

LICENSING SUB-COMMITTEE RULES OF PROCEDURE

1. General

- 1.1 These rules of procedure are subject to the Statement of Licensing Policy, the Gambling Policy Statement and the provisions of the Licensing Act 2003 (Hearings) Regulations 2005, Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, Licensing Act 2003 (Premises licences and club premises certificates)(Amendment) Regulations 2012 and the Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees) (Premises Licences and Provisional Statements) Regulations 2007 (the 'Regulations'). Where appropriate, the provisions of the Regulations have been incorporated into these rules.
- 1.2 The Licensing Authority is The Dartford Borough Council.
- 1.3 'Affected Person' means in relation to the Affected Premises, the holder of a premises licence or club premises certificate or club gaming/club machine permit or other permit issued under the Gambling Act 2005, the premises user in relation to a temporary event notice or temporary use notice, the applicant for a premises licence or club premises certificate or club gaming / club machine permit or other permit issued under the Gambling Act 2005 (where the application has not been determined), a person in receipt of a provisional statement and an applicant for the grant or renewal of a personal licence
- 1.4 'Affected Premises' means the premises the subject of the Application.
- 1.5 'Application' means:
- (a) for the purposes of the Licensing Act 2003, the application for the grant, variation or review of a premises licence or club premises certificate, the application for a temporary event notice or the application for the grant or renewal of a personal licence.
 - (b) for the purposes of the Gambling Act 2005, the application for the grant, variation or review of premises licences or the grant or cancellation of permits or the consideration of a temporary use notices.
- 1.6 'Interest' means a disclosable pecuniary interest or prejudicial interest as defined in Annex 2 to these rules of procedure.
- 1.7 'Interested Person' means:
- (a) for the purposes of the Licensing Act 2003, any persons making Relevant Representations;.
 - (b) for the purposes of the Gambling Act 2005, any persons living in the vicinity of the Affected Premises that are likely to be affected by the Application, or those persons who are involved in a business in the vicinity of the Affected Premises that might be affected by the Application;

or

any person who is representing such persons.

- 1.8 'Parties to the Hearing' means Affected Person, Interested Person and Responsible Authorities.
- 1.9 'Relevant Representations' means representations that relate to one or more of the licensing objectives made by an Affected Person, Interested Person or Responsible Authority.
- 1.10 'Responsible Authority' means the bodies that must be fully notified of the Application and that are entitled to make representations to the Licensing Authority on the Application and include the chief officer of police, the fire & rescue authority, the local planning authority, environmental health, primary care trusts and public health boards for the area in which the Affected Premises are situated.

2. Composition of Sub-Committee and declaration of Interests

- 2.1 The Sub-Committee shall comprise three (3) Councillors of the Licensing Authority's Licensing Committee of whom, one shall be appointed Chairman. The quorum shall be three (3) for the duration of the meeting.
- 2.2 Councillors shall declare any Interest and explain the nature of the Interest at the beginning of the Sub-Committee meeting, or when the Interest becomes apparent and unless they have been granted a dispensation, shall not participate in any discussion of, or have their vote taken on, the matter in which they have an Interest and will withdraw from the meeting room in accordance with Standing Order 19.
- 2.3 Where a Sub-Committee meeting becomes inquorate during the course of the meeting, then the meeting shall be adjourned to such time, place and date as may be determined by the Councillors present. Decisions taken by the Sub-committee before the meeting becomes inquorate, shall not be invalidated by a later lack of quorum.
- [2.4 Sub-Committee Councillors shall have regard to the Probity in Licensing Guide¹.]

3. Notice of hearing

- 3.1 The Licensing Authority shall give a notice to the Party to the Hearing, stating the date and time and place at which the hearing is to be held (the 'notice of hearing') in accordance with the provisions of the Regulations.
- 3.2 The notice of hearing shall be accompanied by information regarding the following: -
- (a) the rights of the Party to the Hearing as provided for in paragraphs 4.1 and 8.5 to these rules of procedure;
 - (b) the consequences of not attending or not being represented at the hearing;
 - (c) the procedure to be followed at the hearing;
 - (d) any particular points on which the Licensing Authority considers that it will want clarified at the hearing.

¹ To be adopted
Date: 15 October 2012
Licensing/Procedure/Licensing Subcommittee Hearing Procedure

4. Right of attendance, assistance and representation

- 4.1 Subject to paragraph 6.5 of these rules of procedure, a Party to the Hearing may attend the hearing to make representations and be assisted or represented by any person whether or not that person is legally qualified.
- 4.2 Upon receipt of the notice of hearing and within the period of time prescribed by the Regulations, each Party to the Hearing shall give to the Licensing Authority, a notice stating:-
- (a) whether he/she intends to attend or be represented at the hearing;
 - (b) whether he/she considers a hearing to be unnecessary.
- 4.3 In a case where a Party to the Hearing wishes any other person (other than his/her representative) to appear at the hearing, the notice referred to in paragraph 4.2 above, shall contain a request for permission for such other person to attend at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the Licensing Authority in relation to the application.
- 4.4 A Party to the Hearing who wishes to withdraw any relevant representations they have made may do so:
- (a) by giving notice to the licensing officer no later than 24 hours before the day on which the hearing is to be held; or
 - (b) orally at the hearing.

5. Right to dispense with a hearing if all parties agree

Where all Parties to the Hearing agree that a Sub-Committee hearing is unnecessary and have given notice to the Licensing Authority, and if the Licensing Authority agree that a hearing is unnecessary, it may dispense with holding a hearing and shall forthwith give notice to the Parties to the Hearing, that the hearing has been dispensed with.

6. Hearing to be in public

- 6.1 Subject to paragraphs 6.2 – 6.4 below, the hearing shall take place in public.
- 6.2 The Sub-Committee shall exclude the public and press from that part of the hearing where confidential information is likely to be revealed i.e. information that has been provided by a government department under the condition that it must not be revealed as well as information that cannot be revealed under any legislation or by a court order.
- 6.3 The Sub-Committee shall have the discretion to decide whether or not to exclude the public and press from that part of the hearing, where exempt information i.e. information contained in Annex 1 to these procedure rules is likely to be revealed.
- 6.4 When considering whether confidential or exempt information is likely to be revealed, the Sub-Committee shall consider whether any Parties to the Hearing should be excluded from that part of the hearing which is likely to disclose confidential and/or exempt information.

6.5 Disruptive behaviour

The Sub-Committee may require any person who is acting or behaving in a disruptive manner, to leave the hearing and may –

- (a) refuse to permit that person to return; or
- (b) permit him/her to return only on such conditions as the Sub-Committee may specify;

but subject to the person being provided with the opportunity to submit to the Sub-Committee in writing, before the end of the hearing, any information which they would have been entitled to give orally, had they not been required to leave.

7. Report

7.1 The Sub-Committee shall receive a report prepared by the licensing officer.

7.2 The licensing officer shall comply with the access to information rules in Standing Orders and submit a copy of the report to the Parties to the Hearing in advance of the hearing.

8. Procedure at hearing

As a matter of practice, the Sub-Committee shall seek to focus the hearing on the steps needed to promote the particular licensing objective(s) which has given rise to the specific representation(s) and will avoid straying into undisputed areas

8.1 The order of business shall be at the discretion of the Sub-Committee, but shall normally proceed in accordance with the following paragraphs.

8.2 The Chairman shall at the beginning of the hearing, introduce the Sub-Committee members, invite the Parties to the Hearing and any Councillor representative to identify themselves and then explain to the parties the procedure that the Sub-Committee intends to follow.

8.3 The Sub-Committee shall then proceed to consider any request made by a Party to the Hearing for permission for another person to appear at the hearing. Permission shall not be unreasonably withheld.

8.4 The Chairman may ask a representative of the Licensing Authority to introduce the report, and outline the matter before the Sub-Committee. Alternatively, the Chairman may proceed directly to paragraph 8.5 below.

8.5 Parties to the Hearing shall be entitled to: -

- (a) give further information in support of their application, Relevant Representations or notice (as applicable) in response to a point upon which the Licensing Authority has given notice that it requires clarification;
- (b) question any other party* if given permission by the Sub-Committee,
- (c) address the Sub-Committee.

**cross examination shall not be permitted unless the Sub-Committee considers that cross examination is required for it to consider the relevant representations, application or notice as the case may require*

8.6 The Parties to the Hearing shall normally be invited to address the Sub-Committee in the following order: -

- (a) Affected Person
- (b) Responsible Authority
- (c) Interested Person

8.7 Members of the Sub-Committee may ask any question of any party to the hearing or other person appearing at the hearing.

8.8 Where there is more than one Relevant Representation raising the same or similar grounds, the Sub-Committee shall request that only one party address them on behalf of the parties who have made the representations in question.

8.9 Subject to paragraph 8.10 below, in considering any Relevant Representations or notice made by a Party to the Hearing, the Sub-Committee may take into account additional documentary or other information produced by such a Party in support of their application, Relevant Representations or notice (as applicable) either before the hearing date or, with the consent of *all* the other parties and the Chairman, at the hearing. Where all the other parties consent the Licensing Sub-Committee has discretion as to whether to admit additional documentary evidence or other information at the hearing, but will generally allow this to be presented, if it is relevant and material to the application, the Relevant Representations or notice submitted and the licensing objectives.

As a matter of good practice, any additional documentation or other information produced in advance of the hearing date, should be produced no later than two working days before the hearing.

8.10 The Sub-Committee shall disregard any information given or evidence produced by a party or any person to whom permission is given to appear at the hearing, which is not relevant to:

- (a) their application, Relevant Representations or notice (as applicable) or in the case of another person, the application, Relevant Representations or notice of the party requesting their appearance, and
- (b) the promotion of the licensing objectives or, in relation to a hearing to consider a notice given by a chief officer of police, the crime prevention objective.

8.11 Hearsay evidence may be admitted before the Sub-Committee, but consideration shall always be given to the weight, if any, to be attached to such evidence, depending upon the circumstances in which it arises.

8.12 The Parties to the Hearing shall be entitled to make closing submissions. The closing submissions of the Affected Person shall normally follow the closing submissions of any Responsible Authority and/or Interested Person.

8.13 The Sub-Committee may place a time limit on the exercise of the rights set out in paragraphs 8.5 and 8.12 above. This may be by setting realistic time limits for constituent elements of the hearing and for the hearing overall. All Parties to the Hearing shall be allowed an equal maximum period of time overall for the presentation of their case and shall be allowed an equal maximum period of time for the testing of their opponent's case.

8.14 The Sub-Committee may, after hearing the Relevant Representations of the Parties to the Hearing, withdraw from the room to make their deliberations. Alternatively, the Sub-Committee may ask all Parties to the Hearing and the public and press, to leave the meeting room.

8.15 The Committee Co-ordinator shall accompany the Sub-Committee when they retire to make their deliberations.

9. Role of Legal Adviser

9.1 The Sub-Committee may seek advice or clarification of any procedural, technical or legal matter from the legal adviser at any time during the course of the hearing.

9.2 The legal adviser shall provide the Sub-Committee with any advice it requires properly to perform its functions whether or not the Sub-Committee requested that advice, on:

- (a) questions of law;
- (b) questions of mixed fact and law;
- (c) matters of practice and procedure;
- (d) the range of options available to the Sub-Committee;
- (e) any relevant decisions of courts;
- (f) relevant national guidance or policy;
- (g) other issues relevant to the matter before the Sub-Committee;
- (h) the appropriate decision-making structure to be applied in any given case.

9.3 The legal adviser shall assist the Sub-Committee where appropriate as to the formulation of reasons and the recording of those reasons.

9.4 The legal adviser shall play no part in making findings of fact, but may assist the Sub-Committee by reminding it of the evidence taken from his/her own or the Committee Co-ordinator's notes.

9.5 The legal adviser may ask questions of witnesses and the parties in order to clarify the evidence and any issues in the case. The legal adviser is under a duty to ensure that every case is conducted fairly.

9.6 When advising the Sub-Committee, the legal adviser should:

- (a) ensure that he/she is aware of the relevant facts;
- (b) invite relevant representations from the parties on the advice;
- (c) provide the parties with the information necessary to enable them to make such representation.

9.7 The legal adviser may join the Sub-Committee during the course of their deliberations either when asked to do so or if he/she realises there is a point of law on which they may need assistance but on which he/she omitted to advise them in open session.

9.8 Any advice given by the legal adviser to the Sub-Committee shall be provisional until the substance of that advice has been repeated in open session and the Parties to the Hearing have had an opportunity to comment on it. The legal adviser shall then state in open session, whether the advice is confirmed or varied (and if it is varied, in what way) before the Sub-Committee act upon it.

10. Role of Committee Co-ordinator

- 10.1 The Committee Co-ordinator's role shall be to make a record of the proceedings, summarise and record decisions and to provide help and assistance to members of the public attending hearings.
- 10.2 The Committee Co-ordinator shall remain with the Sub-Committee when it retires to make its deliberations.

11. Determination of applications

- 11.1 The Sub-Committee shall give appropriate weight to:
- (a) the Relevant Representations (including supporting information) presented by all the parties;
 - (b) national guidance;
 - (c) the Licensing Authority's Licensing/Gambling Policy;
 - (d) the steps that are necessary to promote the licensing objectives.
- 11.2 The Sub-Committee shall make its determination:
- (a) at the conclusion of the hearing in accordance with the relevant Regulations; or
 - (b) within 5 working days thereafter (all other cases).
- 11.3 The determination shall be issued by the Strategic Director under delegated authority. The licensing officer shall append the licence and a summary to the determination.

12. Failure of parties to attend the hearing

- 12.1 If a Party to the Hearing has informed the Licensing Authority that he/she does not intend to attend or be represented at the hearing, the hearing may proceed in his/her absence.
- 12.2 If a Party to the Hearing fails to provide notification in accordance with paragraph 12.1 above, and fails to attend or be represented at a hearing, the Sub-Committee may:
- (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date; or
 - (b) hold the hearing in the party's absence and shall consider at the hearing, the application, Relevant Representations or notice made or submitted by that party.

13. Adjournments

- 13.1 Subject to the provisions of the Regulations, the Sub-Committee may, where necessary for its consideration of any relevant representations or notice made by a party to the hearing, adjourn the hearing to a specified date.
- 13.2 Where the Sub-Committee adjourns the hearing to a specified date, it shall forthwith notify the Parties to the Hearing of the date, time and place.

14. Record of proceedings

14.1 A record/minute of the hearing shall be kept for 6 years from the date of determination or, where an appeal is brought against the determination, the disposal of the appeal.

15. Waiver of rules

15.1 Except where prescribed by the Regulations, the Sub-Committee may in any particular case, dispense with or modify these rules of procedure.

15.2 The Licensing Authority may extend the time limit provided for in the Regulations for a specified period, where it considers this to be necessary in the public interest.

15.3 Where the Licensing Authority has extended the time limit, it shall forthwith give a notice to the Parties to the Hearing, stating the period of time of the extension and the reasons for it.

16. Qualified Privilege

16.1 Statements made in Sub-Committee meetings are subject to the general principles of the law of defamation. However, the Sub-Committee's proceedings are regarded in law as a 'privileged occasion' to which the doctrine of qualified privilege attaches to statements made in its proceedings (quasi-judicial in nature), providing the following criteria are met:

- a. any opinions expressed are honestly held;
- b. opinions/statements are based on the facts of the matter;
- c. opinions/ statements are on a matter of public interest;
- d. a clear distinction is made between what is fact and what is opinion;
- e. no malice.

17. Licensing Committee Hearings

17.1 These rules of procedure shall apply to hearings before the Licensing Committee except to the extent that the Member composition of the Committee shall comprise no less than 10 members.

NOTE:

Human Rights

The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a convention right. The Sub-Committee will have regard to the Human Rights Act when exercising its licensing functions, with particular reference to the following provisions: -

- Article 1 of the first protocol – every person is entitled to the peaceful enjoyment of his/her possessions
- Article 6 - in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law
- Article 8 – everyone has the right to respect for his/her home and private and family life

RIGHT OF APPEAL

THE APPLICANT

The applicant has a right of appeal to the Magistrates' Court within 21 days [beginning with the day on which the applicant was notified of the decision of the Licensing Authority] against a decision.

PERSON MAKING RELEVANT REPRESENTATIONS AND CHIEF OFFICER OF POLICE

A person who made relevant representations and the Chief Officer of Police has a right of appeal to the Magistrates' Court within 21 days [beginning with the day on which the person was notified of the decision of the Licensing Authority] against a decision.

Adopted by the Licensing Committee on 29 March 2010 [Min.No.17]
Amended by authority of the GAC [16 July 2012 [Min.No.35]]

**ANNEX 1
LOCAL GOVERNMENT ACT 1972
SCHEDULE 12A: PARTS 1-3
STANDING ORDER 46
ACCESS TO INFORMATION: CATEGORIES OF EXEMPT INFORMATION**

Category	Qualification
<p>1. Information relating to an individual</p>	<p>Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description i.e. it must relate to and be recognisable as referring to a particular living individual in the roles indicated.</p> <p>Information is only exempt:</p> <ul style="list-style-type: none"> (a) where disclosure is prohibited by statute; or (b) where disclosure might involve providing personal information about individuals; or (c) where disclosure might breach a duty of confidentiality; and (d) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.
<p>2. Information which is likely to reveal the identity of an individual</p>	<p>Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description i.e. it must relate to and be recognisable as referring to a particular living individual in the roles indicated.</p> <p>Information is only exempt:</p> <ul style="list-style-type: none"> (a) where disclosure is prohibited by statute; or (b) where disclosure might involve providing personal information about individuals; or (c) where disclosure might breach a duty of confidentiality; and (d) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.
<p>3. Information relating to the financial or business affairs of any particular person (including the authority holding the information)</p> <p>'financial or business affairs' includes contemplated, as well as past or current, activities</p> <p>This category will include commercial and contractual interests</p>	<p>Information is not exempt information if it is required to be registered by law e.g. Companies Act 1985, the Charities Act 1993 etc</p> <p>Information is only exempt if and for so long as:</p> <ul style="list-style-type: none"> (a) disclosure of the amount involved would be likely to give advantage to a person entering into or seeking to enter into a contract with the Council in respect of property, goods or services whether the advantage would arise as against the Council or as against other persons; or (b) disclosure would prejudice the efficiency and effectiveness of the use of Council resources; or (c) disclosure of trade secrets and other information would, or would likely, prejudice the commercial interests of any person, including the Council; and (d) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.
<p>4. Information relating to any consultations or negotiations or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a minister of the crown and employees of, or office-holders under, the authority</p> <p>'Labour relations matters' are as specified in paragraphs (a) to (g) of Section 29(1) of the Trade Unions and Labour Relations Act 1974 i.e. matters which may be the subject of a trade dispute</p>	<p>Information is only exempt if and for so long as its disclosure to the public:</p> <ul style="list-style-type: none"> (a) would prejudice the Council in those or any other consultations or negotiations in connection with a labour relations matter; and (b) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.

Category	Qualification
<p>'employee' means a person employed under a contract of service</p> <p>'office-holder' means the holder of any paid office appointments which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority</p>	
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings</p>	<p>Information is only exempt:</p> <p>(a) where a claim of legal professional privilege could be maintained in legal proceedings e.g. correspondence such as legal advice and assistance between the Council's Legal Services and its client; and</p> <p>(b) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.</p>
<p>6. Information which reveals that the authority proposes –</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person, or</p> <p>(b) to make an order or direction under any enactment</p>	<p>Information is exempt only if and so long as:</p> <p>(a) disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice order or direction is to be given or made; and</p> <p>(b) in all circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.</p>
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</p>	<p>Information is only exempt if its disclosure would, or would be likely to, prejudice-</p> <p>(a) criminal investigations and proceedings; or</p> <p>(b) the apprehension or prosecution of offenders; or</p> <p>(c) the administration of justice; or</p> <p>(d) the assessment or collection of any tax or duty or of any imposition of a similar nature; or</p> <p>(e) regulatory enforcement; or</p> <p>(f) any civil proceedings; or</p> <p>(g) Health and safety; or</p> <p>(h) information obtained from confidential sources; and</p> <p>(i) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.</p>

ANNEX 2

INTERESTS

Disclosable Pecuniary Interests as prescribed by the Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012 are as follows and subject to the following definitions:

“**the Act**” means the Localism Act 2011

“**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 the 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 a notification for the purposes of section 30(1), or section 31(7), as the case may be, of the Act

“**relevant person**” means M or any other person referred to in section 30(3)(b) of the Act (the Member’s spouse, civil partner, or somebody with whom they are living as a husband or wife, or 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

Interest	Description
Employment, office, trade, profession or vacation	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

	<p>authority; and</p> <p>(b) either</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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.</p>
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Prejudicial Interests (as prescribed by Dartford Borough Council)

A prejudicial interest means an interest (other than a Disclosable Pecuniary Interest) in any matter under consideration at any meeting which may reasonably be regarded as affecting your financial position or the financial position of a person or body you are associated with to a greater extent than other council tax payers, ratepayers or inhabitants of the Council's area. You would have a prejudicial interest where a member of the public with knowledge of the relevant facts would reasonably regard the interest as being so significant that it is likely to prejudice your judgment.

You will not normally have a prejudicial interest if:

- (a) you are a tenant of the Council provided that the matter under consideration does not relate particularly to your tenancy or lease; or
- (b) you are a parent or guardian of a child in full time education, unless the matter under consideration relates particularly to the school which your child attends; or
- (c) you are in receipt of, or are entitled to the receipt of, statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992; or
- (d) as a member of the Council, you are given an allowance, payment or indemnity; or
- (e) as a member of the Council, you are being/have been bestowed a ceremonial honour by the Council; or
- (f) the Council is setting the council tax or a precept under the Local Government Finance Act 1992; or
- (g) you serve as a member of a body exercising functions of a public nature (e.g. other government agencies, other councils, public health bodies, school governing bodies), unless the matter under consideration relates particularly to the body.