



CONSTITUTION AND STANDARDS COMMITTEE

Wednesday, 28 February 2024

REPORT TITLE:	LICENSING CODE OF GOOD PRACTICE
REPORT OF:	DIRECTOR OF LAW AND CORPORATE SERVICES (MONITORING OFFICER)

REPORT SUMMARY

This report is submitted to Committee to comment on and agree a draft Council Members' Licensing Code of Good Practice to be presented to and for approval by Council for inclusion in the Councils Constitution. A copy of the proposed Draft Licensing Code of Good Practice is attached at Appendix 1.

RECOMMENDATIONS

1. The Constitution and Standards Committee recommends to Council that the Draft Licensing Code of Good Practice appended to this report be approved by Council and be included within the Council's Constitution, subject to the views of the Regulatory and General Purposes Committee and the Licensing Act Committee.
2. That the Draft Licensing Code of Good Practice and the Recommendation of the Constitution and Standards Committee be referred to the Regulatory and General Purpose Committee and Licensing Act Committee for their consideration.

SUPPORTING INFORMATION

1.0 REASON FOR RECOMMENDATIONS

- 1.1 It is considered best practice for the Council to include in its' Constitution a Code of Good Practice for Members involved in the Licensing process to assist in the making of sound and robust decisions.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 There is currently no Code of Good Practice for Members specifically involved in the Licensing process and this could continue to be the case, however it is considered appropriate for the Council to adopt a Licensing Code of Good Practice to give particular guidance to Members of the Licensing Committees in a similar way that such guidance is given to Members of the Planning Committee.

3.0 BACKGROUND INFORMATION

- 3.1 The Members' Draft Licensing Code of Good Practice has been prepared in response to an audit of the Council's Governance arrangements which recommended a Code of Conduct for Members involved in the Licensing process.
- 3.2 The Draft Code has been prepared with reference to the existing Members' Planning Code as well as the Model Members' Planning Code of Good Practice produced by Lawyers in Local Government (LLG) which was revised in January 2024. The Codes referred to have incorporated the Nolan Principles and commentary from the Committee on Standards in Public Life, the changes in the approach to codes of conduct and predetermination introduced by the Localism Act 2011 as well as the guide on 'Openness and transparency on personal interests' published by the Department for Communities and Local Government 2013.
- 3.3 This proposed Code will apply to Members at all times when involving themselves in the Licensing process.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications associated with the adoption of the proposed Licensing Code of Good Practice.

5.0 LEGAL IMPLICATIONS

- 5.1 The Council must act in accordance with the legislative requirements when dealing with licensing matters and the draft Licensing Code of Good Practice provides advice and guidance to ensure compliance. Section 37 of the Local Government Act 2000 requires the Council to keep its Constitution up to date. Section 25 of the Localism Act, 2011 introduces provisions for dealing with allegations of bias or pre-determination or matters that otherwise raise an issue about the validity of a decision, whether the decision-maker had or appeared to have a closed mind (to any extent) when making the decision.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 There are no resource implications associated with the adoption of the proposed Code.

7.0 RELEVANT RISKS

- 7.1 There is a risk that the conduct and decisions of Members may be challenged when carrying out their role within the licensing process. Adopting the proposed Licensing Code of Good Practice will provide guidance to Members which should promote the making of robust decisions and minimise the risk of such challenges.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 As part of the engagement process, Members of the Governance Working Group were consulted with regard to the proposed Code. The recommendation also provides the opportunity for Members of the Regulatory and General Purposes Committee and the Licensing Act Committee to make comment on the proposed Code before being referred to Council for approval. If necessary, the matter can be returned to this committee if further discussion is required.

9.0 EQUALITY IMPLICATIONS

- 9.1 The code and its implementation must adhere to equality and human rights legislation under the relevant Acts. The Code will ensure that these matters are addressed in making decisions and advising upon the approach to decision making in Licensing.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 There are no direct Environment and Climate Implications arising as a result of this report.

11.0 COMMUNITY WEALTH IMPLICATIONS

- 11.1 There are no direct Community Wealth Implications arising as a result of this report.

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APPENDICES

Appendix 1 - Draft Licensing Code of Good Practice

BACKGROUND PAPERS

Wirral Council Members' Planning Code
LLG Members' Planning Code of Good Practice January 2024

TERMS OF REFERENCE

This report is being considered by the Constitution and Standards Committee in accordance with Section 11.2(b) of its Terms of Reference, to oversee and agree such minor and consequential changes to the Council's constitutional arrangements as are recommended by the Monitoring officer from time to time.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
None	