

Merton Council

Licensing Committee (Special Meeting)

Membership:

John Bowcott (Chairman)
Steve Austin (vice – Chair)
Jeremy Bruce
Richard Chellew
Gilli Lewis-Lavender
Barbara Mansfield
David Simpson
Ron Wilson
Philip Jones
Russell Makin
Judy Saunders
Gregory Patrick Udeh
Martin Whelton
Kryisia Williams

A meeting of the Licensing Committee will be held on:

Date: 14 May 2007

Time: 19:00

Venue: Committee Rooms B & C

Merton Civic Centre, London Road, Morden, Surrey

This is a public meeting and attendance by the public is encouraged and welcomed. For more information about the agenda and the decision making process contact democratic.services@merton.gov.uk or telephone 020 8545 3616

Licensing Committee

14 May 2007

| | | |
|----|--|----|
| 1. | Declarations of Interest ¹ | - |
| 2. | Apologies for Absence | - |
| 3. | Minutes of the Meeting held on 25 April 2007 | 3 |
| 4. | Gambling Act - Fees | 11 |

¹ Members are advised to make declarations of personal or prejudicial interests they may have in relation to any item on this agenda. Members may make their declaration either under this item or at any time it becomes apparent that they have an interest in any particular item. To facilitate the recording of declarations members are asked to complete the pro-form attached to this agenda and hand it to the Democratic Services Officer in attendance. If a Member believes that their interest is prejudicial they should leave the meeting while the item is discussed. If in doubt, Members are advised to seek advice from the Head of Civic and Legal Services prior to the meeting.

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(7.15pm – 9.05pm)

PRESENT: Councillors John Bowcott (in the Chair), Steve Austin, Jeremy Bruce, Richard Chellew, Gilli Lewis-Lavender, Barbara Mansfield, David Simpson, Ron Wilson, Philip Jones, Judy Saunders, Gregory Udeh and Martin Whelton.

ALSO PRESENT: Steve Clark (Head of Planning and Public Protection), Richard Nash (Licensing Manager), Mike Barrett (Environmental Health Manager), Solomon Agutu (Principal Lawyer) and Lynne Hartley (Democratic Services Officer).

Apologies for absence were received from Councillor Krysia Williams.

1 DECLARATIONS OF INTEREST (Agenda Item 1)

No declarations were made.

2 MINUTES (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 24 January 2007 are agreed as a correct record.

In agreeing the minutes it was noted that progress on the guidance for Members dealing with licensing issues had been deferred pending the publication of the revised Code of Conduct for Members.

3 REVIEW OF MERTON'S STATEMENT OF LICENSING POLICY (Agenda Item 4)

Steve Clark introduced the report, stating that the reduction in crime figures in the Cumulative Impact Zones was believed to be due to the success of the policies and their retention was therefore recommended.

The Committee considered the first review of the Policy Statement, Appendix A to the report, and agreed the following changes –

paragraph 3.8 – add Merton and Sutton Primary Care Trust

paragraph 4 – this section to be amended to include reference to the Community Plan and the Council's Business Plan

paragraph 4.2.1 – delete "On 15 March 2004" and replace with "In 2004"

paragraph 4.2.7 – delete the second and third paragraphs as unnecessary, the GLA Transport Strategy having been referred to in the first paragraph

paragraph 4.2.8 – opening sentence to be amended to reflect the position after July 2007 and the following added "The prohibition of smoking in enclosed licensed

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premises will not necessarily be used by the Licensing Committee as a reason for the lifting of any relevant restrictions or conditions”.

paragraph 7 - the Committee considered and agreed a draft prepared by the Chairman, as follows –

“7. Cumulative Impact

- 7.1. The Council will not take ‘need’ into account when considering an application for a licence, as this is a matter for the market.
- 7.2. However, the Council recognises that the cumulative impact of the number, type and density of licensed premises in a given area, may lead to serious problems of nuisance and disorder outside and within the vicinity of these premises. In such circumstances the impact of those premises when taken as a whole can be far greater than that arising from individual premises and it may not be possible to distinguish a specific premises as being the sole cause, or even a major contributing factor to a particular problem. It is acknowledged that it is the “Cumulative Impact” of all of the premises that causes problems for a wider area.
- 7.3. It may become apparent to the Council by way of representations made to it by responsible authorities and/or interested parties that an area has or is becoming saturated with premises, making it a focal point for many/or large groups of people to gather and circulate away from licensed premises, creating exceptional problems of disorder and nuisance over and above the impact from the individual premises.
- 7.4. In these circumstances the Council may consider that the attachment of conditions is unlikely to address these problems and it may then consider the adoption of a special policy of refusing new premises licences or club premises certificates because the area is saturated with licensed premises and the granting of any more would undermine one of the licensing objectives.
- 7.5. When consulting upon its original Licensing Policy Statement the Council took the following steps in considering whether to adopt a special policy:
 - Identification of concern about crime and disorder or public nuisance
 - Consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises and if so identifying the area from which the problems are arising

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and the boundaries of that area; or that the risk factors are such that the area is reaching a point when a cumulative impact is imminent;

- Consultation with those specified by section 5(3) of the 2003 Act as part of the general consultation required in respect of the whole statement of licensing policy;
- Subject to that consultation, inclusion of a special policy about future premises licence or club premises certificate applications from that area within the terms of the Guidance in the statement of licensing policy;
- Publication of the special policy as part of the statement of licensing policy as required by the Act.

The Council still considers these steps to be appropriate for reviewing existing Special Policy areas and for contemplating new ones.

- 7.6. In 2005, the Council considered that the evidence available justified two specific areas in Merton where a special policy was appropriate and necessary. Those areas were Wimbledon Town Centre and Wimbledon Village. Having regard to the evidence currently available the Council considers that it is appropriate to continue the special policies in these two areas.

Wimbledon Town Centre

There has been a significant increase in the number and scale of licensed premises in Wimbledon Town Centre over recent years. This has resulted in a significant number of alcohol related crimes and of complaints being made to the Council concerning nuisance. The Police have provided evidence regarding alcohol related crime and disorder and the connection between the offences and licensed premises. Anti social behaviour has led to the Metropolitan Police designating part of the town centre as a dispersal area the Anti Social Behaviour Act 2003. Residents and Residents Associations in Wimbledon Town Centre have made representations that the Town Centre is at saturation point. The Police support the designation of Wimbledon Town Centre as a cumulative impact zone.

Wimbledon Village

Wimbledon Village has not experienced the same development pressures as Wimbledon Town Centre. However, the usage and opening hours of existing

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public houses and conversion of shops to restaurants has impacted on the locality. There are fewer crimes recorded in the Village as compared to the Town Centre. However, it is clear from the significant number of consultation responses received from residents and Residents Associations that many people experience regular disturbance and nuisance as a result of the proximity of a large number of licensed premises. The Police again support the designation of Wimbledon Village as a cumulative impact zone. By designating these areas as cumulative impact zones, the Council is promoting the licensing objectives and complying with its statutory duty under Section 17 of the Crime and Disorder Act 1998 to prevent crime and disorder in its area.

7.7. The areas subject to the special policy are as shown in the plans attached to this policy. The Wimbledon Town Centre cumulative impact zone applies to the following roads:

- Wimbledon Hill Road from the junction with Mansel Road and Woodside Road to the Broadway including Wimbledon Bridge;
- The Broadway to its junction with Merton Road;
- Kings Road from its junction with The Broadway to South Park Road;
- Stanley Road from its junction with The Broadway to South Park Road
- Merton Road from its junction with The Broadway to its junction with Griffiths Road and Quicks Road;
- Hartfield Road from its junction with Wimbledon Bridge to Sir Cyril Black Way
- Sir Cyril Black Way
- Gladstone Road from its junction with The Broadway to Sir Cyril Black Way;
- Worple Road from Wimbledon Hill Road to its junction with Raymond Road and Francis Grove; and
- Centre Court Shopping Precinct.

The Wimbledon Village cumulative impact zone applies to the following

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roads:

- High Street (including Hampton House), from its junction with Marryat Road to Wimbledon Hill Road.
- Church Road from its junction with the High Street to its junction with Belvedere Square; and
- The Ridgway from its junction with the High Street to its junction with Sunnyside including 120 Wimbledon Hill Road (120 Wimbledon Hill Road has frontage on the Ridgway).

7.8. The Council considers that it is appropriate and necessary to continue a special policy within the designated cumulative impact zones. Where relevant representations have been received the policy will affect applications for new premises' licences or club premises' certificates or variations of existing licences or certificates. It will be for the applicants to show in their operating schedules that their proposals will not add to the cumulative impact already being experienced. Responsible authorities and/or interested parties will need to see the steps proposed by an applicant in order to decide whether to write representations. The presumption will be that where proposed operations are material to the policy they will normally be refused, however, the process allows applicants to rebut the presumption in their applications, and to make the case before a licensing sub-committee. Where an application is material to the special policy the burden of proof lies on the applicant to rebut the presumption.

7.9. The presumption of refusal does not, however, relieve responsible authorities or interested parties of the need to make a relevant representation, as the special policy can only lawfully be invoked by a licensing sub-committee, which has been convened in response to valid representations that refer to that special policy. If no representation were received it would remain the case that any application must be granted in terms that are consistent with the operating schedule submitted.

Responsible authorities, such as the Police, or interested parties, can make a written representation maintaining that it is necessary to refuse the application in order to meet the licensing objectives. In doing so they should refer to the special policy and any information, which had been before the licensing authority when it developed its Statement of Licensing Policy.

Responsible authorities, where they have promoted or provided the evidence to support a special policy, should consider carefully any implications that

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maybe drawn from their not making a representation

- 7.10. The special policy is not absolute. The circumstances of each application will be considered properly and it is possible for licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives to be granted. As a consequence of the presumption that underpins the special policy such cases are likely to be exceptional. Following receipt of representations in respect of a new application for or a variation of a licence or certificate, the Licensing Authority will consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case. Notwithstanding the significance of the special policy the Licensing sub committee will announce its reasons for any decision to refuse an application.
- 7.11. The special policy cannot be used as a ground for revoking an existing licence or certificate when relevant representations are received about problems with those premises. The special policy can also not be used to justify rejecting applications to vary an existing licence or a certificate except where refusal of those modifications are directly relevant to the policy and are strictly necessary for the promotion of the licensing objectives, which is to say, that the modifications matter to the policy.
- 7.12. The special policy relating to cumulative impact does not include provisions for a terminal hour in a particular area. The Council acknowledges that it would be wrong not to apply the special policy to applications that include provisions to open no later than, for example, midnight, but to apply the policy to any other premises that propose opening later. The effect would be to impose a fixed closing time akin to that under the “permitted hours” provisions of the Licensing Act 1964. The Council recognises that terminal hours were abolished by statute to avoid the serious problems that arise when customers exit licensed premises simultaneously. The Council does not intend to attempt to fix a terminal hour in any area so as directly to undermine a key purpose of the 2003 Act.
- 7.13. This special policy does not impose quotas – based on either the number of premises or the capacity of those premises – that restrict the consideration of any application on its individual merits or which to seek to impose limitations on trading hours in particular areas. Quotas that indirectly have the effect of pre-determining the outcome of any application will not be used because they have no regard to the individual characteristics of the premises concerned.

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Public houses, night clubs, restaurants, hotels, theatres, concert halls and cinemas all could sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be given to those differences and the differing impact they will have on the promotion of the licensing objectives.

- 7.14. Notwithstanding the special policy the Council will continue to work with all appropriate partners to help meet the licensing objectives through local initiatives and good practice, including the provision of CCTV surveillance, police enforcement of general law, ongoing measures to create a safe and clean environment, and working in partnership with licensees.
- 7.15. This special policy will be reviewed regularly to assess whether it is needed any longer or whether it needs expanding.”

paragraph 12.1 – wording to be improved to show the functions will be separated in accordance with statutory requirements

paragraph 12.4 – “where appropriate” to be inserted after “reports” in the first sentence and deleted from the end of the second bullet point

paragraph 13.6 – insert “including external areas” after “itself” in the first bullet point
- add “and representations relating to public nuisance” to the end of the sentence relating to shops, stores and supermarkets.

The Committee thanked the Chairman and officers for their work in drafting paragraph 7.

It was noted from Steve Clark that guidance on the revised policy would be available on the website.

In respect of paragraph 4 Solomon Agutu advised that the Statement should recognise Council policies and that it was for the sub committee to decide in each case if the licensing policy should take precedence.

RESOLVED: That (1) officers incorporate the changes shown above into the Draft Licensing Policy Statement, and
(2) the amended document to be reviewed by the Chairman and Vice-Chair prior to its submission to Cabinet on 25 June 2007.

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Committee: Licensing Committee

Date: 14 May 2007

Agenda item: 4

Wards: All Wards

Subject: Fees for Gambling Premises Licences including miscellaneous Fees

Lead officer: Steve Clark, Head of Planning & Public Protection

Lead member: Councillor John Bowcott, Chair of Licensing Committee

Key decision reference number: N/A

Recommendations:

The Licensing Committee are requested to agree the charges for Gambling Premises Licence and miscellaneous Fees as outlined and recommended in Appendix 2.

1. Purpose of report and executive summary

- 1.1 By bringing the Gambling Act 2005 into law, the government has devolved the responsibility for the licensing of premises where gambling opportunities are available to local Licensing Authorities.
- 1.2 Up to now Local Authorities have only been responsible for licensing premises such as Amusement Arcades. From **21 May 2007**, Merton Council will become additionally responsible for granting Premises Licences for establishments such as race tracks and betting shops.
- 1.3 The Secretary of State for the Department of Culture, Media and Sport (DCMS) has determined and published the licence fees that Councils will be permitted to charge. Appendix 1 shows the types of premises that Licensing Authorities will be responsible for and the maximum licence fee that may be levied.
- 1.4 As is normally the case, Local Authorities are not permitted to make a profit from the charges levied and the licensing of such premises must be on a cost neutral basis.
- 1.5 This is a new function for local Councils and it is not therefore possible to accurately gauge the actual costs to Merton. For example, it is not known how many hearings or appeals there may be; how many service requests

will be received; how many inspections and what enforcement action may be necessary. A costing exercise has been undertaken which incorporates estimates of Officer time including on costs and other anticipated costs. The outcomes of that exercise are attached as Appendix 2.

- 1.6 The costing exercise has led to the recommendation to charge at the maximum permitted fees.
- 1.7 The Licence fees levied will be monitored on a cost basis, and further reports submitted to the Licensing Committee if it is to be recommended that there is a need to alter the Premises Licence fees.

2. Alternative options

- 2.1 This is a statutory function and Merton is required to determine the level of fees it will charge. There is therefore no alternative option to setting the charges although committee can set any range of charges consistent with cost recovery methodology adopted.

3. Consultation undertaken or proposed

- 3.1 The DCMS consulted with local authorities and the industry before publishing its proposals regarding licence fee levels. There will not be any local consultation on this matter as determining fee levels is a function of the local Licensing Authority.

4. Timetable

- 4.1 21 May 2007 – first day of Transitional Period
31 July 2007 – last day of Transitional Period
01 September 2007 – commencement date of new regime

5. Financial, resource and property implications

- 5.1 As stated in Section 1.4 of this report, it is intended that this function will be carried out on a cost neutral basis and if adjustments are necessary further reports will be made to the Licensing Committee.

6. Legal and statutory implications

- 6.1 The Gambling Act 2005 provides for a number of different activities relating to Premises licenses and for the payment of fees to licensing authorities relating to each of those activities. The fees are prescribed in the following Statutory instruments SI 2006/3284 and SI 2006/3285. The regulations provide for fees to be determined by the Council subject to maximum fees prescribed by the regulations.
- 6.2 Under section 212(2)(d) of the Act in determining fees licensing authorities must aim to ensure that the income from the fees as nearly as possible equates to the cost of providing the service to which the fee relates.

7. Human rights, equalities and community cohesion implication

- 7.1 These matters have been fully addressed in the report regarding the adoption

of Licensing Policy Statement on Gambling, the Policy Statement itself and the Equalities Impact Assessment (EIA) relating to this subject.

8. Risk management and health and safety implications

- 8.1 The consultation carried out by DCMS shows that industry representatives are unhappy with fee maxima and are suspicious that local authorities will automatically charge the proposed maxima. As the recommendation is for the maximum permitted charges there is a risk that the charges may be challenged. Officers have worked hard on alternative ways of determining the costs base. However the following statement from DCMS should be borne in mind. "The Department accepted that it is difficult for licensing authorities to develop an accurate cost base before the new Act comes into force. The Department understands the industry's concern that the new fees may not be fully reflective. The Department has therefore undertaken to keep the new fee regime under review".

9 Appendices – the following documents are to be published with this report and form part of the report

- 9.1 Appendix 1 – (Maximum) Premises Licence fees as determined by the Secretary of State of the Department of Culture, Media and Sport.
- 9.2 Appendix 2 – Cost Estimates in respect of Gambling Premises Licensing

10 Background Papers – the following documents have been relied on in drawing up this report but do not form part of the report

11 Contacts

- 11.1 Report author:
- Name: Richard Nash
 - Tel: 0208 545 3929
 - email: richard.nash@merton.gov.uk
- 11.2 Meeting arrangements - Democratic Services:
- email: democratic.services@merton.gov.uk
 - Tel: 020 8545 3356/3357/3359/3361/3616
- 11.3 All press contacts - Merton's Press office:
- email: press@merton.gov.uk
 - Tel: 020 8545 3181
- 11.4 London Borough of Merton:
- Address: Civic Centre, London Road, Morden, SM4 5DX
 - Tel: 020 8274 4901

12 Useful links

- 12.1 Merton Council's Web site: <http://www.merton.gov.uk>
- 12.2 Readers should note the terms of the legal information (disclaimer) regarding information on Merton Council's and third party linked websites.
- 12.3 <http://www.merton.gov.uk/legal.htm>
- 12.4 This disclaimer also applies to any links provided here.

APPENDIX 1

Premises Licence Fees published in regulation SI 2007 / 479 – These fees are maximums only and local authorities must set their own fees on the basis of cost-recovery.

| Premises Type | Transitional Fast-Track Application | Transitional Non-Fast Track Application | New Application | Annual Fee |
|-------------------------------------|-------------------------------------|---|-----------------|------------|
| | £ | £ | £ | £ |
| Existing Casinos | 300 | 2000 | n/a | 3000 |
| New Small Casino | n/a | n/a | 8000 | 5000 |
| New Large Casino | n/a | n/a | 10000 | 10000 |
| Regional Casino | n/a | n/a | 15000 | 15000 |
| Bingo Club | 300 | 1750 | 3500 | 1000 |
| Betting Premises (excluding Tracks) | 300 | 1500 | 3000 | 600 |
| Tracks | 300 | 1250 | 2500 | 1000 |
| Family Entertainment Centres | 300 | 1000 | 2000 | 750 |
| Adult Gaming Centre | 300 | 1000 | 2000 | 1000 |

| | Application to Vary | Application to Transfer | Application for Re-Instatement | Application for Provisional Statement | Licence Application (provisional Statement holders) | Copy Licence | Notification of Change |
|-------------------------------------|---------------------|-------------------------|--------------------------------|---------------------------------------|---|--------------|------------------------|
| | £ | £ | £ | £ | £ | £ | £ |
| Existing Casinos | 2000 | 1350 | 1350 | n/a | n/a | 25 | 50 |
| New Small Casino | 4000 | 1800 | 1800 | 8000 | 3000 | 25 | 50 |
| New large Casino | 5000 | 2150 | 2150 | 10000 | 5000 | 25 | 50 |
| Regional Casino | 7500 | 6500 | 6500 | 15000 | 8000 | 25 | 50 |
| Bingo Club | 1750 | 1200 | 1200 | 3500 | 1200 | 25 | 50 |
| Betting Premises (excluding Tracks) | 1500 | 1200 | 1200 | 3000 | 1200 | 25 | 50 |
| Tracks | 1250 | 950 | 950 | 2500 | 950 | 25 | 50 |
| Family Entertainment Centres | 1000 | 950 | 950 | 2000 | 950 | 25 | 50 |
| Adult Gaming Centres | 1000 | 1200 | 1200 | 2000 | 1200 | 25 | 50 |

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APPENDIX 2

Staffing & Additional Costs in respect of the Gambling Act 2005

The Council will be required to undertake new functions when it becomes responsible for the licensing of premises providing gambling opportunities. In this context, the cost of the Officer time required and the perceived additional costs are as follows:

| Function | Annual Salary, including on-cost (£) | % Input | Cost (£) |
|---|--------------------------------------|---------|----------------|
| Gambling Officer | 31,463 | 75% | 23,597 |
| Licensing Manager | 52,927 | 10% | 5,293 |
| Licensing Officer | 30,547 | 10% | 3,055 |
| Licensing Administrator | 22,554 | 15% | 3,383 |
| Senior Administrative & Finance Officer | 35,712 | 10% | 3,571 |
| Democratic Services | - | - | 5,000 |
| Legal Services | - | - | 25,000 |
| Judicial Review | - | - | 50,000 |
| Total | | | 118,899 |

PROJECTED GAMBLING INCOME BY APPLICATION CATEGORY

| Premises Licence Application Category | Projected Number | Maximum Fee (£) | Total Income (£) |
|---------------------------------------|------------------|-----------------|------------------|
|---------------------------------------|------------------|-----------------|------------------|

Fast Track Transitional

| | | | |
|---------------------------|----|-----|-------|
| Betting (Off-course) | 30 | 300 | 9,000 |
| Track (On-course betting) | 1 | 300 | 300 |
| Adult Gaming Centre | 1 | 300 | 300 |

Non-Fast-Track Transitional

| | | | |
|---------------------------|----|-------|--------|
| Betting (Off-course) | 10 | 1,500 | 15,000 |
| Track (On-course betting) | 1 | 1,250 | 1,250 |
| Adult Gaming Centre | 1 | 1,000 | 1,000 |

New

| | | | |
|---------------------------|---|-------|-------|
| Betting (Off-course) | 2 | 3,000 | 6,000 |
| Track (On-course betting) | 0 | 2,500 | 0 |
| Adult Gaming Centre | 2 | 2,000 | 4,000 |

Provisional Statement

| | | | |
|---------------------------|---|-------|-------|
| Betting (Off-course) | 1 | 3,000 | 3,000 |
| Track (On-course betting) | 0 | 2,500 | 0 |
| Adult Gaming Centre | 2 | 2,000 | 4,000 |

New with Provisional Statement

| | | | |
|---------------------------|---|-------|-------|
| Betting (Off-course) | 1 | 1,200 | 1,200 |
| Track (On-course betting) | 0 | 950 | 0 |
| Adult Gaming Centre | 2 | 1,200 | 2,400 |

Transfer

| | | | |
|---------------------------|---|-------|-------|
| Betting (Off-course) | 3 | 1,200 | 3,600 |
| Track (On-course betting) | 1 | 950 | 950 |
| Adult Gaming Centre | 1 | 1,200 | 1,200 |

Reinstate

| | | | |
|---------------------------|---|-------|-------|
| Betting (Off-course) | 1 | 1,200 | 1,200 |
| Track (On-course betting) | 0 | 950 | 0 |
| Adult Gaming Centre | 1 | 1,200 | 1,200 |

Variation

| | | | |
|---------------------------|---|-------|-------|
| Betting (Off-course) | 4 | 1,500 | 6,000 |
| Track (On-course betting) | 0 | 1,250 | 0 |
| Adult Gaming Centre | 2 | 1,000 | 2,000 |

TOTALS

| | | | |
|---------------------------|----|---|--------|
| Betting (Off-course) | 52 | - | 45,000 |
| Track (On-course betting) | 3 | - | 2,500 |
| Adult Gaming Centre | 12 | - | 16,100 |

GRAND TOTAL

63,600

DECLARATION OF INTEREST

NAME : _____

DATE : _____

MEETING : _____

EXISTENCE OF INTEREST : PERSONAL / PREJUDICIAL

NATURE OF INTEREST : I have declared a _____ interest in

agenda item no. _____ because _____

SIGNED : _____

NOTE: Please hand this form signed and completed to the Democratic Services Officer present who will pass the original to the Head of Civic & Legal Services

ADVICE TO MEMBERS ON DECLARATIONS OF INTEREST

1. Do you have a *personal interest* in any matter on the agenda?

You will have a personal interest if (for example) :-

- (a) The report relates to something, which you have already registered on the Register of Interests. The Register of Interests will include your employment; business; corporate bodies (companies) in which you have shares (with a nominal value of over £25k or 1:100 of the share capital); contracts with the Council; paid directorships; land or property in which you have an interest (includes freehold, leasehold, tenancy or licence over 28 days) or any partnership or company in which you are involved, or
- (b) A decision on the matter may be regarded as affecting your well being or that of a friend or relative of yours to a greater extent than it will affect the well-being of others living/working in the Borough.

Note : A decision on the matter may be regarded as affecting the well being of one of the following; you; or your relative or your partner, or any employment / business / partnership / Directorship / company in which you or they have a share (exceeding £5k), bodies where you represent the Council, other public bodies, charity, bodies whose purpose is to influence the Council or Trade Unions or professional association.

2. If you have a *personal interest*

You should state this at the beginning of the meeting (or as soon as you realise you have one during the meeting). You need to state the item the interest relates to, the nature of the interest (i.e. that it is personal) and why you have a personal interest (i.e. the facts which give rise to the interest).

You may stay throughout the meeting, take part in the debate and vote unless the interest is also prejudicial.

3. When will a Member's *personal interest* also be *prejudicial*?

A personal interest will be prejudicial when the interest is such that it may reasonably be regarded by the public as significant enough that it is likely to prejudice judgement of the public interest.

However, it may not be prejudicial if it arises because of your involvement in another public authority, or any body to which you have been appointed by the Council, or the housing functions of the Council where you are a tenant/leaseholder (provided you are not in arrears of rent/service charge and the decision does not relate directly to your property); or the decision relates to school meals, travel, etc and you are a parent/governor at a school (unless your child attends that school); or the matter relates to Member's allowances. In these cases Members should consider whether there are any other facts which would still warrant declaring the interest as prejudicial.

4. If your *personal interest* is also *prejudicial*

The Member must state that as well as personal the interest is prejudicial and at the point the item is discussed should leave the room. The Member may return once that agenda item (or items) is concluded.