

Cheltenham Borough Council
Licensing Committee – 1 August 2014
Review of “Probity in Licensing” Protocol

Accountable member	Cabinet Member, Corporate Services, Councillor Jon Walklett
Accountable officer	Monitoring Officer, Sara Freckleton
Key Decision	No
Executive summary	<p>This report seeks the agreement of the Committee to the methodology and timescale for the review of the “Probity in Licensing” Protocol which was adopted by the Council in October 2006.</p> <p>The Standards Committee agreed the terms of reference at their meeting on 11 July and nominated Councillors Fisher, Regan and Mr Martin Jauch.</p>
Recommendations	That a “task and finish” working group of members and officers is established to review “Probity in Licensing” and prepare a revised version for consideration by the Standards Committee. The composition and terms of reference of the working group will be as set out at paragraph 2.3 of this report.

Financial implications	<p>No significant financial implications arising from the content of this report.</p> <p>Contact officer: paul.jones@cheltenham.gov.uk, 01242 775154</p>
Legal implications	<p>None arising from the review.</p> <p>Contact officer: sara.freckleton@teWKesbury.gov.uk, 01684 272011</p>
HR implications (including learning and organisational development)	<p>No significant HR implications arising from the content of this report.</p> <p>Contact officer: amanda.attfield@cheltenham.gov.uk, 01242 264355</p>

1. Background

- 1.1 The Standards Committee's Terms of Reference include the requirement to "Prepare, monitor and review Codes and Protocols to support the Code of Conduct and recommend to Council accordingly"
- 1.2 The Council has adopted a number of Codes and Protocols which are complementary to the Cheltenham Borough Council Code of Members' Conduct. These have not been reviewed since the changes to the Code of Conduct regime in 2012, although the general tenor and thrust of the advice contained in those Codes / Protocols and the expected behaviours remain relevant and should continue to be observed pending full revision.
- 1.3 The Council has a Protocol "Probity in Licensing" - adopted in December 2004
- 1.4 There have been changes in legislation and in licensing practices since the adoption of the Protocol in 2004 and it would therefore be recommended that a review be commenced as soon as possible.

2. Proposed methodology and timescale for review of the "Probity in Licensing" Protocol

- 2.1 To enable an effective review to be undertaken which takes into account both the licensing and conduct requirements it is suggested that a "task and finish" working group of members and officers be set up to review "Probity in Licensing" and to recommend changes for the approval of the Standards Committee. It will be necessary for the working group to review recent best practice and all relevant guidance from the Government and from other public and professional bodies.
- 2.2 The review, to include consultation with members both formally and informally and with officers, could commence in September / October 2014 and is likely to take approximately 3 – 4 months to complete.
- 2.3 It is proposed that the composition of the Working Group should be 3 Standards Committee Members, 3 Licensing Committee Members and 3 Officers (2 Licensing and 1 One Legal). Terms of reference are suggested as follows:-

"To review "Probity in Licensing" and prepare a revised version for consideration by the Standards Committee. The review will include consideration of any recent best practice and guidance from the Home Office and other relevant professional and public bodies. The review will include consultation, as appropriate, with Members and Officers"

3. Reasons for Recommendations

- 3.1 To ensure that the "Probity in Licensing" Protocol is up to date and fit for purpose.

4. Consultation and feedback

- 4.1 The Licensing and Business Support Team Leader has been consulted on the proposed review and agrees with the need for the review and to the timescale and methodology proposed in this report which will provide the opportunity to undertake relevant consultation.

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Appendices	None
Background information	Cheltenham Borough Council Probity in Licensing