

# Briefing Notes

This note contains information to keep Members informed of matters relating to the work of the Committee but where no decisions from Members are needed.

If Members have questions relating to matters shown, they are asked to contact the Officer indicated.

## Probity in Licensing

At the request of Members of the Licensing Committee, below is the relevant extracts from the adopted Probity in Licensing guide in so far as it relates to voting and impartiality.

The extract below sets out the principles that Members of the committee should apply when determining any application before it.

### General

The Licensing Committee operates in a quasi-judicial way in determining contentious licensing applications, policy issues and related matters.

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

### 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.

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.
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.
4. Committee Members who are also members of a Parish Council or County Councillors must exercise particular care in reconciling their two roles.

*Parish Councillors who are also committee Members* are advised to abstain from both the debate and voting at the Parish Council. 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.

*County Councillors who are also committee Members* should, as a general rule, declare an interest in any applications either made by the County Council or by third parties in relation to County Council premises or land.

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

A full copy of the Council's Licensing Committee Probity in licensing is available on the Council's website.

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