

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

Prescribed description

Employment, office, trade, profession or vocation

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

Sponsorship

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:21 OCTOBER 2014

Start: 7.30pm

Finish: 10.35pm

PRESENT: Councillor Griffiths (Chairman)

Councillors: Delaney Ms Melling
Devine Oliver
Mrs C Evans Owen
Kay Wright
Mee

Officers: Commercial, Safety and Licensing Manager (Mr P Charlson)
Principal Solicitor (Mr L Gardner)
Assistant Solicitor (Ms T Sparrow)
Senior Licensing Officer (Ms M Murray)
Senior Licensing Officer (Mrs S Jordan)
Member Services/Civic Support Officer (Mrs J Brown)

24. APOLOGIES

There were no apologies for absence received.

25. MEMBERSHIP OF THE COMMITTEE

There were no changes to Membership of the Committee.

26. URGENT BUSINESS

There were no items of urgent business.

27. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

28. DECLARATIONS OF INTEREST

There were no declarations of interest.

29. MINUTES OF SUB-COMMITTEES OR WORKING GROUPS

There were no Minutes to receive.

30. MINUTES

RESOLVED: That the Minutes of the meeting held on 22 July 2014 be received as a correct record and signed by the Chairman.

31. PUBLIC REQUEST FOR AMENDMENT TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE STATEMENT OF LICENSING POLICY 2013

Consideration was given to the report of the Assistant Director Community Services as contained on pages 79 to 87 of the Book of Reports to consider a request from a Private Hire Driver to change Appendix B, Section 8: Specification & Conditions of Licence, of the Hackney Carriage & Private Hire Statement of Licensing Policy 2013.

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

The Commercial, Safety and Licensing Manager thanked the Applicant for his comments and assisted Members by suggesting that an appropriate Draft Policy be brought back to Committee with the various types of Licenced Vehicles.

RESOLVED: That, a Draft Minibus Policy be submitted to a future meeting of the Committee.

32. REMOVAL OF HACKNEY CARRIAGE LICENCE CONDITION

Consideration was given to the report of the Assistant Director Community Services as contained on pages 89 to 96 of the Book of Reports the purpose of which was to determine the removal of a condition relating to vehicle replacement from relevant Hackney Carriage Licences.

The Commercial, Safety and Licensing Manager outlined the report and explained that this item had been before the Committee in June 2014, where the item had been deferred in order to allow Officers to undertake a robust consultation with all Hackney Carriage Drivers. The findings of the consultation were detailed within the report.

Members from the Hackney Carriage trade attended the meeting to present their views and responded to questions and comments raised by Members.

RESOLVED: That, the condition detailed in paragraph 3.2 to the report be removed upon renewal of the 9 relevant Hackney Carriage Licences to ensure compliance with the Council's Hackney Carriage and Private Hire Policy Statement 2013.

33. 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 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 exemption under Schedule 12A outweighs the public interest in disclosing the information.

**34. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000190296
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000190296 having regard to the offences declared on the Statutory Declaration which accompanied the Application Form.

RESOLVED: That Application Number WK/000190296 be deferred one further cycle to allow receipt of the DVLA Report.

**35. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000191416
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000191416 having regard to the offences declared on the Statutory Declaration which accompanied the Application Form.

RESOLVED: That Application Number WK/000191416 be deferred one further cycle to allow the Applicant another opportunity to attend.

**36. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000190744
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000190744 having regard to the offences declared on the Statutory Declaration which accompanied the Application Form.

The Applicant attended the meeting with his representative 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/000190744 be GRANTED and that a warning be given concerning his future conduct.

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

**37. STREET TRADING CONSENT HOLDER
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider a Street Trading Consent WK/000195739 having regard to the offences recorded against the holder of the Street Trading Consent.

The holder of the Street Trading Consent was invited to the meeting but failed to attend.

The Commercial, Safety and Licensing Manager outlined the report and responded to comments and questions raised by Members.

RESOLVED: That under the provisions of Schedule 4 7(10) of the Local Government (Miscellaneous Provisions) Act 1982, Street Trading Consent WK/000195739 be REVOKED.

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

**38. PRIVATE HIRE DRIVER
(IDENTITY OF AN INDIVIDUAL / CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider a Private Hire Driver Licence Number LN/000004446 having regard to information that had been received in respect of the driver's actions.

The Private Hire Driver attended the meeting and requested permission to submit his statement to Members. The Chairman allowed the statement to be circulated to Members of the Committee and Officers, giving sufficient time to read the information contained within it.

The Commercial, Safety and Licensing Manager and Officers from the Licensing Service responded to comments and questions raised by Members.

The Private Hire Driver was interviewed by the Committee during which he was advised of his right of appeal to the Magistrates Court if he was aggrieved by the decision.

- RESOLVED: A. That under the provisions of Section 61(a) of the Local Government (Miscellaneous Provisions) Act 1976, Private Hire Driver Licence Number LN/000004446 be revoked on the grounds of reasonable cause in that the Applicant is not a fit and proper person to hold such a licence having regard to his actions.
- B. That under the Provisions of Section 61 (2B) of the Local Government (Miscellaneous Provisions) act 1976 that in the interests of public safety the revocation of Private Hire Driver Licence Number LN/000004446 shall have immediate effect.

(Note 1: The Committee were informed that this Agenda Item should be entitled 'Private Hire Driver' and not Police Prosecution – Private Hire Driver).

(Note 2: The Officers from Community Services left the meeting as Members considered their decision in this case).

**39. COUNCIL PROSECUTION - PRIVATE HIRE DRIVER
(IDENTITY OF AN INDIVIDUAL./ CRIMINAL MATTERS - PARAGRAPHS 2 & 7)**

Members were asked to consider a Private Hire Driver Licence having regard to an offence declared by the Private Hire Driver and a Council Prosecution.

The Private Hire Driver attended the meeting and was interviewed by the Committee during which she was advised of her right of appeal to the Magistrates Court if she was aggrieved by the decision.

RESOLVED: That Private Hire Licence Number LN/3276 and Private Hire Vehicle Licence Number PV0024 be suspended for a period of one month and that a warning letter be sent advising of her future conduct towards Officers and Members of the Committee, also that any future offences will result in further determination by the Licensing & Appeals Committee.

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

- CHAIRMAN -