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Date: 19 December 2016
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LICENSING BOARD

3 JANUARY 2017

A meeting of the Licensing Board will be held at **10.00 am on Tuesday, 3 January 2017** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillor L Potts (Chairman); Councillors: Dellar (Vice-Chairman), K Coleman-Cooke, Crow-Brown, Curran, Falcon, Matterface, Rogers, Tomlinson, J Fairbrass, Savage, M Saunders, Connor, R Potts and Howes

A G E N D A

Item
No

Subject

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST**

'To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest Form attached at the back of this Agenda. If a Member declares an interest, they should complete that form and hand it to the Officer clerking the meeting and then take the prescribed course of action.'

3. **MINUTES OF PREVIOUS MEETING** (Pages 1 - 2)

To approve the Minutes of the Licensing Board meeting held on 22 November 2016, copy attached.

4. **LICENSING SUB-COMMITTEE MINUTES** (Pages 3 - 4)

To approve the minutes of the Licensing Sub-Committee meeting held on 22 November 2016, copy attached.

5. **REPORT ON PROSECUTIONS, APPEALS AND LICENSING UPDATE** (Pages 5 - 6)

6. **REPORT TO CONSIDER ANY REVISION OF THE TARIFF FOR HACKNEY CARRIAGE VEHICLES** (Pages 7 - 10)

7. **EXCLUSION OF PUBLIC AND PRESS** (Pages 11 - 14)

8. **LICENCE TO DRIVE PRIVATE HIRE VEHICLES** (Pages 15 - 18)

Declaration of Interests Form

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Public Document Pack Agenda Item 3

LICENSING BOARD

**Minutes of the meeting held on 22 November 2016 at 10.00 am in Council Chamber,
Council Offices, Cecil Street, Margate, Kent.**

Present: Councillor Linda Potts (Chairman); Councillors Dellar, K Coleman-Cooke, Crow-Brown, Curran, Falcon, Matterface, Rogers, Tomlinson, J Fairbrass, Savage, M Saunders, Connor, R Potts and Howes

355. APOLOGIES FOR ABSENCE

There were no apologies for absence.

356. DECLARATIONS OF INTEREST

There were no declarations of interest.

357. MINUTES OF PREVIOUS MEETING

Councillor Rogers proposed, Councillor Tomlinson seconded and Members agreed the minutes of the Licensing Board meeting held on 26 July 2016.

358. LICENSING SUB-COMMITTEE MINUTES

Councillor Crow-Brown proposed, Councillor Coleman-Cooke seconded and Members agreed the minutes of the Licensing Sub-Committee meetings held on 26 July 2016, 11 August 2016, 24 August 2016, 30 August 2016, 18 October 2016 and 8 November 2016.

359. REPORT ON PROSECUTIONS, APPEALS, LICENSING UPDATE

The Regulatory Services Manager presented the report.

Members NOTED the report.

360. EXCLUSION OF PUBLIC AND PRESS

That the public and press be excluded from the meeting on agenda items as it contains exempt information as defined in Paragraph 1 of Schedule 12A of the Local Government Act 1972 (as amended).

361. APPLICATION FOR GRANT OF LICENCE TO DRIVE PRIVATE HIRE VEHICLES

The Licensing Officer introduced the report to consider a licence to drive Private Hire Vehicles and provided Members with a copy of the application.

The Regulatory Services Manager addressed the Board.

Members asked a question of the Regulatory Services Manager.

The applicant addressed the Board.

Members asked a question of the applicant.

Councillor Matterface proposed, Councillor Tomlinson seconded and Members AGREED the following:

“Having heard from the Licensing Officer and Regulatory Services Manager, having heard from the applicant and having read the documents supplied, the Board do not consider the applicant to be a fit and proper person to have a licence to drive private hire vehicles, having heard reference to the caution and having heard that he is barred from regulated activity with children and vulnerable adults, and the application was not completed honestly. In the circumstance the Board have decided on option 3.2 – refuse to issue the licence.”

362. APPLICATION FOR GRANT OF LICENCE TO DRIVE PRIVATE HIRE VEHICLES

The Licensing Officer introduced the report to consider a licence to drive Private Hire Vehicles and provided Members with a copy of the application.

The applicant addressed the Board.

Members asked questions of the applicant.

Councillor Matterface proposed, Councillor Howes seconded and Members AGREED the following:

“Having heard from the Licensing Officer and applicant, the Board have decided on option 3.1 – to grant the licence for a period of 6 months”.

Meeting concluded : 10.50pm

Public Document Pack Agenda Item 4

LICENSING SUB COMMITTEE

Minutes of the meeting held on 22 November 2016 at 11.00 am in Council Chamber,
Council Offices, Cecil Street, Margate, Kent.

Present: Councillors K Coleman-Cooke, Connor and R Potts

529. APOLOGIES FOR ABSENCE

There were no apologies for absence.

530. DECLARATIONS OF INTEREST

There were no declarations of interest.

531. APPLICATION FOR PREMISES LICENCE - VICTORIA RESTAURANT, 5 HARDRES STREET, RAMSGATE

Also present:

Officers: Mr Bensted – Regulatory Services Manager
Mr Evans – Assistant Litigation Solicitor

The Regulatory Services Manager outlined the report to the Licensing Sub-Committee in respect of the application for a Premises Licence at Victoria Restaurant, 5 Hardres Street, Ramsgate.

The Licensing Sub-Committee AGREED:

“Having heard from the Regulatory Services Manager and having considered the licensing objectives, we have decided on option 3.3 - to refuse the application.”

532. APPLICATIONS FOR TEMPORARY ACTIVITIES: TEMPORARY EVENT NOTICE - WESTWOOD CROSS

The item was withdrawn.

533. APPLICATION FOR VARIATION OF PREMISES LICENCE - THE ARCH, 9 MILITARY ROAD, RAMSGATE

Also present:

Officers: Mr Bensted – Regulatory Services Manager
Mr Evans – Assistant Litigation Solicitor
Ms Berry – Environmental Health Officer
PC Dennett-Kent Police

Applicant: Mr Wiseman

The Regulatory Services Manager outlined the report to the Licensing Sub-Committee in respect of the application for a Temporary Event Notice at The Arch, 9 Military Road, Ramsgate.

PC Dennett addressed the Sub-Committee.

The Environmental Health Officer addressed the Sub-Committee.

The applicant asked a question of PC Dennett.

The applicant asked a question of the Environmental Health Officer.

Members asked a question of PC Dennett.

PC Dennett asked questions of the applicant.

The Regulatory Services Manager asked a question of the applicant.

The Licensing Sub-Committee AGREED the following:

“Having heard from Kent Police, Environmental Health, the Regulatory Service Manager and the applicant, there are concerns about a knock-on domino effect if the applicant was granted. There are doubts as to the genuine need for extra hours in regards to alcohol. The Sub-Committee does not support the application to extend live music. There are concerns about nuisance to residential boats in the harbour. This would set a worrying precedent. The Sub-Committee does not support an extension to the late night refreshment licence as again it sets a worrying precedent. The applicant argues that the application does not make ‘a blip on the seafront’ but the Sub-Committee disagrees and feels the application does not support the licensing objectives which are: the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.”

534. APPLICATION FOR VARIATION OF PREMISES LICENCE - COCO LATINO, 19 MILITARY ROAD, RAMSGATE

The agenda item was withdrawn.

Meeting concluded : 12.45pm

REPORT ON PROSECUTIONS, APPEALS, LICENSING UP-DATE

To: Licensing Board – 3rd January 2017

By: Regulatory Services Manager

Classification : Unrestricted

Summary This report sets out details of a Licensing up-date since the last Board on 22nd November 2016

For information

a) The 2016 Immigration Act came into force on the 1st December last and amended existing licensing regimes to seek to prevent illegal working in the private hire and taxi trade. From the 1st December all new and renewal applications made will need to produce acceptable documents to the Council.

Officer contact: Philip Bensted, Regulatory Services Manager, ext. 7630

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**TO CONSIDER ANY REVISION TO THE TARIFF FOR
HACKNEY CARRIAGE VEHICLES IN THANET**

Licensing Board – 3rd January 2017 at 10 a.m

Report Author **Philip Bensted Regulatory Services Manager**

Portfolio Holder **Cllr Lin Fairbrass Community Services**

Status **For Decision**

Classification: **Unrestricted**

Ward: **All**

Executive Summary:

To consider any revision to the tariff for hackney carriage vehicles in Thanet.

Recommendation(s):

The instructions of the Board are requested

CORPORATE IMPLICATIONS

Financial and Value for Money	None
Legal	Where the Licensing Board makes or varies a table of fares it will need to be published in accordance with legislation.
Corporate	None
Equalities Act 2010 & Public Sector Equality Duty	Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

1.0 Introduction and Background

1.1 Under legislation contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 authority is given to Councils to set the rates/fares charged by hackney carriage vehicles in their area.

1.2 Until 2015 Members had agreed that the taxi trade set and advertise its own tariff.

2.0 General Points

- 2.1 Following meetings between Councillors, Officers, and representatives of the trade a report went to the Licensing Board in March 2015 to consider a proposal that the Licensing Board take responsibility for fixing the fares for hackney carriage vehicles within the District. There are a total of 108 hackney carriage vehicle licences issued.
- 2.2 At the Licensing Board meeting in March 2015 Members agreed to take responsibility for the fixing of fares for hackney carriage vehicles and set the tariff. The tariff to be reviewed annually and varied in accordance with official inflation figures.
- 2.3 Hackney carriage vehicles are inspected and meters checked by Licensing Officers in March of each year as part of the re-licensing process. Any change to the tariff would come into effect at that time. A copy of the current tariff is appended at Annex 1.
- 2.4 During 2015, the Consumer Prices Index was close to zero and the Retail Prices Index varied between 0.8 and 1.1%. The Licensing Board decided to make no changes to the tariff at its meeting in January 2016.
- 2.5 Inflation as measured by the Consumer Prices Index in December 2016 was running at 1.2% for the year. The Retail Prices Index in December 2016 was running at 2.2% for the year.

3.0 Options

- 3.1 To make no revisions to the current tariff.
- 3.2 To make revisions to the tariff.

4.0 Recommendations

- 4.1 The instructions of the Licensing Board are requested.

Contact Officer:	Philip Bensted, Regulatory Services Manager, ext 7630
Reporting to:	Penny Button, Head of Neighbourhood Services, ext 7425

Annex List

<i>Annex 1</i>	<i>Current tariff</i>
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Background Papers

Title	Details of where to access copy
N/A	

Corporate Consultation

Finance	N/A
Legal	N/A

Thanet Zone – Motor Hackney Carriage (Taxi) Fares



Vehicle Identification Number: <small>(Displayed on Licence Plate on rear of vehicle)</small>	Vehicle Registration Number:	Complaints & Commendations may be made to: licensing@thanet.gov.uk or telephone 01843 577413	
<p>Hackney Carriages (Taxis) within the Thanet District are Licenced by Thanet District Council. They must display a 'TAXI' sign on top and a Licence Plate at the rear of the vehicle. Whilst working, drivers must display their 'Thanet District Council - Hackney Carriage Driver Badge'. The <u>maximum</u> fares payable within Thanet are set out in the tables (Tariffs 1, 2, & 3), showing the times and days when each tariff applies. Throughout each journey the fare payable is displayed on the Taxi Meter. Extra Charges may apply as described below. For journeys outside of the Thanet area the fare may be negotiated prior to commencement, otherwise Tariff 2 will apply (except over Christmas and New Year as described in tariff 3).</p> <p>Extra Charges:</p>			
* Assistance and Guide Dogs <u>MUST</u> be carried free of charge.	Free	Tariff 1 – For Hiring Commenced between the hours of 6am and Midnight each day (excluding Statutory Holidays and Bank Holidays):	
Trunk, suitcase, pram/pushchair, large freezer bag or sack (for each item):	20p	For the first 640.08 metres (700 yards) or 1 minute and 30 seconds:	
Shopping bags, small packages other small items (for the whole amount):	20p	For each and every subsequent 219.46 metres (240 yards) or 50 seconds or part thereof:	
Passengers – each person in excess of 1 for the whole journey or part thereof and dogs * (carried at the drivers discretion):	20p	Tariff 2 – For Hiring Commenced between the hours of 12 Midnight and 6am each day, Statutory Holidays and Bank Holidays (Excluding Christmas and New Year's Day), Christmas & New Year's eve 6pm to 11pm:	
		For the first 640.08 metres (700 yards) or 1 minute and 30 seconds:	
		For each and every subsequent 219.46 metres (240 yards) or 50 seconds or part thereof:	
Passengers - For hirings of 5 or more persons between 6am to midnight without extras, between Midnight - 6am with extras:	Tariff 2	Tariff 3 – For Hiring Commenced between the hours of 11pm Christmas Eve and midnight on 26th December and between 11pm New Years Eve and midnight on 1st January:	
Adverse Weather i.e. Local buses not running: * Except over Christmas and New Year as described in tariff 3	Tariff 2 *	For the first 640.08 metres (700 yards) or 1 minute and 30 seconds:	
Contamination Fee (Any soiling or fouling inside the vehicle)	£50.00	For each and every subsequent 219.46 metres (240 yards) or 50 seconds or part thereof:	

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EXCLUSION OF PUBLIC AND PRESS

Licensing Board – 03/01/2017

Report Author **Committee Services Manager**

Status **For Decision**

Classification: **Unrestricted**

Key Decision **No**

Executive Summary:

This report is necessary in order to exclude the press and public from the meeting for consideration of agenda item 8. It will weigh the public interest factors for disclosure against the public interest factors for exemption and explain why the exemption factors take priority.

The report will also state the which paragraph of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) the author is using in order to exclude the press and public from the meeting.

Recommendation(s):

That the public and press be excluded from the meeting for agenda item 8 as they contain exempt information as defined in Paragraphs 4 and 7 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

CORPORATE IMPLICATIONS	
Financial and Value for Money	There are no direct financial implications.
Legal	As per Part 1 of Schedule 12A and Part VA of the Local Government Act 1972 (as amended).
Corporate	Thanet District Council will endeavour to keep the number of exempt reports it produces to a minimum in order to promote transparency.
Equalities Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p>

	Please indicate which aim is relevant to the report.	
	Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	
	Advance equality of opportunity between people who share a protected characteristic and people who do not share it	
	Foster good relations between people who share a protected characteristic and people who do not share it.	
	There are no specific equity and equality considerations that need to be addressed in this report.	

CORPORATE PRIORITIES (tick those relevant)✓	
A clean and welcoming Environment	
Promoting inward investment and job creation	
Supporting neighbourhoods	

CORPORATE VALUES (tick those relevant)✓	
Delivering value for money	
Supporting the Workforce	
Promoting open communications	✓

1.0 Introduction and Background

- 1.1 Whilst the starting point for all public meetings of the Council is to admit the public and press, they may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted that confidential or exempt information would be disclosed. Under such circumstances, confidential or exempt information may be excluded from the public agenda. The public and press must be excluded from meetings if confidential information will be considered and disclosed, and such material must be excluded from the public agenda.

Meaning of confidential information

- 1.2 Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

Exempt information – discretion to exclude public

- 1.3 Subject to Article 6 of the Human Rights Act 1998 (right to a fair trial) the public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that “exempt” information would be disclosed.

2.0 Exempt information

- 2.1 The full rules are set out in Part 1 of Schedule 12A and Part VA of the Local Government Act 1972 (as Amended).

3.0 Reason Why Agenda Item 8 is considered to be “exempt”

- 3.1 The report author has classified Agenda Item 8 as disclosing exempt information under Paragraph 4 - Information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the Authority and Paragraph 7 - Information relating to any

action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

4.0 Justification/Public Interest Test

4.1 PUBLIC INTEREST FACTORS FOR DISCLOSURE

Factors suggested by the Information Commissioner as being relevant to an assessment of public interest apply to this information. Disclosure would:-

- 1. Further public understanding of the issues involved;*
- 3. Promote accountability and transparency by the Council for the decisions it takes;*

PUBLIC INTEREST FACTORS FOR EXEMPTION

Considerations which may weigh against a decision to disclose information include:

- 1. Good local government depends on good decision-making and this needs to be based on the best advice available and a full consideration of all the options without fear of premature disclosure;*
- 2. Advice should be broad based and there may be a deterrent effect on external experts or stakeholders who might be reluctant to provide advice because it might be disclosed;*
- 3. The impartiality of the officers might be undermined if advice was routinely made public as there is a risk that officials could come under political pressure not to challenge ideas in the formulation of policy, thus leading to poorer decision making;*
- 4. Members and officers also need to be able to conduct rigorous and candid risk assessments of their policies and programmes including considerations of the pros and cons without there being premature disclosure which might close off better options;*
- 6. Some aspects of Legal advice to Members may need to be taken in private as disclosure of such information would prejudice the position of Council in the event of Court proceedings taking place thereafter;*
- 7. Local Councils are obliged to adhere to legislation that include the Data Protection Act, 1998; where appropriate and failure to do so may result in litigation against Council by an aggrieved party thereby putting at risk the general public interest to protect the public purse.*

5.0 Not Excluding the Press and Public

- 5.1** There will be occasions when the meeting may decline to exclude the press and public from the meeting. If that occurs it does not simply mean that those members of the press and public who are present are allowed to stay for the discussion of the item(s). Declining to exclude the press and public would also mean that the press and public are allowed access to the actual report contained within the confidential part of the agenda (what Democratic Services refer to as the “pink pages”).
- 5.2** Members may wish to note that if a committee member is of the view that it is possible that the recommendation in this report may not be approved at the meeting, they should let Democratic Services know (as soon as they have read the agenda papers before the meeting); in order that spare copies are made available ready to be distributed, if necessary, at the meeting.

5.3 If the referred item is not exempted, Democratic Services would also make arrangements for the report to be retrospectively published on the Council's website.

6.0 Decision Making Process

6.1 If the press and public are to be excluded for the agenda item; this Committee must exercise its power to agree the recommendation.

Contact Officer:	Nicholas Hughes, Committee Services Manager
Reporting to:	Tim Howes, Director of Corporate Governance

Annex List

None	
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Background Papers

Title	Details of where to access copy
None	

Corporate Consultation

Legal	<i>Timothy Howes, Director of Corporate Governance & Monitoring Officer</i>
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By virtue of paragraph(s) 4, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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THANET DISTRICT COUNCIL DECLARATION OF INTEREST FORM

Do I have a Disclosable Pecuniary Interest and if so what action should I take?

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

Do I have a significant interest and if so what action should I take?

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- 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; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
 - exercises functions of a public nature; or
 - is directed to charitable purposes; or
 - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992

If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the

matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

Gifts, Benefits and Hospitality

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £25 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

What if I am unsure?

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Democratic Services and Scrutiny Manager well in advance of the meeting.

DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS, SIGNIFICANT INTERESTS AND GIFTS, BENEFITS AND HOSPITALITY

MEETING

DATE..... **AGENDA ITEM**

DISCRETIONARY PECUNIARY INTEREST

SIGNIFICANT INTEREST

GIFTS, BENEFITS AND HOSPITALITY

THE NATURE OF THE INTEREST, GIFT, BENEFITS OR HOSPITALITY:

.....
.....
.....

NAME (PRINT):

SIGNATURE:

Please detach and hand this form to the Democratic Services Officer when you are asked to declare any interests.