

# **Cotswold District Council**

## **Probity in Licensing Licensing Protocol**

**A guide to procedures and a  
protocol for Councillors and officers  
involved in making decisions  
on licensing applications and  
other licensing matters**

**(Approved by Council on 27<sup>th</sup> February 2014)**

## **CONTENTS**

### **Introduction**

#### **Part One: Principles and Rules - Conduct of Councillors and Officers**

- A** Voting and Impartiality
- B** Gifts and Hospitality
- C** Independence and Impartiality of Officers
- D** Declarations of Interests
- E** Involvement of Councillors with Applicants
- F** Council Licensing Applications
- G** Lobbying of Councillors and Formal Submission of Information
- H** Political Decisions on Licensing Applications
- I** Application by Councillors, Officers or their relatives or friends
- J** The Role of Ward Members

#### **Part Two: Principles and Rules -The Decision Making Process**

- A** Pre-Application Discussions
- B** Reports to Committee
- C** The Committee Hearing
- D** The Committee's Decisions
- E** Deferrals and Site Visits
- F** Public Attendance at Committee Meetings

#### **Part Three: Administrative Matters**

- A** Member Training
- B** Record Keeping
- C** Complaints
- D** Further Advice

### Notes

The Protocol is to be read alongside the Councillors' and Officers' Codes of Conduct.

In this Protocol, the term 'Licensing Committee' is used to denote the Committee of the Council which is responsible for dealing with all development control and related matters.

## CODE OF PRACTICE: PROBITY IN LICENSING

### Introduction

Cotswold District Council's Licensing Committee operates in an "administrative" way. In essence this requires it to act fairly when determining contentious licensing applications, policy issues and related matters. Most applications are free of objection and are determined under powers delegated to Officers. This Code is written having regard to the Council's commitment to the principles of good enforcement, particularly openness and consistency that are included within the national Enforcement Concordat.

The Committee deals with major and contentious applications and most policy and policy guideline issues. Applications are referred for Members' consideration where they are contentious and/or objections have been lodged by statutory consultees, residents, other third parties or where officers have reservations about the appropriateness of an application or the suitability of an applicant. Hackney Carriage and Private Hire disciplinary matters are also dealt with by the Committee in accordance with the provisions of the Council's Hackney Carriage and Private Hire Licensing Policy.

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 acts fairly and 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 proportionate, rational and reasoned
- Be made in a way that does not give rise to public suspicion or mistrust.

The purpose of this local Code of Practice is to set out in detail how Members should act and the procedures which should be followed to ensure that Members not only act in a fair and proper manner, but are also seen to do so.

This Code has been prepared with a particular emphasis on Members who serve on the Council's Licensing Committee but its content is also relevant to all other Councillors and also to Officers in all other services. The District Council, along with all other local authorities, has adopted a Code of Conduct which specifies the obligations imposed on Members and defines Disclosable Pecuniary Interests and Other Interests and how these will affect the way a Member behaves. That Code of Conduct, which every Member has signed up to, is the statutory base to which this Code of Practice is added. In some areas this Code of Practice will extend, or go further than, the Code of Conduct. In the case of a conflict between the two, the Code of Conduct will take precedence.

It is possible that breaches of this Code of Practice could be considered to be a breach of the Code of Conduct.

This Code of Practice is part of the Council's Constitution and can be viewed on-line at [www.cotswold.gov.uk](http://www.cotswold.gov.uk)

### **Notes**

1. All references to the Licensing Committee include any Sub-Committee of the Licensing Committee as appropriate.
2. All references to the applicant refer to the applicant (which includes a person calling for a review of a licence), the licensee or the applicant's or licensee's representative as appropriate.

## Part One: Conduct of Councillors and Officers

### A. Voting and Impartiality

***1. Licensing Committee Members must vote in the best interests of the District 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 wider policies and guidance.***

The over-riding duty of a Committee Member is to the whole community, rather than just the people living in their Ward. This is a fundamental principle of the local democratic system.

***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.***

This can be a difficult issue for Members as they may be exposed to pressure from residents or the media to express a particular viewpoint. However, it is essential that Members are measured and circumspect in the comments they make. If a Member declares which way they intend to vote it would in effect be pre-determining the application without having considered all of the relevant information. This could expose the Council to the possibility of legal challenge or a charge of maladministration. Members must not make their minds up until they have read the relevant Committee reports and heard the evidence and arguments on both sides.

***3. If a Member of the Licensing Committee declares **OUTRIGHT** 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 voting on that particular item.***

This rule follows on from item 2 above. It does not mean that Members cannot make a comment or reflect local concerns about a proposal before the Licensing Committee considers it. However, the view or comment must not pre-determine or be seen to pre-determine the way that Member will vote.

Predetermination is a legal concept that the courts have always applied to local authority decision making. It predates the Code of Conduct and is not altered by it. Pre-determination occurs where a Member's mind is closed to the consideration and weighing of relevant factors in the decision making itself

It is important that Licensing Committee members be open to any new argument at all times up to the moment of decision. A Licensing Committee Member with a pre-determined view on a licensing application is disqualified from participating in the Committee's decision-making on the application.

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

This rule would apply in the case of a Member(s) holding office in the District Council and also in the County Council and/or a Town or Parish Council. Such Member(s) may find that they are expected to express a view at a County Council or a Town or Parish Council meeting or vote on whether or not the County or the Town or Parish should object or comment on a proposal from a County or a Town or Parish point of view. In such circumstances Members are advised to abstain from both the debate and voting at the County Council or the Town or Parish Council. This is not inconsistency, but the consequence of having to fulfil two totally separate roles. If a Member does declare his or her outright support for or opposition to a licensing proposal at a County or a Town or Parish Meeting or elsewhere they must make an open declaration to the District Council's Licensing Committee to that effect and take no part in the voting and debate on that item, and leave the meeting. In all other cases Councillors on the Licensing Committee who are also members of the County Council and/or a Town or Parish Council may speak and vote at District and County and/or Town or Parish levels if they are genuinely willing to listen to the later debate and weigh the considerations material to the later decision.

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

Committee Members should not place themselves in a position where they may give the impression that they had made up their mind before hearing the evidence. Each Member should make up his or her own mind on the evidence and facts presented to the Committee (See Section G on lobbying). With regard to other Members, it could give the impression that they were seeking to influence Committee Members (see section G on lobbying).

***6. Licensing Committee Members must not favour or show bias for or against any particular person, company or group, or any particular site or locality in respect of licensing matters.***

They should not put themselves in a position where they may appear to do so.

***7. Confidentiality***

It will be unusual for licensing applications or other matters to be treated as confidential items with the exclusion of the press and public, but it may occur.

The grounds why this may occur are set down in the Local Government Act 1972 and the Council's Constitution, and are most likely to be in relation to the conduct of legal proceedings, or disclosure of personal details.

Information which is of a confidential nature may also be provided to Members outside committee.

Members are expected to treat the information as confidential and are referred to the Code of Conduct which indicates that a breach of this confidentiality may be a breach of the Code of Conduct and result in a complaint to the Monitoring Officer.

## **B. Gifts and hospitality**

*1. Councillors and Officers must abide by the Council's policy in respect of Gifts and Hospitality as set out in the Code of Conduct for Members and the Officers' Code of Conduct which are part of the Council's Constitution.*

The policy on gifts and hospitality is contained in the Council's Constitution and Members and officers must be extremely careful in this respect to ensure no question of bias can be raised. The general rule is that no gifts should be accepted and only modest hospitality connected with the work concerned should be accepted.

## **C. Independence and impartiality of licensing officers**

*1. Members or other Officers within the Council must not instruct Licensing Officers to make or not to make a particular recommendation on a licensing application.*

Licensing Officers are trained to deal with licensing issues and will be aware of Government advice, case law etc., and will put forward a balanced report containing no recommendation. Other officers will provide advice as appropriate.

*2. Officers must always act impartially and advise the Council of their professional opinion.*

The District Council's Licensing Officers must always act impartially and give advice based upon a professional assessment of the individual merits of each case taking in to account all relevant policies, guidance and other relevant material considerations. If they do not, or even if it appears that they are not, the integrity of the licensing process is severely compromised. Where an appeal has been made against a decision made by the Committee, officers will always present the Council's case to the best of their ability.

Any officer who has an Interest in an application must declare it and, if necessary, leave the room whilst Members debate and reach a decision on that matter.

## **D. Declarations of interest**

*1. Members must always declare their interests in accordance with the Council's Code of Conduct*

The Council adopted its current Code of Conduct on 9<sup>th</sup> July 2013.

The Code of Conduct is contained in the Council's Constitution and must be read in conjunction with this Code of Practice.

All interests must be disclosed at the start of the meeting or when such interests become apparent, and an agenda item on this is included for every meeting. Depending on the nature of the interest (Disclosable Pecuniary Interest, or Other Interest), the Member may not be allowed to participate in the discussion or vote on the matter unless a dispensation has been granted. They must also not seek to improperly influence any decision on that matter.

**NB: Failure to disclose a Disclosable Pecuniary Interest is a criminal offence.**

The test Members should apply is not whether they themselves think they have an interest but whether others, knowing the relevant facts, would think they have.

If a Member has any doubt, advice can be taken, but if that doubt still remains it is best that an interest be declared. However, the responsibility for declaring an interest rests solely with the Member and these will be noted in the Committee minutes.

There will, however, be times when it only becomes apparent during the meeting that there is a declarable interest. Then the interest must be declared as soon as the Member becomes aware of it, even if it is during discussions on that particular item.

The Monitoring Officer should be informed of any declarable interests which should also be registered in the Register of Members Interests.

## **E. Involvement of Councillors with Applicants**

***1. Members of the Licensing Committee should not act as agents, or submit licensing applications for other parties or voluntary bodies.***

Any close involvement, or even perception of close involvement, can compromise the integrity of the licensing process. A Member acting as a licensing agent could give rise to suspicion that the Member was not impartial or may influence other Members in the decision making process.

***2. Any Member who is a Licensing advisor or similar agent will not be appointed to the Licensing Committee.***

Where Members need to submit licensing applications on their own behalf, or on behalf of their employer as part of their job, they must declare an interest and take no part in the processing of the application or in the decision making process. Decisions on any proposals submitted by or relating to premises/land/vehicle(s) etc. owned or controlled by serving Members should only be determined by the Licensing Committee. The



Committee alone should determine an application submitted by a Member's employer, irrespective of whether the Member is involved in the application, its preparation or submission.

## **F. Council Licensing Applications**

*1. Proposals to licence the Council's own land or premises must be dealt with in exactly the same way as all other applications, i.e. on their own merits.*

The Council's own proposals, or those of others on Council-owned premises/land, must be dealt with on exactly the same basis as applications submitted by any other applicant. Members must not have any regard to any other benefit, financial or otherwise, which may accrue to the Council as a result of any particular decision on a licensing proposal.

## **G. Lobbying of Councillors and Formal Submission of Information**

*1. Any lobbying of Members must be dealt with carefully to minimise the perception of influence*

This is a complex area and one that requires special care. Lobbying is an attempt to influence a Member's view in writing or verbally in order to achieve a particular decision by applicants, agents, objectors or other Councillors. It is a normal part of the political process, but where Members are making statutory decisions, such as licensing decisions, it can result in decisions being made improperly.

Members should treat lobbying with care and should ensure that "unofficial" views, promises or documents do not unduly influence them. Members should advise lobbyists to present their views in writing to the licensing case officer in order that they can be formally considered in a balanced way at the Committee meeting. Alternatively, Members may choose to pass on the views and or submissions of lobbyists to the officer but should make clear that they are not giving their own views, as this is a matter for formal consideration by the Licensing Committee.

Licensing decisions must be rational and be made strictly on the basis of the relevant facts, guidance and policies relating to each case. Members must not only act in a way that is fair to all parties but must be seen to do so. In particular, Members must not prejudge proposals before they have read the officer's reports and considered all the evidence.

Lobbying can be particularly problematical if Members are given information or assurances by applicants that do not form part of their formal application and are, therefore, unenforceable. Problems can also arise if Members are given information by objectors which may be misleading, untrue or irrelevant. Officers face particular

difficulties if they are unaware of submissions by applicants and objectors and are therefore unable to consider them and advise the Committee about them. This would cause particular problems if the Committee based a refusal on those matters which officers had not had an opportunity to consider and comment upon. Circulation of unofficial papers at a Committee meeting also constitutes a form of lobbying.

***2. Licensing applications must be determined on the basis of the documents and information that have been formally submitted and where all parties have had a proper opportunity to consider them.***

Only submissions from applicants, agents or objectors, which are formally received by licensing officers, can properly be taken into account in making a decision. The Committee could be materially misled if Members or other parties circulate 'unofficial' documents or introduce new information on behalf of an applicant or objector, or express what they believe to be an applicant's intention, if this did not form part of the application documents and correspondence. In all circumstances, copies of any letters, documents or correspondence should be given to the licensing officer to consider and comment on. Where fresh information comes to light after a committee report has been finalised and circulated, it may only be tabled in accordance with any relevant regulations or, if there are none, with the Chair's consent.

#### **H. Political Decisions on Licensing Applications**

***Decisions on licensing applications on the establishment of "party lines" cannot be made in political group meetings prior to a committee meeting.***

The view of the Ombudsman is that '*the use of political whips at group meetings is contrary to the National Code and amounts to maladministration*'. It could also give rise to a legal challenge of any decision by Judicial Review.

The Council's Constitution also states that political whips will not apply to the Licensing Committee.

#### **I. Application by Councillors, Officers or their relatives or friends**

These applications must be dealt with, and be seen to be dealt with, openly, fairly and without any bias. Accordingly despite the scheme of delegation to officers to decide certain application, all such applications will be reported to Committee.

#### **J. The Role of Ward Members**

I. Being a Ward Member does not in itself constitute an interest in an application or create a risk of apparent bias. Providing the Ward Member does not have a Disclosable Pecuniary Interest or any Other Interest in applications before the Committee or providing there is nothing to indicate any risk of bias or

predetermination, a Ward Member's local knowledge may in fact give an additional insight to an application and its implications on the licensing objectives. Ward Members may use their local knowledge to ask relevant questions and clarify facts.

2. The right of Ward Members to speak at Committee meetings may be constrained by statute. For example, under the Licensing Act 2003 Ward Members may only speak if they have lodged a written relevant representation within the prescribed period of time and/or to represent their constituents. In the absence of any specific rules, Ward Members may be invited to address the Committee at the Chair's discretion.
3. Members who sit on the Licensing Committee are not permitted to vote on applications within their own ward but may nevertheless address the Committee in accordance with paragraph 2 above.
4. The role of Ward Members is, therefore, different from that of those Members making the decision in that Ward Members can engage with their constituents and make representations to the Committee on their behalf. It is for this reason, and to safeguard Members, that the restriction identified in Paragraphs 2 and 3 above have been made.
5. The views of Ward Members do carry weight with their colleagues who make the decisions. Ward Members should not become too closely identified with special interest groups and be careful to avoid pressure by applicants, objectors or supporters. There may be occasions where Ward Members are invited to attend meetings (for example, a formal meeting called by an applicant or objector) where it would be prudent for a Member to also invite an officer to be present.

## **Part Two: The Decision Making Process**

### **A. Pre-Application Discussions and Negotiations on submitted applications**

*1. Councillors should not, themselves, seek to advise applicants or agents about the likely acceptability of licensing proposals.*

Pre-application discussions should always be undertaken by the Council's officers to ensure that advice is given professionally, comprehensively and in a way that is clearly removed from the political forum. Licensing Committee Members should advise prospective applicants to contact the appropriate officer for advice on both merits and procedures. If Members, whether or not they sit on the Licensing Committee, do give an indication of their initial reaction to a proposal they must make clear that any proposals will need to be formally considered by officers and/or the Licensing Committee. They should also make clear that officers and/or the Licensing Committee could only make a final decision after a full and formal consideration of the proposal.

Similarly Members should not normally be involved in negotiations and discussions about submitted applications. There may be exceptional circumstances in respect of major or

contentious applications where there may be merit in Member involvement to explain a particular local viewpoint or issue. However, such discussions should take place only where at least one officer is present. The officer(s) will make a written record of any such meetings held and will place a copy on the application/premises file. Such a record will constitute a Background Paper for the purposes of the Access to Information Act and may be inspected by any interested person.

The fact that Committee Member(s) have discussed any such proposal with the applicant or objectors must be made clear when the application is before the Committee for determination. Under no circumstances should Members put pressure on officers to make, or change, any recommendations on an application.

## ***2. Officers' role in processing licensing applications.***

The Council employs professional officers whose job is to deal with the applications received, ensure the necessary publicity requirements are dealt with, negotiate with the applicant and/or their agents, and then report to Committee.

The officers do have pre-application discussions which will try to assist applicants to submit applications in accordance with Council policies and to assist with the smooth processing of the application.

The officers will always put forward their professional view to Committee and be available to answer Members' questions.

## **B. Reports to Committee**

***1. Officers will provide written reports for all matters to be considered by the Licensing Committee (with the exception of matters of urgency) or when Committee has requested verbal updates on on-going matters.***

There will be occasions when matters arise after the Committee Papers have been prepared and sent out, but a decision of Committee will be required. If possible, a written report will be tabled, or if this is not possible the appropriate officer will provide a detailed verbal report on the issue, explaining why it is urgent. This shall be minuted.

Members are also permitted to raise matters of urgency under the Local Government Act 1972. However, if they do intend to do this the Licensing Officers should be informed prior to the meeting of the nature and content of the matter. Officers will attempt to answer any questions, but depending on the length of notice of the matter of urgency this may not be possible at that meeting.

Any matters of urgency can only be raised with the agreement of the Chair of the Licensing Committee who must give reasons as to why it is considered to be an urgent item.

***2. Officer reports to the Licensing Committee will be accurate and will, subject to statutory requirements, comprehensively cover all relevant: (i) policies, guidance, considerations and issues; (ii) information about the application/case; and (iii) the views of consultees and objectors.***

***3. In all cases, applicants/licensees will be given the opportunity of providing written material for inclusion in the report. Where they rely upon case law they will be required to give advance notice of the case(s) in question.***

***4. Each Committee report will be a balanced report containing no recommendation.***

In exceptional circumstances where, at the time of circulation of the report, negotiations are still on-going or an essential consultation or other response/information is awaited, officers will give a clear oral update and this will be minuted.

The report will be in the name of the Lead Manager or the appropriate case officer.

***5. Members must read and carefully consider the content of the circulated report before the meeting and they must have regard to its contents in reaching their decisions.***

Written reports have always been a cornerstone of probity in the Council's system for committee determination of licensing matters. In the context of planning malpractice, relevant Government bodies have made it clear that written reports are essential, and the same principles should apply to the Council's licensing functions.

## **C. The Committee Hearing**

***1. The Council's Constitution will apply to the conduct of business.***

***2. Applicants/Licensees will be invited to attend the committee and be represented if they so choose, they will be sent a full copy of the report about their application/case.***

If they do not attend, the Committee can decide whether or not to deal with their item in their absence on the basis of the written report and the procedure as set out below.

***3. Members who intend to vote must be present in the meeting room throughout the Committee's consideration of an item so that they hear all of the evidence and hear/participate in the debate.***

***4. Committee Procedure.***

- The Chair will open the meeting and introduce Members of the Committee and Officers to all present. The Chair will explain the nature of the decision to be taken and the procedure (as detailed below) to be followed, emphasising that the role of the Committee is to determine the application in an impartial and even handed

manner, and in accordance with the relevant legislation, any National Guidance and/or the Licensing Authority's own policy.

- The Licensing Officer will outline the application, together with any relevant representations and any relevant policy and guidance. Members and then the other concerned parties will have the opportunity of asking the officer questions.
- The applicant (or the person representing him/her/them) will be invited to address the Committee. **(N.B. The Chair will at all times be mindful of the requirement to permit the parties equal time so far as is possible)**. Members, and then the other concerned parties, will have the opportunity of asking the applicant questions.
- Responsible/statutory authorities will be invited to address the Committee. Members and then the other concerned parties will have the opportunity of asking the responsible/statutory authorities questions.
- The other interested parties will be invited to address the Committee. Where there are a number of parties making similar representations, the Chair will encourage those parties to nominate a spokesperson to make their representations. Members, and then the other concerned parties, will have the opportunity of asking the other interested parties questions.
- The Chair will invite the applicant and/or other concerned parties to summarise their points if they wish. **(N.B. The applicant will be given the final right of reply)**.
- The Chair will confirm that all parties are satisfied they have had adequate opportunity to present their case. **(N.B. Again, the applicant will be given the final right of reply)**.
- Members of the Committee will retire to discuss and make their decision, and will be accompanied by the legal advisor (whose role is to assist the Committee with advice: they are not part of the decision making process).
- The Chair will relay the decision and the reasons for the decision and details of any conditions placed upon the licence (if granted) under the licensing objective that they relate to.
- Written notification of the decision, together with information regarding the right of a party to appeal against the decision, will be sent out as soon as practicable after the meeting and any statutory timescales will be followed.

The following good practice rules assist the smooth operation of the Committee and promote probity:

- I. The meeting will be conducted without any undue formality.

2. Members should not report new information that they may have been given by applicants or third parties which has not been submitted to officers for formal consideration and comment (see rule on lobbying in Part One, section G).
3. Members should seek any necessary clarification from officers on key issues before the meeting as this enables full replies to be given.
4. Members should not introduce any non-licensing matters to the debate.
5. Members should not speak at length on items where they are in full agreement with the Officer report.
6. Subject to any express statutory provisions to the contrary, at the discretion of the Chair of the Committee, the Ward Councillor(s) may be allowed to speak at Committee to express their own views or those of their constituents

#### **D. The Committee's Decisions**

*1. The Chair will allow all the concerned parties an opportunity to address the Committee before a vote is taken (in accordance with the procedure outlined above).*

Decisions must be proportionate, reasoned, rational and in accordance with the facts of the case and have regard to the provisions of all relevant policies and guidance.

However, decision making requires assessment and judgement of the weight to be attached to policies and guidance issues which, no matter how current, will never provide an answer for all, or even most, applications. Any decision made by the Licensing Committee which is contrary to the provisions of existing policy or guidance must be clearly justified and recorded.

#### **E. Deferrals and Committee Site Visits.**

##### *1. Deferrals*

*1. Where Members propose to defer consideration of an application they must set out clear reasons for doing so and these will be minuted.*

A proposal to defer any application must be valid and defensible. Justification for deferring a decision might be to ensure that all the proper consultation procedures have been followed, or to secure amendments without which the application would have to be refused. Political expediency, such as deferring a contentious application until after Elections, is never an acceptable course of action.

##### *2. Site Visits*

- 2.1 Site visits are generally unnecessary and can risk putting the Members and the Licensing Authority at risk of accusation of bias.
- 2.2 In special circumstances where a site visit is required, or proposed, reasons justifying the need for it must be given.
- 2.3 All site inspections whether involving Members individually, or collectively, will be conducted in a strictly fact finding way and there shall be no on-site debate about the merits of the proposal, or any negotiations, or discussions with the applicant, agents or other concerned parties.

## **F. Public Attendance at Committee Meetings**

### ***1. Most Licensing applications on the Committee agenda will be considered in public session.***

Open public debate is a fundamental prerequisite of probity in the Licensing system. However, where exempt information under the Local Government Act 1972 (as amended) is included in a report it will be circulated as a confidential item and, subject to the applicant's/licensee's right to a public hearing such items will be considered with press and public excluded.

Any member of the public who disrupts the meeting in any way will not be allowed to remain in the room.

### ***2. Great care should be taken by Members mingling or speaking to applicants or objectors.***

Members of the Committee should be extremely careful in meeting with, and talking to, applicants or objectors either before or after the meeting. This could give the impression that Members had either prejudged a particular application, or had supported a particular view without looking at, and taking into account all the facts presented by the Officers.

## **Part Three: Administrative Matters**

### **A. Member Training**

Members who are exercising powers to grant or refuse applications are exercising an administrative function, in an area where there is a large amount of Government advice and law. Members must ensure they are adequately trained before carrying out this task. If a Member does not, or cannot, undertake the appropriate training, they must step down until they have received that training.



Members are also encouraged to research pertinent issues by reference to the licensing officer who can arrange access to publications, legislation, policy documents and guidance.

Members will be given regular updates to keep them informed of important changes in legislation, procedures or practices either orally, at training sessions, or as briefing notes.

## **B. Record Keeping**

Officers will ensure that Licensing application records contain sufficient information so that the reason for the ultimate decision can be understood by anyone who reads a file/record without a detailed knowledge of the application.

## **C. Complaints**

Any complaints received in writing about the way in which a Licensing application or other licensing matter has been dealt with in terms of procedures or fairness will be investigated under the Council's Complaints Procedure. The fact that someone may disagree with the decision reached is not a complaint which will necessitate investigation as such, although officers will endeavour to explain the reasons for the Council's decision in any particular case.

Where a complaint about a Council decision is received, a copy will be forwarded to the Chair of the Committee.

Complaints can also be made: to the Local Government Ombudsman regarding administrative maladministration (once the Council's internal complaints procedure has been exhausted); or to the Monitoring Officer regarding breaches of the Code of Conduct.

## **D. Further Advice**

This Code deals with the main issues of probity and conduct but cannot be expected to cover all eventualities that may arise. If Members are in any doubt about any probity-related issue, they are advised to contact the Monitoring Officer.

(END)