

**Manchester City Council
Report for Resolution**

Report to: Licensing and Appeals Committee – 15 June 2015
Subject: Introduction of a Licensing Protocol for Members and Officers
Report of: Head of Planning, Building Control and Licensing

Summary

The Protocol (attached) covers key issues for the decision maker; this includes reference to interests and the complimentary role of Members and Officers.

Purpose of Report

To set out the rationale for a bespoke Licensing Protocol as a tool to assist in this complex and high profile area of regulation.

Recommendations

Members note the content of the report and agree the introduction of the Protocol with immediate effect.

Wards Affected: All

Community Strategy Spine	Summary of the contribution to the strategy
Performance of the economy of the region and sub region	Not applicable to content this report
Reaching full potential in education and employment	Not applicable to the content of this report
Individual and collective self esteem – mutual respect	Not applicable to the content of this report
Neighbourhoods of Choice	Not applicable to the content of this report

Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
 - Risk Management
 - Legal Considerations
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Financial Consequences – Revenue

None

Financial Consequences – Capital

None

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Background documents

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

None.

1. Introduction

- 1.1 The licensing service covers a wide range of licensing activity, including gambling, sex establishments, alcohol, take aways, other uses associated with the night time economy and taxis (private hire and hackney). Under the constitution decision making is delegated to both the Executive and the Licensing and Appeals Committee, various sub Committees and Panels with a further delegation to the Head of Service.
- 1.2 The Code of Conduct for Members (adopted on 11 July 2011) and the Employee Code of Conduct respectively are key documents for all Members and officers in Manchester. In view of the high profile and nature of decision making associated with licensing matters, it is considered appropriate that a bespoke Protocol for Licensing be adopted. This would bring together the relevant parts of the Codes into one document and would cover matters relating to the declaration of interests, lobbying, predeterminations and complaints/record keeping to support the licensing authority and its decision making process.
- 1.3 A Protocol had already been drafted by officers on the basis of best practice, when the Report of Inspection of Rotherham Metropolitan Borough Council was released in February 2015. This has highlighted the importance of both policy reviews taking place on (taxi) licensing matters but also the decision making process which must be impartial and transparent.
- 1.4 The Protocol is not a response to any questions being raised about decision making by the Licensing Authority in Manchester but is a best practice tool to help support Members and Officers and further demonstrate accountability in the process.

2. Protocol

- 2.1 The Protocol is attached and explains the importance of and the need for reasoned decision making. It outlines the complementary role of Members and officers and provides more detailed guidance on the matter of interests, pecuniary, personal and prejudicial.
- 2.2 The Protocol also covers predetermination and lobbying and how such matters impact on decision making. The intention is that the Protocol will be reviewed annually or when necessary to ensure it remains relevant and fit for purpose and will be a helpful aid for training purposes.

3.0 Other legal implications

- 3.1 There are no other legal implications to consider.

4.0 Contributing to the Community Strategy

4.1 (a) Performance of the economy of the region and sub region

Decision making on all types of licensing activity impacts on the growth of the City. It is therefore important decisions are made in accordance within the legal frameworks having regard to the Council's objectives for growth.

4.2 (b) Reaching full potential in education and employment

There are no implications

4.3 (c) Individual and collective self-esteem – mutual respect

4.4 (d) Neighbourhoods of Choice

There are no implications

5. Key Policies and Considerations

(a) Equal Opportunities

There are no equal opportunity issues arising from the report

(b) Risk Management

None

(c) Legal Considerations

None. The Protocol is in line with the City Council's Code of Conduct for both Members and Officers.

6. Conclusion

It is recommended Members note and agree the introduction of the Protocol, to come into effect immediately.