

Cheltenham Borough Council
Council – 12 December 2016
Licensing Code of Conduct (Probity in Licensing)

Accountable member	Cabinet Member, Councillor Roger Whyborn
Accountable officer	Borough Solicitor and Monitoring Officer
Key Decision	No
Executive summary	The Licensing Code of Conduct which was adopted by the Council in 2004, has been reviewed and amended by a Working and approved by the Standards Committee for adoption by the Council. The draft amended Licensing Code of Conduct (Probity in Licensing) is attached at Appendix 1 and reflects changes to legislation, Code of Conduct and best practice which have taken place since 2004. The Council is asked to adopt the revised Licensing Code of Conduct for inclusion as part 5E of the Council's Constitution.
Recommendations	To adopt the revised Licensing Code of Conduct (Probity in Licensing) attached at Appendix 1 to be included as Part 5E of the Council's Constitution.

Financial implications	<p>No financial implications.</p> <p>Contact officer: sarah.didcote@cheltenham.gov.uk 01242 264125</p>
Legal implications	<p>None specifically arising from the report.</p> <p>Contact officer: sara.freckleton@teWKesbury.gov.uk, 01684 272011</p>
HR implications (including learning and organisational development)	<p>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 employees involved in the licensing system are made aware of and adhere to the revised code.</p> <p>Contact officer: julie.mcarthy@cheltenham.gov.uk, 01242 264355</p>

1. Background

- 1.1** The Standards Committee established a Working Group comprising members of the Standards and Licensing Committees assisted by officers from Licensing and One Legal to review the Licensing Code of Conduct.
- 1.2** The current Licensing Code (within part 5 of the Council's Constitution) was adopted by the Council in December 2004. Its purpose is to provide more detailed guidance for members and officers involved in the licensing process and is intended to complement the Cheltenham Borough Council Code of Members' Conduct.
- 1.3** There have been significant changes to the Standards / Code of Conduct regime since the adoption of the Licensing Code of Conduct in 2004 as well as changes to relevant legislation and the Council's practices. Therefore a Working Group was established by the Standards Committee and was asked to review the Licensing Code to bring it up to date in respect of the relevant legislation, Code of Members' Conduct and recent best practice.

2. Revisions to the Licensing Code of Conduct

- 2.1** The Standards Committee has approved the draft revised Licensing Code of Conduct attached at Appendix 1 and is recommending it for adoption and inclusion within the Constitution.
- 2.2** The revised Code follows the format of the current one but there has been a slight reorganisation of the sections and a contents page has been added for ease of reference.
- 2.3** The main substantive changes to the revised Licensing Code of Conduct have been made to reflect the provisions of the current Code of Members' Conduct and to incorporate guidance on predetermination and the role of Ward Members in relation to matters being considered by the Licensing Committee which fall within their wards.

3. Reasons for Recommendations

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

4. Consultation and feedback

- 4.1** The review of the Licensing Code of Conduct was undertaken by a Working Group of Members as set out in 1.1 above. The Licensing Committee considered the proposed revisions at its meeting on the 12 October 2016 and its views were taken on board by the Standards Committee and are reflected in the document proposed at Appendix 1.

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Appendices	Revised Licensing Code of Conduct – Appendix 1
Background information	Licensing Code of Conduct adopted 2004 Cheltenham Borough Council Code of Members' Conduct