

COUNCIL BUSINESS COMMITTEE

Protocol on Licensing Procedure 12th March 2015

Report of the Monitoring Officer

PURPOSE OF REPORT

To enable the Committee to consider a draft Protocol on Licensing Procedure for inclusion in the Council's Constitution.

This report is public

RECOMMENDATIONS

- (1) That the draft Protocol on Licensing Procedure appended to this report be approved for inclusion in the Council's Constitution.**

1.0 Introduction

- 1.1 Consideration of local protocols regulating the conduct of Members falls within the terms of reference of the Standards Committee, but the inclusion of documents in the Constitution is a matter for this Committee.
- 1.1 Members will be aware that Part 7 of the Council's Constitution contains a Protocol on Planning Procedure which gives guidance to members of the Planning and Highways Regulatory Committee on their role in determining planning applications, and guidance to other members who may be contacted by applicants and objectors on planning matters.
- 1.2 In reviewing the Constitution, the Monitoring Officer felt that it would be helpful to members to have a similar protocol to deal with licensing matters, both those that fall within the terms of reference of the Licensing Act Committee, and those that are dealt with by the Licensing Regulatory Committee. It is considered that it will be particularly helpful to have such a Protocol in place to assist new members following the elections in May 2015.

2.0 Proposal Details

- 2.1 Accordingly, a draft Protocol was prepared and is appended to this report. The draft was considered and noted by the Licensing Regulatory Committee and the Licensing Act Committee at their respective meetings in November and December, and referred to the Standards Committee. As the body responsible for advising the Council on local protocols regarding the conduct of members, the Standards Committee considered the draft Protocol at its meeting on the 22nd January 2015, and recommended this Committee to approve its inclusion in the Council's Constitution.

3.0 Options and Options Analysis (including risk assessment)

- 3.1 The options open to the Committee are to approve the revised protocol appended to this report, or to approve it with further amendments. The officer preferred option is to approve the revised Protocol as drafted.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None directly arising from this report.

LEGAL IMPLICATIONS

The Protocol will provide guidance to members, and minimise the risk of legal challenge to licensing decisions.

FINANCIAL IMPLICATIONS

None directly arising from this report.

OTHER RESOURCE IMPLICATIONS

Human Resources:

None

Information Services:

None

Property:

None

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The report has been prepared by the Monitoring Officer.

BACKGROUND PAPERS

None

Contact Officer: Mrs S Taylor

Telephone: 01524 582025

E-mail: STaylor@lancaster.gov.uk

Ref: