

Cheltenham Borough Council

Licensing Committee – 12 October 2016

Review of the Licensing Code of Conduct

Report of the Legal Officer

1. Executive Summary and Recommendation

- 1.1 The Licensing Code of Conduct, Part 5E of the Constitution, which was adopted by Full Council on the 6th December 2004 has been reviewed and amended by a Working Group of Members.
- 1.2 The Working Group has suggested changes to the Code to reflect changes in legislation, Code of Conduct and best practice. The draft amended Licensing Code of Conduct is attached at Appendix 1 for comments by the Committee before it put before Standards Committee on the 20th October 2016 with a view to them approving it and recommending it to Full Council.
- 1.3 **The Committee is asked to provide any comments they may have on the draft revised Licensing Code of Conduct as attached at Appendix 1**

1.4 Implications

- 1.4.1 Financial No financial implications
- 1.4.2 Legal None arising specifically from the report. However the Licensing Code applies to both Councillors and licensing officers who become involved in operating the licensing system. The successful operation of the licensing system relies on mutual trust and understanding of each other's role. It also relies on both Members and Officers ensuring that they act in a way which is not only fair and impartial but is also clearly seen to be so. It is therefore important that all Members and Officers involved in the licensing system are made aware and adhere to the revised code.
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2. Background

- 2.1 The Standards Committee established a Working Group comprising members of the Standards and Licensing Committees assisted by officers from the Licensing Department and One Legal to review the Licensing Code of Conduct.
- 2.2 The current Licensing Code of Conduct (Part 5E of the Council's Constitution) was adopted by Council on the 6th December 2004. Its purpose is to provide more detailed guidance for members involved in the licensing process and is intended to complement the Cheltenham Borough Council Code of Members' Conduct.
- 2.3 There have been significant changes to the Standards/Code of Conduct regime since the adoption of the Licensing Code of Conduct in December 2004 and, with in particular the adoption of Code of Members Conduct on 25 June 2012 (as took effect on 1 July 2012) the terminology in the current version of the Licensing Code of Conduct is out of date and therefore the Working Group was asked to review the Licensing Code to bring it up to date in respect of the Code of Members' Conduct and recent best practice.

3. Revisions to the Licensing Code of Conduct

- 3.1 The Working Group has met on a number of occasions and the revised Licensing Code of Conduct attached at Appendix 1 is the version which is now, subject to approval by the Standards Committee, recommended for adoption by the Council
- 3.2 The revised Licensing Code of Conduct follows the format of the current one.
- 3.3 In the draft revised Licensing Code of Conduct there has been a slight re-organising and a contents page added in addition to page numbers for the ease of Members.
- 3.4 The main substantive changes reflect changes in the Standards Code of Conduct in relation to Members interests from personal and prejudicial interests to disclosable pecuniary interests and other interests. There has also been an addition relating to predetermination.
- 3.5 There has been an addition to the Code in relation to the Role of Ward Members so that Members sitting on licensing committee understand their role if the matter discussed falls in their ward.

4.0 Reasons for Recommendations

- 4.1 To ensure that the Licensing Code of Conduct is up to date and fit for purpose

Background Papers: Licensing Code of Conduct
Cheltenham Borough Council Code of Members' Conduct

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