

MEMBERS INTERESTS 2012

A Member with a disclosable pecuniary interest in any matter considered at a meeting must disclose the interest to the meeting at which they are present, except where it has been entered on the Register.

A Member with a non pecuniary or pecuniary interest in any business of the Council must disclose the existence and nature of that interest at commencement of consideration or when the interest becomes apparent.

Where sensitive information relating to an interest is not registered in the register, you must indicate that you have an interest, but need not disclose the sensitive information.

Please tick relevant boxes

Notes

	General		
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 below</i>
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a pecuniary interest because it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest or it relates to the determining of any approval consent, licence, permission or registration in relation to me or a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	<input type="checkbox"/> <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i> <i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>
4.	I have a disclosable pecuniary interest (Dispensation 16/7/12) or a pecuniary interest but it relates to the functions of my Council in respect of: (i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease. (ii) school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends. (iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay. (iv) An allowance, payment or indemnity given to Members (v) Any ceremonial honour given to Members (vi) Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 20/2/13 – 19/2/17)	<input type="checkbox"/>	<i>See the terms of the dispensation</i>
6.	I have a pecuniary interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	<input type="checkbox"/>	<i>You may speak but must leave the room once you have finished and cannot vote</i>

'disclosable pecuniary interest' (DPI) means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

Interest

Employment, office, trade, profession or vocation

Sponsorship

Prescribed description

Any employment, office, trade, profession or vocation carried on for profit or gain.

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; 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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest; "director" includes a member of the committee of management of an industrial and provident society;

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income; "M" means a member of a relevant authority;

"member" includes a co-opted member; "relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives notice to the Monitoring Officer of a DPI;

"relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband or wife or a person with whom M is living as if they were civil partners;

"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.

'non pecuniary interest' means interests falling within the following descriptions:

- 10.1(1)(i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) Any body (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) 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;
- (iii) Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- 10.2(2) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a connected person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.

'a connected person' means

- (a) a member of your family or any person with whom you have a close association, or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph 10.1(1)(i) or (ii).

'body exercising functions of a public nature' means

Regional and local development agencies, other government agencies, other Councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

A Member with a personal interest who has made an executive decision in relation to that matter must ensure any written statement of that decision records the existence and nature of that interest.

NB Section 21(13) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.

LICENSING AND APPEALS COMMITTEE

HELD: 3 DECEMBER 2013

Start: 7.30pm

Finish: 10.25pm

PRESENT: Councillor Cropper (Chairman)

Councillors: Baldock Owen
Baybutt Pendleton
Griffiths Whittington
Kay Wright
Oliver

Officers: Commercial, Safety and Licensing Manager (Mr P Charlson)
Principal Solicitor (Mr L Gardner)
Homelessness & Private Sector Housing Manager (Mrs L Lea)
Senior Licensing Officer (Mr A Denton)
Member Services/Civic Support Officer (Mrs J Brown)

30. APOLOGIES

There were no apologies for absence received.

There was an announcement made to inform the Committee that Councillor Whittington will replace Councillor Cheetham as a permanent change to the Membership of the Licensing and Appeals Committee.

31. MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of membership of Councillors Delaney and Mrs Stephenson and the appointment of Councillors Pendleton and Mrs Baybutt for this meeting only, thereby giving effect to the wishes of the political groups.

32. URGENT BUSINESS

There were no items of urgent business.

33. DECLARATIONS OF INTEREST

There were no declarations of interest.

34. DECLARATION OF PARTY WHIP

There were no declarations of party whip.

35. MINUTES OF SUB - COMMITTEES OR WORKING GROUPS

RESOLVED: That the Minutes of the Employment Appeals Sub – Committee held on 19 September 2013 be noted.

36. MINUTES

RESOLVED That the Minutes of the meeting held on 22 October 2013 be received as a correct record and signed by the Chairman.

37. LICENSING & REGISTRATION CHARGES - FEES & CHARGES 2014/15

Consideration was given to the report of the Assistant Director Community Services as contained on pages 129 to 136 of the Book of Reports which was to consider the proposed changes in licensing and registration fees and charges for the period 1 April 2014 to 31 March 2015.

The Commercial, Safety and Licensing Manager outlined the report and responded to questions from Members of the Committee.

- RESOLVED
- A. That Hackney Carriage and Private Hire licensing fees and charges remain unchanged from those agreed for the period 1 April 2013 to 31 March 2014.
 - B. That with effect from 1 April 2014, the proposed fees and charges as contained in Table 1 to this report be approved.

38. EXCLUSION OF PRESS AND PUBLIC

RESOLVED That under Section 100 (A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 (Any Individual), Paragraph 2 (Identity of an Individual) and Paragraph 7 (Criminal Matters) Part 1 of schedule 12A of that Act and as in all circumstances of the case the public interest in maintaining the exemption under schedule 12A outweighs the public interest in disclosing the information.

39. APPEAL AGAINST THE REFUSAL TO APPROVE DISABLED FACILITIES GRANT FUNDING FOR AN ADDITIONAL BEDROOM UNDER SECTION 24 OF THE HOUSING GRANTS CONSTRUCTION AND REGENERATION ACT 1996.

Consideration was given to the report of the Assistant Director Community Services as contained on pages 137 to 331 of the Book of Reports which considered an appeal for Disabled Facilities Grant Funding (DFG) to fund provision of an additional bedroom which has been refused under section 24 of the Housing Grants Construction & Regeneration Act 1996.

The Appellant attended the meeting and presented his case and responded to questions and comments raised by Members.

The Homelessness and Private Sector Housing Manager outlined the report and responded to questions and comments raised by Members.

RESOLVED That Disabled Facilities Grant Funding for an additional bedroom under Section 24 of the Housing Grants Construction & Regeneration Act 1996 be GRANTED.

(Note: The Officers from Community Services left the meeting as Members considered their decision in this case).

**40. POLICE PROSECUTION - HACKNEY CARRIAGE DRIVER
(IDENTITY OF AN INDIVIDUAL- CRIMINAL MATTERS- PARAGRAPHS 2 & 7)**

Members were asked to consider a Hackney Carriage Driver Licence having regard to offences declared by the licence holder.

The Applicant attended the meeting and was interviewed by the Committee during which the Applicant was advised of his right of appeal to the Magistrates Court if he was aggrieved by the decision.

RESOLVED That Hackney Carriage Driver Licence Number LN/3549 and Hackney Carriage Vehicle Number HCV0020 continue and that a letter be sent advising him of his future conduct.

(Note: The Officers from Community Services left the Meeting as Members considered their decision in this case).

**41. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000184456
IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000184456 having regard to the offences declared on the Statutory Declaration, which accompanied the Application Form.

RESOLVED That Application Number WK/000184456 be deferred for once cycle to allow receipt of the Disclosure and Barring Service (DBS) report.

**42. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000183704
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPH 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000183704 having regard to the offences declared on the Statutory Declaration, which accompanied the Application Form.

The Applicant attended the meeting and was interviewed by the Committee during which the Applicant was advised of his right of appeal to the Magistrates Court if he was aggrieved by the decision.

RESOLVED That Application Number WK/000183704 be GRANTED.

(Note: The Officers from Community Services left the Meeting as Members considered their decision in this case).

**43. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE WK/000177926
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000177926 having regard to the offences declared on the Statutory Declaration, which accompanied the Application Form.

RESOLVED That Application Number WK/000177926 be endorsed 'Not Proceeded With'.

**44. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE WK/000179283
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000179283 having regard to the offences declared on the Statutory Declaration, which accompanied the Application Form.

RESOLVED That Application Number WK/000179283 be deferred for one cycle to allow the Applicant a further opportunity to attend.

**45. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE WK/000184381
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000184381 having regard to the offences declared on the Statutory Declaration, which accompanied the Application Form.

The Applicant attended the meeting and was interviewed by the Committee during which the Applicant was advised of his right of appeal to the Magistrates Court if he was aggrieved by the decision.

RESOLVED That Application Number WK/000184381 be GRANTED and that a warning letter be sent to him regarding speeding.

(Note: The Officers from Community Services left the Meeting as Members considered their decision in this case).

**46. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE WK/000184335
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000184335 having regard to the offences declared on the Statutory Declaration, which accompanied the Application Form.

RESOLVED That Application Number WK/000184335 be deferred for one cycle to allow receipt of DVLA report and Disclosure and Barring Service (DBS) report.

- CHAIRMAN -