



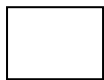
Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 21st April 2009

Subject: Annual report regarding the Code of Practice for the Determination of Licensing Matters for the 2008/2009 municipal year

Electoral Wards Affected:



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Purpose Of This Report

- 1.1 This report provides the information to Standards Committee in relation to the monitoring requirements of the Code of Practice for determining licensing matters

2.0 Background Information

- 2.1 The First Code of Practice for determining licensing matters was approved by Standards Committee on 31 March 2005. The Code of Practice was developed following the expansion of licensing activity within Leeds as the Council took responsibility for the licensing of alcohol previously undertaken by the Magistrates' Court and the licensing of hot food served between 11:00pm and 5:00am. The Council has since taken over responsibility for the licensing of various forms of gambling under the Gambling Act 2005.
- 2.2 The Code of Practice for Determination of licensing Matters was last amended and approved by Standards Committee on 14 April 2008 and additionally the Licensing Procedure Rules, which now includes a Site Visit Protocol were approved by the Licensing Committee on 3 June 2008. The Code of Practice is attached at Appendix 1.
- 2.3 Paragraph 18 Of the Code of Practice deals with monitoring and review. It provides for an annual report to Standards Committee regarding the arrangements set out in the Code, whether these have been complied with, the number of complaints about breaches and the outcome of any complaints, the number of appeals upheld against licensing decisions, the results of any external inspections, the results of any Ombudsman Complaints or reports and the level of awareness of the Code among members and officers.

3.0 Main Issues

3.1 Complaints about Breaches of the Protocol

There have been no formal complaints in relation to the behaviour of Members or officers under the Code of Practice for determining licensing matters.

3.2 Appeals against licensing decisions

During 2008/2009 the Licensing Committee and its sub committees will have dealt with 51 hearings and in relation to the granting of licenses and permissions under the Licensing Act 2003 and Gambling Act 2005. There have been 6 Appeals in relation to those decisions of which 3 were dismissed, 1 withdrawn 1 upheld in full and 1 in part. In the cases of the appeals upheld, this was due to changes in circumstances between the time at which members heard the evidence and the time at which the Courts Dealt with the matter. In these cases there were no costs awarded against the council.

3.3 External Reports

There have been no external reports in respect of any relevant issues raised by the Code of Practice.

3.4 Ombudsman Reports

There have been no Ombudsman complaints or reports in respect of relevant matter raised under the Code of Practice.

3.5 Awareness of the Code of Practice

All Members of the Plans Panels, Licensing and Regulatory Panels and the Licensing Committee have been offered training on an annual basis in relation to governance and conduct issues. So far 30 out of the 40 members have attended the training with a further session planned for the end of April.

3.6 Amendments to the Code of Practice

No amendments are required to the Code of Practice which was last amended by the Standards Committee on 14 April 2008. However the Licensing Procedure Rules have been amended to include a Site Visit Protocol, which was approved by the Licensing Committee on 3 June 2008.

The need for the protocol was identified following the implementation of the Gambling Act 2005 where the location of the site was more paramount and more of an issue. This had not been the case under the Licensing Act 2003 where the volume of premises were far greater. The protocol was needed to clarify a number of issues identified between Members and officers and was the quickest way to implement the procedure. The Protocol is attached at Appendix 2.

4.0 Implications For Council Policy And Governance

4.1 It is the interests of good governance that the Council's Codes of Practice are kept up to date with the changing and developing role of members and officers within the Council.

4.2 The Code of Practice may need to be amended as a result of the new Code of Conduct for Members which will come into force in June 2009.

5.0 Legal And Resource Implications

5.1 Ensuring that the Code of Practice is up to date will assist the Council in ensuring that licensing decisions are legally sound and able to withstand challenge on a procedural basis.

5.2 There are no resource implications to this report.

6.0 Conclusions

6.1 This annual report shows that the existing Code of Practice for determining licensing matters is working well.

7.0 Recommendations

7.1 Members are asked to consider the assurances contained within the report and advise as to whether further amendments are required to the Code of Practice for the Determination of Licensing Matters.

8.0 Background Documents

8.1 None.