information about income would prejudice the Council’s interests in that it could result in the council not receiving best value for money and also would prejudice the tendering process as one company would be at an unfair advantage to other companies who are potentially considering submitting a tender.

In my opinion, the public interest in withholding the information and therefore ensuring a fair tender process and best value for money is met outweighs the public interest in releasing the information.