
REPORT TO:	LICENSING AND APPEALS COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	11 TH JULY 2005	CATEGORY: DELEGATED
REPORT FROM:	HEAD OF LEGAL AND DEMOCRATIC SERVICES	OPEN PARAGRAPH NO: N/A
MEMBERS' CONTACT POINT:	ANDREA McCASKIE (5831)	DOC:
SUBJECT:	LICENSING PROTOCOL AND PROCEDURE	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: LA01

1.0 Reason for Exempt

1.1 Not applicable.

2.0 Recommendations

2.1 That the Licensing Protocol and Procedure be approved and adopted.

3.0 Purpose of Report

3.1 To consider a Licensing Protocol and Procedure for determining licensing applications under the Licensing Act 2003.

4.0 Detail

4.1 The proposed Licensing Protocol and Procedure is attached at Annexe 'A' for Members' consideration. This has been 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.

4.2 The Committee exercises licensing and registration requirements under the Licensing Act 2003. Applications are referred for Members' consideration where objections have been lodged by relevant parties that are not deemed to be frivolous or vexatious and where officers have reservations about the appropriateness of an application or the suitability of an applicant. These applications and appeals will be dealt with by a Sub-Committee of the Licensing and Appeals Committee.

4.3 Those applications, which are not subject to objection, are determined under powers delegated to the Director of Community Services.

- 4.4 The purpose of the Protocol is to set out how Members should act, together with 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. The Protocol has been prepared with a particular emphasis on Members who serve on the Licensing and Appeals Committee/Sub-Committee but its content is also relevant to all other Councillors and also to officers in all other services.
- 4.5 This Council, along with all other Local Authorities, adopted a Code of Conduct, which specifies the obligations imposed on Members and defines personal and prejudicial interests and how these will affect the way a Member behaves. This Code of Conduct, which every Member has signed up to, is the statutory base to which this Protocol is added. In some areas, this Protocol will extend, or go further than the Code of Conduct.
- 4.6 Members will be aware that a licensing training session is to be held for Members on Wednesday, 13th July 2005 at 5.30 p.m.

5.0 Financial Implications

- 5.1 None.

6.0 Corporate Implications

- 6.1 The Committee exercises licensing and registration requirements under the Licensing Act 2003.

7.0 Community Implications

- 7.1 The decisions made by a Sub-Committee can have a considerable effect on the value of premises or other capital assets, on the amenities of people living near and on the lives of applicants.
- 7.2 In all cases, human rights and natural justice considerations dictate that the Sub-Committee should adhere to several principles, as set out in the introduction in the proposed Protocol.

8.0 Background Papers

- 8.1 Proposed Licensing Protocol and Procedure