

<b>Report of:</b>	Head of Democratic Services
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<b>Submitted to:</b>	Licensing Committee
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<b>Date:</b>	4 July 2022
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<b>Title:</b>	Licensing Meeting Codes of Practice
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<b>Report for:</b>	Decision
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<b>Status:</b>	Public
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<b>Strategic priority:</b>	Quality of service
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<b>Key decision:</b>	Not applicable
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<b>Why:</b>	Choose an item.
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<b>Urgent:</b>	Not applicable
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<b>Why:</b>	
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### **Executive summary**

To ensure the Licensing Committee discharges its functions in accordance with its statutory requirements and the best practice principles of good governance. The attached Codes of Practice have been updated to reflect the most up to date good governance best practice requirements for Members.

## **Purpose**

1. To ensure the Licensing Committee discharges its functions in accordance with both its statutory requirements, and the principles of good governance, these Codes of Practice have been refreshed to reflect best practice governance requirements for Members.

## **Background and relevant information**

2. This Licensing Code of Practice has been prepared in order to assist Members in understanding and making decisions in relation to the Council's licensing functions conducted by the Licensing Committee. The aim is ensure that in the licensing process there are no grounds for suggesting a decision has been biased or unfair or that there has been any procedural impropriety. The Code of Practice also supplements the Member's Code of Conduct.
3. The Licensing Committee has a dual role. Firstly, it is responsible for general licensing functions delegated to it under the Constitution by virtue of Section 101 of the Local Government Act 1972.
4. Secondly, it is the Statutory Committee created under Sections 6 and 7 of the Licensing Act 2003 to deal with all licensing functions under that Act and Section 154 of the Gambling Act 2005 to deal with functions relating to premises licenses and permits used for gambling.
5. The licensing functions under the Licensing Act 2003 and Gambling Act 2005 have been delegated to Licensing Sub Committees comprising of three Members of the Licensing Committee. Consideration of Applications for licenses and reviews of licenses under the Scrap Metal Dealers Act 2013 have also been delegated to Licensing Sub Committees.
6. There is a separate Code of Practice for the conduct of Licensing Sub Committee Hearings, the decision making process and the rules of probity specifically to Licensing Sub Committee functions which should be referred to when Members attend those hearings.
7. Premises Licensing affects land and property interests, including the financial value of land and the quality of their settings. Personal Licences affect individuals. Licensing is often highly contentious because decisions affect the daily lives of everyone. Opposing views are often strongly held by those involved.
8. The licensing system can only function effectively if there is trust among those involved. There must be trust between Councillors and Officers and between the public and the Council.
9. The general principles that underlie the Council's Code of Conduct for Councillors and apply to this Code of Practice are:
  - Councillors should serve the public interest and should never improperly confer an advantage or disadvantage on any person.

- Councillors should not place themselves in situations where their honesty or integrity may be questioned.
- Councillors should make decisions on merit.
- Councillors should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.
- Councillors may take account of the views of others but should reach their own conclusions on the issues before them and act in accordance with those conclusions.
- Councillors should respect the impartiality and integrity of Officers

10. The attached Codes of Practice (Appendices 1 and 2) set out practices and procedures that Councillors and Officers of the Council shall follow when involved in licensing. Licensing matters include the consideration of applications, the preparation of policy and the enforcement of licensing law

### **What decision(s) are being recommended?**

11. That the Licensing Committee:

- Approve the Licensing Codes of Practice and for it to be placed in the Members Handbook as a source of guidance for elected Members

### **Rationale for the recommended decision(s)**

12. The Code of Practice sets out practices and procedures that Councillors and Officers of the Council shall follow when involved in licensing. Licensing matters include the consideration of applications, the preparation of policy and the enforcement of licensing law. To ensure the Licensing Committee discharges its functions in accordance with both its statutory requirements, and the principles of good governance.

### **Other potential decision(s) and why these have not been recommended**

13. Do nothing – if the Codes of Practice are not approved by Licensing Committee it is possible the Council's Licensing functions may not adhere to the principles of good governance and negatively impact on the Councils governance improvement programme.

### **Impact(s) of the recommended decision(s)**

#### ***Legal***

14. Failure to follow this Code without good reason could be taken into account in investigations into possible maladministration against the Council, or have implications for the position of individual elected Councillors and officers. Breaches of this Code may also amount to breaches of the Members' Code of Conduct.

### ***Strategic priorities and risks***

15. Failure to achieve Good Governance.

***Human Rights, Equality and Data Protection***

16. NA

***Financial***

17. NA

**Actions to be taken to implement the recommended decision(s)**

Action	Responsible Officer	Deadline
If approved The Members Handbook be updated.	Head of Democratic Services	

**Appendices**

1	Draft LICENSING COMMITTEE CODE OF PRACTICE
2	Draft LICENSING SUB COMMITTEE CODE OF PRACTICE
3	

**Background papers**

Body	Report title	Date

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