



Licensing Committee 07 November 2022

Title	Update to the Licensing Code
Report of	Clair Green, Executive Director of Assurance
Wards	All
Status	Public
Urgent	No
Key	Key
Enclosures	Amended Members Licensing Code
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Summary

The Licensing Code has not been updated for some years. It has now been updated to reflect amendments to legislation and to give clarity about what representations maybe made at different types of hearings.

Officers Recommendations

1. That the Licensing Committee comment on and approve this Code for referral to Council for inclusion in the Constitution.

1. Why this report is needed

- 1.1 The Licensing Code has not been updated for many years. It has been updated to reflect changes in legislation and to give officers and members clarity about rights of representation at different types of hearing.

2. Reasons for recommendations

- 2.1 In order to assist members and officers with the running of hearings. The Code details who may make representations at different types of licensing hearing. The Code also

deals with situations when members may have interests in particular matters and explains how they should deal with this.

3. Alternative options considered and not recommended

3.1 Not updating the Code is not considered an option.

4. Post Decision Implementation

4.1 The Code forms part of the constitution so Council need to agree the amendments once this committee have.

5. Implications of decision

5.1 Corporate Priorities and Performance

Having a clear Code for licensing matters will assist the delivery of the corporate priorities.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 There are no impacts.

5.3 Legal and Constitutional References

5.3.1 The Licensing Act 2003 sets out how applications for premises licences should be dealt with where valid representations have been submitted

5.3.2. Under the Council's Constitution, Article 7, the Licensing sub-committee has responsibility delegated to it (from the Licensing Committee) for licensing hearings concerning all licensing matters. The Licensing Committee deals with all policy matters relating to licensing.

5.1.3 Under Article 4 Council is responsible for approving and changing the constitution and this Code will form part of the constitution.

5.1.4 The proposed Licensing Code sets out the current position regarding the Council's administration of licensing functions under the Licensing Act 2003 and the Gambling Act 2005.

5.1.5 Paragraph 2.8 of the Licensing Code sets out who can make representations in relation to applications made under either of these two Acts and representations will be taken into account provided they are relevant and are not frivolous or vexatious. Where a meeting is subsequently held by the Licensing Sub-Committee, only those parties who have made such representations are entitled to speak at those meetings, although they can be assisted or represented by another person whether or not that person is legally qualified.

5.2 **Insight**

N/A

5.3 **Social Value**

N/A

5.4 **Risk Management**

5.4.1 Not having an up to date Code could impact on the conduct of licensing meetings

5.5 **Equalities and Diversity**

5.5.1 Decision makers should have due regard to the public sector equality duty in making their decisions. The equalities duties are continuing duties they are not duties to secure a particular outcome. The equalities impact will be revisited on each of the proposals as they are developed. Consideration of the duties should precede the decision. It is important that Cabinet has regard to the statutory grounds in the light of all available material such as consultation responses. The statutory grounds of the public sector equality duty are found at section 149 of the Equality Act 2010

5.5.2 It is important that the Code is in place so that elected members, officers and members of the public understand how these meetings should run.

5.6 **Corporate Parenting**

N/A

5.7 **Consultation and Engagement**

5.7.1 It is important that the Code is brought to the attention of members of the Licensing

5.8 **Environmental Impact**

5.9 Good governance is important for the running of Licensing Sub-Committee meetings as these applications do impact the local environment.

6. **Background papers**

None.