

CHELTENHAM BOROUGH COUNCIL

LICENSING COMMITTEE

PROBITY IN LICENSING

**A guide to procedures and
protocol for Councillors and Officers
involved in making decisions
on Licensing applications and
other Licensing matters**

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CONTENTS	Page No.
Introduction	1-2
Part One: Principles and Rules - Conduct of Councillors and Officers	3-9
A Voting and Impartiality	
B Gifts and Hospitality	
C Independence and Impartiality of Officers	
D Declarations of Interests	
E Involvement of Councillors with Applicants	
F Council Licensing Applications	
G Lobbying of Councillors and Formal Submission of Information	
H Political Decisions on Licensing Applications	
I Application by Councillors, Officers or their relatives or friends	
Part Two: Principles and Rules -The Decision Making Process	10-15
A Pre-Application Discussions	
B Reports to Committee	
C The Committee Hearing	
D The Committee's Decisions	
E Deferrals and Site Visits	
F Public Attendance at Committee Meetings	
Part Three: Administrative Matters	16
A Member Training	
B Record Keeping	
C Complaints	
D Further Advice	

Code of Practice: Probity in Licensing

INTRODUCTION

Cheltenham Borough Council's Licensing Committee operates in a quasi-judicial way in determining contentious licensing applications, policy issues and related matters. Most applications are free of objection and are determined under powers delegated to the Assistant Director Public Protection. This Code is written having regard to the Council's commitment to the principles of good enforcement, particularly openness and consistency, that are included within the national Enforcement Concordat.

The Committee deals with major and contentious applications and most policy and policy guideline issues. Applications are referred for Members' consideration where they are contentious and/or objections have been lodged by statutory consultees, residents, other third parties or where officers have reservations about the appropriateness of an application or the suitability of an applicant. Hackney Carriage and Private Hire disciplinary matters are also dealt with by the Committee in accordance with the provisions of the Council's procedures that were adopted on 3 March 2000.

The decisions that the Committee makes are significant and weighty. The Committee operates, for the most part, under its extensive delegated powers and it, rather than any other part of the Council, actually makes the decisions. The decisions can have a considerable effect on the value of premises or other capital assets, on the amenities of people living near licensed premises and on the lives of applicants. Furthermore if the Committee makes a wrong or irrational decision this may mean that the Council will face substantial costs if there is a successful appeal against the decision or if the decision is the subject of a legal challenge from an aggrieved third party.

Some licensing legislation specifies procedures to be followed but in all cases human rights and natural justice considerations dictate that the Committee adheres to the following principles in that decisions **must**:

- ❑ Be made on the individual merits of a case
- ❑ Have regard to all relevant national and local guidance
- ❑ Be made impartially and in good faith
- ❑ Be made by the body that receives all the relevant information and evidence
- ❑ Relate to the issue or question placed before the committee
- ❑ Be based only on consideration of relevant and material matters
- ❑ Be rational and reasoned
- ❑ Be made in a way that does not give rise to public suspicion or mistrust

The purpose of this local Code of Practice is to set out in detail how Members should act and the procedures which should be followed to ensure that Members not only act in a fair and proper manner, but are also seen to do so.

Code of Practice: Probity in Licensing

This Code has been prepared with a particular emphasis on Members who serve on the Council's Licensing Committee but its content is also relevant to all other Councillors and also to Officers in all other services.

The Borough Council, along with all other local authorities, adopted a Code of Conduct which specifies the obligations imposed on Members and defines personal and prejudicial interests and how these will affect the way a Member behaves. This Code of Conduct, which every Member has signed up to, is the statutory base to which this Code of Practice is added. In some areas this Code of Practice will extend, or go further than the Code of Conduct. In the case of a conflict between the two the Code of Conduct will take precedence.

It is possible that breaches of this Code of Practice could be considered to be a breach of the Code of Conduct.

DRAFT

Code of Practice: Probity in Licensing

PART ONE: CONDUCT OF COUNCILLORS AND OFFICERS

A. Voting and Impartiality

- 1. Licensing Committee Members must vote in the best interests of the Borough as a whole and must not vote on the basis of local ward interests that may be contrary to a balanced licensing assessment in the light of the evidence before the members and wider policies and guidance.***

The over-riding duty of a Committee Member is to the whole community, rather than just the people living in their Ward. This is a fundamental principle of the local democratic system but is not universally known or regularly referred to.

- 2. Members of the Licensing Committee must not declare which way they intend to vote in advance of the consideration of an application by the Committee.***

This can be a difficult issue for Members as they may be exposed to pressure from residents or the media to express a particular viewpoint. However it is essential that Members are measured and circumspect in the comments they make. If a Member declares which way they intend to vote it would in effect be pre-judging the application without having considered all of the relevant information. This could expose the Council to the possibility of legal challenge or a charge of maladministration. Members must not make their minds up until they have read the relevant Committee reports and heard the evidence and arguments on both sides.

- 3. If a Member of the Licensing Committee declares support for or opposition to a proposal before the matter has been put before the Committee, the Member must make an open declaration of their views to the Committee and take no part in the consideration of and voting on that particular item.***

This rule follows on from item 2 above. It does not mean that Members cannot make a comment or reflect local concerns about a proposal before the Licensing Committee considers it. However the view or comment must not pre-determine or be seen to pre-determine the way that Member will vote.

- 4. Licensing Committee Members who are also members of a Parish Council must exercise particular care in reconciling their two roles.***

This rule would apply in the case of a Member(s) holding office in both the Borough Council and a Parish Council. Such Member(s) may find that they are expected to express a view at a Parish Council meeting or vote on whether or not the Parish should object or comment on a proposal from a Parish point of view. In such circumstances Members are advised to abstain from both the debate and voting at the Parish Council. This is not inconsistency, but the consequence of having to fulfil two totally separate roles. If a Member does declare his or her support for or opposition to a licensing proposal at a Parish Meeting or elsewhere they must make an open declaration to the Borough Council's Licensing Committee to that effect and take no part in the voting and debate on that item, and leave the meeting.

Code of Practice: Probity in Licensing

5. *Licensing Committee Members who are also County Councillors must exercise particular care in reconciling their two roles.*

There are often a number of Members that hold office in both the Borough and County Councils. As a general rule such Members should declare an interest in any applications either made by the County Council or by third parties in relation to County Council premises or land. When an interest is declared Members should withdraw from the meeting. This will ensure that the Borough's licensing process is not unfairly influenced or perceived as being susceptible to unfair influence by a Councillor(s) who has two roles.

6. *Licensing Committee Members should not organise support for or against a Licensing application and should not lobby other Councillors.*

Committee Members should not place themselves in a position where they may give the impression that they had made up their mind before hearing the evidence. Each Member should make up his or her own mind on the evidence and facts presented to the Committee (See Section G on lobbying). With regard to other Members it could give the impression that they were seeking to influence Committee Members (again see section G on lobbying).

7. *Licensing Committee Members must not favour or show bias against any particular person, company or group, or any particular site or locality in respect of licensing matters.*

Furthermore they should not put themselves in a position where they may appear to do so.

8. *Confidentiality*

It will be unusual for licensing applications or other matters to be treated as confidential items with the exclusion of the press and public, but it may occur.

The grounds why this may occur are set down in the Local Government Act 1972 and the Council's Constitution, and are most likely to be in relation to the conduct of legal proceedings, or disclosure of personal details.

Information outside committee may also be provided to Members which is of a confidential nature.

Members are expected to treat the information as confidential and are referred to the Code of Conduct which indicates that a breach of this confidentiality may be a breach of the Code of Conduct and result in a complaint to the Standards Committee.

Code of Practice: Probity in Licensing

B. Gifts and Hospitality

- 1. Members and Officers must abide by the Council's policy on gifts and hospitality.***

The policy on gifts and hospitality is contained in the Council's Constitution and Members and officers must be extremely careful in this respect to ensure no question of bias can be raised. A general rule is that no gifts should be accepted and only modest hospitality connected with the work concerned should be accepted.

C. Independence and Impartiality of Licensing Officers

- 1. Members or other Officers within the Council must not instruct or lobby Licensing Officers to make or not to make a particular recommendation on a licensing application.***

Licensing Officers are trained to deal with licensing issues and will be aware of Government advice, case law etc., and will put forward a professional recommendation. Other officers will help inform that recommendation.

- 2. Officers must always act impartially and advise the Council of their professional opinion.***

The Borough Council's Licensing Officers must always act impartially to give advice based upon a professional assessment of the individual merits of each case taking in to account all relevant policies, guidance and other relevant material considerations. If they do not, or even if it appears that they are not, the integrity of the licensing process is severely compromised. Where an appeal has been made against a decision made against officer recommendation officers will always present the Council's case to the best of their ability.

D. Declarations of Interest

- 1. Members must always declare personal, and personal and prejudicial, interests in accordance with the Council's Code of Conduct.***

The Council adopted the Code of Conduct on the 24 April 2002. This changed the system of declaration of pecuniary and non pecuniary interests to the need to declare personal and personal and prejudicial interests.

The Code of Conduct is contained in the Council's Constitution and must be read in conjunction with this Code of Practice. A personal interest (Paragraph 8 of the Code of Conduct) is one relating to a matter affecting or connected to something declared in the Register of Members Interests; or if a decision on that matter would affect the member, a relative or friend more than another person in the area.

Code of Practice: Probity in Licensing

A personal interest must be disclosed at the start of the meeting or when such an interest becomes apparent, and an agenda item on this is included on the agenda for every meeting. The Member, under the Code of Conduct, does not need to leave the meeting and can still take part in the debate and voting. However, under this Probity in Licensing Code of Practice, Members should declare the interest, not take part in the debate or vote and leave the meeting.

A personal and prejudicial interest (Paragraphs 9 - 12 of the Code of Conduct) is defined as a personal interest (see above) which a member of the public, knowing all the relevant facts, would reasonably consider is so significant that it would be likely to affect the Members judgement of the public interest. There are exemptions in Paragraph 10 (2) which means that membership of e.g the County or a Parish Council would not be a personal and prejudicial interest, but Members must be aware that under this Code of Practice they would have an interest which means they should not take part in the meeting, debate and vote on that item.

A personal and prejudicial interest must be disclosed at the start of the meeting or when such an interest becomes apparent. The Member, under the Code of Conduct, must leave the room when the matter is being discussed unless a dispensation has been granted by the Standards Committee, and they must not seek to improperly influence any decision on that matter.

The test Members should apply is not whether they themselves think they have an interest but whether others, knowing the relevant facts, would think they have.

If a Member has any doubt advice can be taken, but if that doubt still remains it is best that an interest either personal, or personal and prejudicial, be declared. However, the responsibility for declaring an interest must lie on the Member.

There is an item on all Committee agendas which reminds Members of declaration of interests and a form with notes which explains the declaration procedure is attached to every agenda. The completed form is retained by the committee administrator. This is the appropriate time to make the declaration clearly identifying the item to which it refers and the nature of that interest, i.e. personal or personal and prejudicial.

There will however, be times when it only becomes apparent during the meeting that there is a declarable interest. Then the interest must be declared as soon as the Member becomes aware of it, even if it is during discussions on that particular item.

The duty is on each Member to declare interests and these will be noted in the Committee minutes. The Head of Legal Services should be informed of any declarable interests which should also be registered in the Register of Members Interests.

Code of Practice: Probity in Licensing

E. Involvement of Councillors with Applicants

- 1. Members of the Licensing Committee should not act as agents, or submit licensing applications for other parties or voluntary bodies.***

Any close involvement, or even perception of close involvement, can compromise the integrity of the licensing process. A Member acting as a licensing agent could give rise to suspicion that the Member was not impartial or may influence other Members in the decision making process.

- 2. Any Member who is a Licensing advisor or similar agent will not be appointed to the Licensing Committee.***

Where Members need to submit licensing applications on their own behalf, or on behalf of their employer as part of their job, they must declare an interest and take no part in the processing of the application or in the decision making process. Decisions on any proposals submitted by or relating to premises / land / vehicle(s) etc owned or controlled by a serving Member(s) should only be determined by the Licensing Committee (or the full Council). The Committee (or Council) alone should determine an application submitted by a Members employer, irrespective of whether the Member is involved in the application, its preparation or submission.

F. Council Licensing Applications

- 1. Proposals to licence the Council's own land or premises must be dealt with the same as all other applications.***

The Council's own proposals, or those of others on Council owned premises/ land, must be dealt with on exactly the same basis as applications submitted by any other applicant. Members must not have any regard to any other benefit, financial or otherwise, which may accrue to the Council as a result of any particular decision on a licensing proposal.

All licensing applications, irrespective of the applicant, must be considered and dealt with on the merits of the application, not any extraneous gain or loss that might accrue to the Council.

- 2. Other proposals that may have an impact on a Council land holding or application / proposal must be dealt with strictly on their licensing merits.***

Local Authorities are often landowners. They may operate licensed premises and may submit their own applications or third parties may submit applications for new licensed premises on land or premises due to be sold to them by the Council. Furthermore situations may arise where a licensing proposal may have an impact on the prospects and value of a Council landholding or premises.

Code of Practice: Probity in Licensing

These circumstances present special challenges to ensure that the licensing system operates, and is seen to operate, fairly.

G. Lobbying of Councillors and Formal Submission of Information

1. Any lobbying of Members must be dealt with carefully to minimise the perception of influence

Members should treat lobbying with care and should ensure that “unofficial” views, promises or documents do not unduly influence them. Members should advise lobbyists to present their views in writing to the licensing case officer in order that they can be formally considered in a balanced way at the Committee meeting. Alternatively Members may choose to pass on the views and or submissions of lobbyists to the officer but should make clear that they are not giving their own views as this is a matter for formal consideration by the Licensing Committee.

This is a complex area and one that requires special care. Lobbying is an attempt to influence a Member’s view in order to achieve a particular decision. It is a normal part of the political process but where Members are making statutory decisions, such as licensing decisions, it can result in decisions being made improperly.

Licensing decisions must be rational and be made strictly on the basis of the relevant facts, guidance and policies relating to each case. Members must not only act in a way that is fair to all parties but must be seen to do so. In particular Members must not prejudge proposals before they have read the officer’s reports and considered all the evidence.

Lobbying can take two forms:

- Lobbying of Councillors by applicants, agents or objectors.
- Lobbying by other Councillors.

Lobbying may be verbal or by the circulation of letters or documents to all or some Councillors.

Lobbying can be particularly problematical if Members are given information or assurances by applicants that do not form part of their formal application and are, therefore, unenforceable. Problems can also arise if Members are given information by objectors which may be misleading, untrue or irrelevant. Officers face particular difficulties if they are unaware of submissions by applicants and objectors and are therefore unable to consider them and advise the Committee about them.

This would cause particular problems if the Committee based a refusal on matters which neither officers nor applicant(s) or objectors had not had an opportunity to consider and comment upon.

Circulation of unofficial papers at a Committee meeting also constitutes lobbying.

Code of Practice: Probity in Licensing

- 2. Licensing applications must be determined on the basis of the documents and information that have been formally submitted and where all parties have had a proper opportunity to consider them.***

Only submissions from applicants, agents or objectors, which are formally received by licensing officers, can properly be taken into account in making a decision. The Committee could be materially misled if Members or other parties circulated 'unofficial' documents or introduced new information on behalf of an applicant or objector, or expressed what they believed to be an applicant's intention, if this did not form part of the application documents and correspondence. In all circumstances copies of any letters, documents or correspondence should be given to the licensing officer to consider and comment on. Such material should always be provided at least 7 clear working days ahead of a committee meeting. Where fresh information comes to light after a committee report has been finalised and circulated it may only be tabled with the Chair's consent.

H. Political Decisions on Licensing Applications

Decisions on licensing applications or the establishment of "party lines" cannot be made in political group meetings prior to a committee meeting.

The view of the Ombudsman is that '*the use of political whips at group meetings is contrary to the National Code and amounts to maladministration*'. It could also give rise to a legal challenge of any decision by Judicial Review.

I. Application by Councillors, Officers or their relatives or friends

These applications must be dealt with, and be seen to be dealt with, openly, fairly and without any bias. Accordingly despite the scheme of delegation to officers to decide certain application, all such applications will be reported to Committee.

PART TWO: THE DECISION MAKING PROCESS

A. Pre-Application Discussions and Negotiations on submitted applications

1. *Councillors should not, themselves, seek to advise applicants or agents about the likely acceptability of licensing proposals.*

Pre application discussions should always be undertaken by the Council's officers to ensure that advice is given professionally, comprehensively and in a way that is clearly removed from the political forum. Licensing Committee Members should advise prospective applicants to contact the appropriate officer for advice on both merits and procedures. If Members, whether or not they sit on the Licensing Committee, do give an indication of their initial reaction to a proposal they must make clear that any proposals will need to be formally considered by officers and / or the Licensing Committee. They should also make clear that officers and/or the Licensing Committee could only make a final decision after a full and formal consideration of the proposal.

Similarly Members should not normally be involved in negotiations and discussions about submitted applications. There may be exceptional circumstances in respect of major or contentious applications where there may be merit in Member involvement to explain a particular local viewpoint or issue. However such discussions should take place only where at least one officer is present. The officer(s) will make a written record of any such meetings held and will place a copy on the application / premises file. Such a record will constitute a Background Paper for the purposes of the Access to Information Act and may be inspected by any interested person.

The fact that Committee Member(s) have discussed any such proposal with the applicant or objectors must be made clear when the application is before the Committee for determination. Under no circumstances should Members put pressure on Officers to make, or change, any recommendations on an application.

2. *Officers role in processing licensing applications*

The Council employs professional officers whose job is to deal with the applications received, ensure the necessary publicity requirements are dealt with, negotiate with the applicant and/or their agents, and then report to Committee with their recommendations.

Officers will have pre-application discussions and/or issue guidance to help applicants to submit applications in accordance with Council policies and to assist with the smooth processing of the application.

The officers will always put forward their professional view to Committee and be available to answer Members questions.

Code of Practice: Probity in Licensing

B. Reports to Committee

- 1. Officers will provide written reports for all matters to be considered by the Licensing Committee (with the exception of matters of urgency) or when Committee has requested verbal updates on ongoing matters.***

There will be occasions when matters arise after the committee papers have been prepared and sent out, but a decision of Committee will be required. If possible a written report will be tabled, or if this is not possible the appropriate officer will provide a detailed verbal report on the issue, explaining why it is urgent and providing recommendations. This shall be minuted.

Members are also permitted to raise matters of urgency under the Local Government Act 1972. However if they do intend to do this the Licensing Officers should be informed prior to the meeting of the nature and content of the matter. Officers will attempt to answer any questions, but depending on the length of notice of the matter of urgency this may not be possible at that meeting.

Any matters of urgency can only be raised with the agreement of the Chair of the Licensing Committee who must give reasons as to why it is considered to be an urgent item.

- 2. Officer reports to the Licensing Committee will be accurate and will, subject to statutory requirements, comprehensively cover all relevant: i) policies, guidance, considerations and issues; ii) information about the application / case; and, iii) the views of consultees and objectors.***
- 3. In all cases applicants / licensees will be given the opportunity of providing written material for inclusion in the report. Material for inclusion must be received by the Licensing Officers at least 7 clear working days before the committee meeting. Where reliance is placed upon case law advance notice must be given of the case(s) in question.***
- 4. Each committee report will include a clear recommendation.***

In exceptional circumstances where, at the time of circulation of the report, negotiations are still ongoing or an essential consultation or other response / information is awaited, officers will give a clear oral recommendation and this will be minuted.

The report will be in the name of the Assistant Director Public Protection or the appropriate case officer.

Code of Practice: Probity in Licensing

- 5. Members must read and carefully consider the content of the circulated report before the meeting and they must have regard to its contents in reaching their decisions.**

Written reports have always been a cornerstone of probity in the Council's system for committee determination of licensing matters. In the context of planning malpractice the Audit Commission and others have made it clear that written reports are essential. The same principles should apply to the Council's licensing functions.

C. The Committee Hearing

- 1. The Council's Constitution will apply to the conduct of business.**
- 2. Applicants / Licensees will be invited to attend the committee and be represented if they so choose, they will be sent a full copy of the report about their application / case including all appendices and details of objections.**

If they do not attend the Committee can decide whether or not to deal with their item in their absence on the basis of the written report and the procedure as set out below.

3. Committee Procedure

- Chair introduces the item on the Agenda, briefly stating what it is about and inviting applicant / licensee / representative(s) to come forward to be seated. Where exempt information under the Local Government Act 1972 (as amended) is included in the report it will be written and circulated as a confidential item. In such cases the Chair will offer the licensee / representative(s) the opportunity of a public hearing and the press and public will only be excluded once a preference for a confidential hearing has been expressed.
- Report author or other appropriate officer presents the report to the committee, outlining the key issues and background to the recommendation(s). This must be done in a maximum of 5-10 minutes unless the Chair expressly approves otherwise. Members and the applicant / licensee will have the opportunity of asking the officer questions.
- In appropriate cases objectors will be given the opportunity to make representations through their appointed spokesperson, this must be done in a maximum of 5 minutes unless the Chair expressly approves otherwise. The applicant / licensee, Members and, if appropriate officers, will have the opportunity of asking the spokesperson questions.
- The applicant / licensee (or their representative) will present their application / case and, if they choose, put forward witnesses. This must be done in a maximum of 5-10 minutes unless the Chair expressly approves otherwise. The applicant / licensee (or their representative) has the right to present their case without undue interruptions. When they have done so questions may be

Code of Practice: Probity in Licensing

asked by Members and in some cases by officers and representatives of statutory bodies who are licensing consultees, e.g. the police, fire and rescue service.

- The Chair will then invite responses from officers and if appropriate the representatives of statutory bodies. The applicant / licensee (or their representative) and Members are to be given the opportunity to ask questions.
- The applicant / licensee (or their representative) will be given the final right of reply.
- The Committee Members debate the application and reach their decision. In cases involving disciplinary and / or confidential matters the Members will retire to another room (usually the Members Room) and the applicant / licensee / representative, witnesses, officers and representatives of statutory bodies will be asked by the Chair to remain and await the Committee's return.
- When the Committee has reached a decision the Members will re-enter the room to announce their decision.
- The decision will be confirmed in writing giving reason(s) for the decision and details of any appeal rights. The decision notice / letter will be sent as soon as practicable after the meeting and any statutory time-scales will be followed.
- The following good practice rules assist the smooth operation of the Committee and promote probity:
 1. The meeting will be conducted without any undue formality.
 2. Members should not report new information that they may have been given by applicants or third parties which has not been submitted to officers for formal consideration and comment (see rule on lobbying in Part 1 section G).
 3. Members should seek any necessary clarification from officers on key issues before the meeting as this enables full replies to be given.
 4. Members should not introduce any non-licensing matters to the debate.
 5. Members should not speak at length on items where they are in full agreement with the Officer report.
 6. At the discretion of the Chair of the Committee a Ward Councillor(s) may be allowed to speak at Committee to express their own views or those of their constituents

D. The Committee's Decisions

- 1. Where Members propose to make a decision contrary to the officer recommendation clear licensing reasons must be established and these must be seconded and minuted.***

The Member, or Members, proposing the decision contrary to the report recommendations must give clear reasons for their proposal before any vote is taken. Their reasons must be relevant and material considerations.

Code of Practice: Probity in Licensing

- 2. The Chair will give the Licensing Officer or other representative of the Assistant Director Public Protection and the applicant / licensee (or representative) an opportunity to comment before a vote is taken.***

Decisions must be reasoned, rational and in accordance with the facts of the case and have regard to the provisions of all relevant policies and guidance. However decision making requires assessment and judgement of the weight to be attached to policies and guidance issues which, no matter how current, will never provide an answer for all, or even most, applications. Any decision made by the Licensing Committee which is contrary to the provisions of existing policy or guidance must be clearly justified and recorded.

E. Deferrals and Committee Site Visits.

- 1. Where Members propose to defer consideration of an application they must set out clear reasons for doing so and these will be minuted.***
- 2. All site inspections whether involving Members individually or collectively will be conducted in a strictly fact finding way and there shall be no on site debate about the merits of the proposal or any negotiations or discussions with applicant, agents or residents.***

A proposal to defer any application must be valid and defensible. Justification for deferring a decision might be to ensure that all the proper consultation procedures have been followed, or to secure amendments, without which the application would have to be refused. The reason for deferring for a site visit must be clearly set out by the proposer and recorded in the Minutes. Political expediency such as deferring a contentious application until after Elections is never an acceptable course of action.

F. Public Attendance at Committee Meetings

- 1. Most Licensing applications on the Committee agenda will be considered in public session.***

Open public debate is a fundamental prerequisite of probity in the Licensing system. However where exempt information under the Local Government Act 1972 (as amended) is included in a report it will be circulated as a confidential item and, subject to the applicant / licensee's right to a public hearing (see Part Two Section C3 above) such items will be considered with press and public excluded.

Any person in attendance at the Licensing Committee meetings is entitled to make use of the Public Question Time item to speak. Applicants, licensees or their agents will only be allowed to speak or make representations during consideration of their particular agenda item in accordance with (Part Two) Section C above.

Code of Practice: Probity in Licensing

Any member of the public who disrupts the meeting in any way will not be allowed to remain in the room.

- 2. Great care should be taken by Members, officers and representatives of statutory bodies mingling or speaking to applicants or objectors as conversations may give the perception of bias even though it does not exist.***

Members of the Committee should be extremely careful in meeting with and talking to applicants or objectors either before or after the meeting. This could give the impression that Members had either prejudged a particular application, or had supported a particular view without looking at, and taking into account all the facts presented by the Officers.

DRAFT

Code of Practice: Probity in Licensing

PART THREE: ADMINISTRATIVE MATTERS

A. Member Training

Members who are exercising powers to determine applications are exercising a quasi judicial function, in an area where there is a large amount of Government advice and law. Members must ensure they are adequately trained to carry out the task. Accordingly any Member who is on the Licensing Committee must take part in training organised by the Assistant Director Public Protection either before the first meeting of the Committee or within 3 months after being nominated to serve on the Committee, whichever is the later. If they do not, or cannot, they must step down.

Members are also encouraged to research pertinent issues by reference to the Assistant Director Public Protection who can arrange access to publications, legislation, policy documents and guidance.

Members will be given regular updates to keep them informed of important changes in legislation, procedures or practices either verbally, at training sessions, or as briefing notes.

B. Record Keeping

Officers will ensure that Licensing application records contain sufficient information so that the reason for the ultimate decision can be understood by anyone who reads a file / record without a detailed knowledge of the application.

C. Complaints

Any complaints received in writing about the way in which a Licensing application or other licensing matter have been dealt with in terms of probity, procedures or fairness, will be investigated under the Council's Complaints Procedure. However, the fact that someone may disagree with the decision reached in relation to a particular application or other matter is not a complaint which will necessitate investigation as such, although officers will always endeavour to explain the reasons for the Council's decision.

Where any complaint about a Council decision made contrary to the officer's recommendation is received, a copy will be forwarded to the Chair of the Committee.

Complaints can also be made to the Local Government Ombudsman regarding administrative maladministration, or the Standards Board regarding breaches of the Code of Conduct.

D. Further Advice

This Code deals with the main issues of probity and conduct but cannot be expected to cover all eventualities that may arise. If Members are in any doubt about any probity related issue they are advised to contact the Assistant Director Public Protection George Rowlinson (01242 264214), or the Licensing Manager Jan Arney (01242 774921).

Code of Practice: Probity in Licensing

E. Bibliography.

Some of the key documents and publications used to produce and develop the rules and advice contained in this code are:

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Code of Practice: Probity in Licensing

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