

**LACORS' GUIDANCE:
THE ROLE OF ELECTED MEMBERS IN
RELATION TO LICENSING COMMITTEE
HEARINGS UNDER THE LICENSING
ACT 2003
FOR LOCAL AUTHORITIES IN ENGLAND**

Updated January 2010

Note:

- This Guidance, originally issued in 2005, has been updated to take account of the 2007 National Model Code of Conduct (The Local Authorities (Model Code of Conduct) Order 2007, and again in 2010 to take account of the change in the status of elected councillors as interested parties as the result of the amendments to s13(3) of the Licensing Act 2003 brought about by s33 Policing and Crime Act 2009.
- Hard copy of this Guidance is available from LACORS either via a download from its website (free for local authority users) or a copy can be ordered from LACORS, telephone 020 7 665 3888 (a charge will be made).
- A separate LACORS' leaflet for Elected Members which summarises the practical suggestions contained within this document, is available via LACORS' website.

In offering this advice LACORS wishes to make it clear that:

- *Legislation may change over time and the advice given is based on the information available at the time the guidance was produced. It is not necessarily comprehensive and is subject to revision in the light of further information.*
- *Only the courts can interpret statutory legislation with any authority.*
- *This advice is not intended to be a definitive guide to, nor substitute for, the relevant law. Independent legal advice should be sought where appropriate.*

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FOREWORD

“As a member of your authority, you are at the heart of local democracy... You represent people in your area and take forward concerns..., drive change, participate in community and action groups, and make decisions for the benefit of the community as a whole. Sometimes these roles and responsibilities conflict, and you need to strike a balance between representation, driving change and ensuring the authority can even-handedly decide matters on their merits – and be seen to be doing so.”

“Lobby groups, dual-hatted members and the Code of Conduct – Guidance for Members”
The Standards Board for England September 2004

The Licensing Act 2003 put local authorities firmly in the centre of decision making upon licences for regulated entertainment and the provision of alcohol, as well as late night refreshment. Concerns regarding this shift in responsibility have centred around doubts surrounding the impartiality of Councillors and especially as regards those who will make-up the Licensing Committee that will decide upon applications. This concern arises from a view that Councillors are subject to local political pressures and a belief that they will regard the views of local residents as taking precedence over the other interests of their communities.

More broadly, public attention has focused upon the probity of politicians, at both the local and national level, particularly since the outcomes of the Nolan Committee's Third Report in 1997 on the Standards in Public Life. This report resulted in the Local Government Act 2000 which included a Model Code of Conduct for Councillors and also took account of the Human Rights Act 1998.

Every authority was required to adopt a Code of Conduct setting out rules governing the behaviour of its Members. The original 2001 Model Code has been superseded by a new Model Code of Conduct for Members which was issued by the Government on 4 April 2007.

This guidance reflects the provisions of the new Model Code, and aims at enabling local Councillors to represent all of their constituents in a way that does not expose their local authority to accusations of pre-determination, bias or maladministration.

As regards the Licensing Committee, the role of the Elected Member as part of that Committee will involve balancing the multiple needs and interests of the local community, whilst prioritising the four Licensing Objectives of the Licensing Act 2003. In doing so the Elected Member must maintain his/her impartiality and, as public perception of probity is critical, his/her appearance of impartiality too, during the decision making process. This guidance is intended to assist local authorities ensure their Elected Members achieve this.

The guidance within is written with *all* Elected Members in mind, whether they sit on a Licensing Committee or not. It is intended to assist local authorities to devise / review and update local guidance to take account of the new licensing duties, as well as perhaps informing training provided for Councillors. Local Authorities may wish to present this guidance to both their Licensing Committee and their Standards Committee to promote discussion and agreement on local procedure.

A number of local authority officers assisted LACORS with the original version of this guidance including Philip McCourt, Head of Legal Services and Monitoring Officer at Harborough. Pauline Powell, Senior Solicitor at Bristol and Peter Large, at Westminster City Council have also provided helpful comments and advice. The Association of Council Secretaries and Solicitors (ACSeS), The Association of London Government (ALG) as was, and the Society of Local Authority Chief Executives (SOLACE) were also consulted at the time and the Standards Board for England was particularly helpful.

Finally, this version of the guidance is intended for local authorities in England; although much of this document is relevant for local authorities in Wales.

Cllr Geoffrey Theobald OBE
Chairman
LACORS

A) INTRODUCTION

1. The Licensing Act 2003

The Licensing Act 2003 was approved by Parliament on 10th July 2003. As a result, local authorities, in the form of 'Licensing Authorities', took on the increased responsibilities of licensing premises and persons with regard to the carrying-out of licensable activities including the sale and supply of alcohol; provision of regulated entertainment; and the provision of late night refreshment. Key to the process of deciding licence applications will be each Licensing Authority's Licensing Committee.

Each Licensing Committee comprises between 10-15 Elected Members and is able to form sub-committees of no more than 3 Elected Members, to decide upon licence applications, where there are objections and / or relevant representations. Should the applicant or those who have made representations / objections be dissatisfied with the decision of the Licensing Committee, there is then the right of appeal to the Magistrates' Court.

Whilst all local authority actions are subject to rules regarding probity, these Licensing Committees (like the existing Local Authority Planning Committees) need to be especially diligent in this respect. At the time, the DETR (subsequently ODPM and now CLG) "New council constitutions: guidance pack / Modular constitutions for English local authorities" stated:

13.08 Decision making by Council bodies acting as tribunals

Many of the licensing and enforcement functions of ordinary committees will entail them acting in a quasi judicial capacity...The Council, a councillor or an officer acting as a tribunal or in a quasi judicial manner ... will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights."

This guidance sets out the general rules regarding probity in local government and considers how these will apply specifically to the Licensing Committee functions under the Licensing Act 2003.

2. Probity in local government

The following information is well known in local government, however, it is intended to serve as a useful background summary.

There are a number of sources of rules regarding probity in local government:

- The Local Government Act 2000 (primary and secondary legislation)
- Rules of Natural Justice (case law)
- The Human Rights Act 1998 (primary legislation and case law)

The Local Government Act 2000

As a result of general concern regarding probity in central government, The Committee on Standards in Public Life was set up in October 1994, under the Chairmanship of Lord Nolan. The Committee's remit was to consider the standards of conduct in various areas of public life and to make subsequent recommendations. The Committee's first report focused upon MPs, Ministers and Civil Servants, Executive Quangos and NHS bodies; its second report looked at local public spending bodies; and the Third Report of the Committee considered conduct in local government (in England, Scotland and Wales).

The Third Report's recommendations resulted in a Government Green Paper "Modernising Local Government: A new Ethical Framework" published in April 1998; a White Paper "Modern Local Government, in Touch with the People" (Cm4014) in July 1998; draft legislation in the form of a document "Local Leadership, Local Choice" (Cm1298); and finally the Local Government Act which received Royal Assent in July 2000.

The Local Government Act 2000 resulted in a number of new statutory requirements, the detail of which was set-out in Statutory Instruments:

- i. Principles
- ii. Model Code of Conduct
- iii. Standards Committees
- iv. Standards Board

These were all designed to help Local Authorities avoid allegations of malpractice / maladministration etc. Further detail is provided on these items below.

(i) Principles

The Principles of Public Life are:

Selflessness - Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity - Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity - Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability - Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness - Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement - Members may take account of the views of others, including their political group, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others - Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law - Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship - Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership - Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

(ii) National Model Code of Conduct

The National Model Code of Conduct was originally established by Statutory Instrument 2001 No. 1401. It has recently been updated, with the 2007 version established by Statutory Instrument 2007 No. 1159 "The Local Authorities (Model Code of Conduct) Order 2007. As a result, every Local Authority is required to adopt a Code of Conduct, to govern the behaviour of its Elected Members. Authorities now have until 1 October 2007 to adopt the Code of Conduct 2007. After 1 October, Members of Authorities which have not adopted the 2007 Code will be covered by it automatically.

Local Authorities are empowered to add to the provisions in the National Model Code of Conduct, provided they are not inconsistent with it.

The National Model Code of Conduct covers areas of individual behaviour such as Members not abusing their position or not misusing their Authority's resources. In addition there are rules governing disclosure of interest and withdrawal from meetings when Members have relevant interests. Members are also required to record their financial and other interests. It is worth noting that the 2007 Code incorporates new provisions relating to personal and prejudicial interests, with a new definition of personal interests ("family" and "close association") and in certain circumstances permits participation of Members having personal or prejudicial interests. The 2007 Code also includes new provisions relating to bullying, the promotion of equality, access to information and disclosure of confidential information.

This guidance will look at how the Code may be related to the Licensing Committee context.

(iii) Standards Committees

Under the Local Government Act 2000 every Local Authority is required to set-up a local Standards Committee. These are responsible for promoting and maintaining high standards of conduct by Members and co-opted Members of the authority, and to assist members and co-opted Members to observe the Local Authority's Code of Conduct. The Committee should advise Members of any changes to the Code of Conduct; monitor the operation of the Code; and advise and train Members on matters relating to the Code of Conduct. The Standards Committees can also carry-out other functions as the Local Authority sees fit. The Standards Board in England (and the Ombudsman in Wales) may also issue guidance as to the exercise of functions by the Standards Committees.

(iv) The Standards Board for England

The Standards Board for England was formally established in March 2001, and is intended to be independent of government. The Board's aim is to ensure that standards of ethical conduct are being maintained by local authorities and it deals with any complaints of misconduct against individual members.

The 2007 Model Code should be read in conjunction with the current Guidance from the Standards Board from England. LACORS encourages all Authorities particularly to take note of the Board's advice on adoption of the Model Code:

"To avoid confusion with the previous Code, the Standards Board for England...encourages your local authority to adopt the Code of Conduct at its first opportunity.

"It is also important that the Code of Conduct is adopted in its model form, without amendment. This will give certainty to Members and the public as to what standards are expected. It will ensure consistency throughout local authorities, avoiding confusion for Members on more than one authority and for the public. It will also minimise the legal risk of your authority adopting additional provisions which are unenforceable."

Further information about the Standards Board can be found at:

<http://www.standardsboard.gov.uk/>

Guidance from the Standards Board on the 2007 Model Code can be found at:

<http://www.standardsboard.gov.uk/TheCodeofConduct/Guidance/filedownload,5982,en.pdf>

3. Natural Justice - rules of the English Common Law

It should be noted that the following information has been provided to set out the concepts involved in discussion of 'natural justice' and that the case law is primarily provided so as to demonstrate these concepts. Consideration of how these affect local authority functions under the Licensing Act 2003 specifically is provided in subsequent sections of this document.

Some debate exists as to whether Licensing Committees under the Licensing Act 2003 are 'administrative' or 'quasi-judicial' bodies. It may be worth quoting one constitutional lawyer's words on the topic of "judicial", 'quasi-judicial' and 'administrative' functions: the distinction:

"The courts have long been struggling with the distinction between 'judicial', 'quasi-judicial' and 'administrative' functions in an attempt to bring the ever-expanding administration of government departments under judicial control. Two lines of thought were apparent. The first emphasised the distinction between a body which was exercising powers under restrictive rules and a body which was conferred with a wide measure of administrative power (see Gordon DM "Administrative" tribunals and the courts (1933) 49 LQR 94). The second line of thought placed great weight on the absence of any true distinction between judicial and administrative functions, regarding the former to be a specialised form of the latter (see Jennings I (Sir) "The Law and the Constitution" 5th edn 1959 Appendix 1). As a result of the confusion, the phrase 'quasi-judicial' came to be used to cover those functions which were not easily compartmentalised into either one of other concepts." (Hilaire Barnett "Constitutional & Administrative Law" 2001p.1081)

The reason the distinction between 'judicial' and 'administrative' was important was that stricter rules of natural justice were required for the former and thus the decisions of public bodies which were viewed as being 'judicial' and not 'administrative' were more open to judicial review by the courts. It was thus in the interests of public bodies that a greater number of its decisions were viewed as being 'administrative'. However, since *Ridge v Baldwin (1964) AC 40* this distinction has been far less important as in this case it was held that irrespective of the type of body which made the decision (i.e 'administrative' or 'judicial'), procedural fairness and other such rules, are applicable.

LACORS' guidance "Judicial Review: A Summary" provides some further detail regarding the grounds of judicial review. However, the key item which should be borne in mind as regards the Elected Members sitting on Licensing Committees is that there must be **no procedural impropriety** and thus the decision must be *free from the appearance of bias* and that there must have been a *fair hearing*.

Free from the appearance of bias – Bias has been defined as "an attitude of mind which prevents the [decision-maker] from making an objective determination of the issues that he has to resolve"¹.

The key concept as regards bias is that there is no need for proof of actual or potential bias for there to be 'procedural impropriety' shown. It is sufficient that there is an *appearance* of bias. This is demonstrated in the case of *R v Bow Street Magistrates ex parte Pinochet (No 2) (1999)* where Lord Hoffman disqualified himself as a judge in the case of the extradition of General

¹ *Re Medicaments and Related Classes of Goods No. 2 [2001] 1 W.L.R. 727*

Pinochet as Lord Hoffman had connections with Amnesty International, one of the parties to the case.

Further discussion of the case law affecting local authority decisions and functions under the Licensing Act 2003 is contained in section B3.

Fair hearing - For a hearing to be 'fair' a number of conditions must be satisfied including the right for the individual to know the opposing case; generally the right to call witnesses; the ability to question witnesses; the right to legal representation; and generally the right to be given reasons for any decision made. Sometimes a 'written' hearing will suffice and no 'oral' hearing is required.

Two well-know example cases relating to the right to a fair hearing are:

Cooper v Wandsworth Board of Works (1863) - A statute prohibited any building being erected without giving seven days notice to the Board of Works. Mr Cooper started putting up a house without giving notice and thus, the Board demolished the building. Whilst the Board was within its statutory powers in carrying-out the demolition, the Court held that the individual did have a right to a 'fair hearing' before the decision was taken.

Ridge v Baldwin (1964) - A Police Constable was dismissed without having been given a hearing by his superiors. This was held by the Court to have been 'illegal' as he was entitled to a fair hearing before any decision was made.

Licensing Committees will therefore need to follow clear procedures to ensure that the hearings which take place are fair and are seen to be fair: LACORS' Committee Guidance is also available.

4. The Human Rights Act 1998

The Human Rights Act 1998 incorporated into UK law the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms which was originally drafted and enacted by the Council of Europe in 1950. This Convention had been ratified in 1951, although the UK did not allow its citizens the right to petition the Court of Human Rights (in Strasbourg), until 1965.

Prior to the Human Rights Act 1998 the status of the rights provided for by the Convention, merely provided UK judges with another means of interpreting UK statute. However, since the enactment of the Human Rights Act 1998, judges have been able to utilise the rights set-out in the Convention as part of judicial review proceedings against public bodies.

All rights in the Convention are set-out in the form of Articles and it is Article 6 which is particularly important to consider with regards to Licensing Committee procedures and decisions.

Article 6

1 In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

Article 6(1) has been interpreted as requiring a tribunal which is independent from the Executive; and free from pressure and bias. The process must also be fair in terms of parties being able to put their case, hear and challenge witnesses.

The initial key question, however, as regards Licensing Committee decisions, is whether they involve a “*determination of...civil rights and obligations*”. It has been held that this can apply to proceedings before an ‘administrative’ tribunal (the Regional Land Commission) in *Eckle v Federal Republic of Germany 1989 5 EHRR1 para 73* and also to a decision of a public body where the consequences of an administrative decision affected an individual’s civil rights (see *Konig v Federal Republic of Germany 1980 2 EHRR 170* which concerned an individual’s licence to practice as a doctor in his own clinic). As regards Licensing Committees, it is also likely to be argued that the decisions affect a person’s civil rights in that the decision may affect his/her ability to earn a living and, in particular, affect a person’s possessions in the case of an existing licence holder.

Regardless of the view of the applicability of Article 6 to the decisions of Licensing Committees, the House of Lords has held¹ that, in any event, there is now no real difference between the common law test of bias and the requirements under Article 6 of an independent and impartial tribunal.

¹ *Lawal v Northern Spirit Ltd [2003] UKHL 35*

5. Purpose of this guidance

In the same way that Members involved in the Planning Process and Planning Committees might find themselves in situations where it is difficult to balance their representational and decision-making roles, so the same can apply in the licensing context.

Planning was referred to in the Third Nolan Report as "*... probably the most contentious matter with which local government deals and is the one on which we have received by far the most submissions. Inevitably the planning process produces both winners and losers. The planning process puts elected councillors into the position of being required to exercise their representational role on behalf of their constituents. Those who lose out frequently put the blame on the process itself.*" Further, the Nolan Committee stated "*We have particular concerns ...about local authorities granting themselves planning permission*" (Summary of Third Report).

This could equally apply to the licensing process under the Licensing Act 2003. There will inevitably be licence applications which relate to premises which the local authority may view as important, for example for economic regeneration, and there is also the provision for local authorities to apply for their own Premises Licences covering public land, and indeed have been encouraged to consider doing so by the Government to help ensure cultural diversity (see Licensing Act 2003 Guidance 16.37).

This LACORS guidance, which should be considered along with the Guidance of the Standards Board for England, is therefore provided to assist local authorities identify and avoid problems which previously were associated with the planning function, thereby protecting themselves and their Members from accusations of maladministration or from judicial review proceedings. It is suggested that Licensing/ Legal Officers consider using both sources of guidance in advising their Members. A more concise leaflet is available from LACORS which summarises the suggestions in this guidance and is intended for distribution to Members directly.

The guidance is purely advisory. It is hoped that it will prove useful to local authorities in creating their own mechanisms to ensure public faith in the Licensing Act 2003 regime.

B) SUBSTANTIVE ISSUES

1. Introduction

The 2007 National Model Code of Conduct is statutory and sets out expectations as to the conduct of Elected Members of local authorities in the conduct of their official duties (and to some extent, their private life). Crucial is the separation of private from public interests but there are also provisions regarding any actions bringing the authority into disrepute, relations with other Members, the public and staff, and treatment of confidential material. Elected Members are expected to comply with the spirit and letter of their local codes.

The 2007 Code also addresses issues around respect for others, equality, bullying, access to information, disclosure of confidential information, as well as developing the definition of personal interest to include “family” and “close association”.

General Obligations under the 2007 Code are:

- You must treat others with respect [para 3(1)];
- You must not do anything which may cause your authority to breach any equality laws [para 3(2)(a)];
- You must not bully any person including other councillors, council officers or members of the public [paras 3(2)(b)&(c)];
- You must not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of the authority [para 3(2)(d)];
- You must not disclose confidential information, or information which you believe to be of a confidential nature (except in defined circumstances) [para 4(a)];
- You must not prevent anyone getting information that they are entitled to by law [para 4(b)];
- You must not bring your office or authority into disrepute while acting in your official capacity, or at any time through criminal activity that leads to a criminal conviction [para 5];
- You must not use, or attempt to use, your position improperly to the advantage or disadvantage of yourself or anyone else [para 6(a)];
- You must only use or authorise the use of the resources of the authority in accordance with its requirements [para 6(b)(i)];
- You must make sure you use the authority’s resources for proper purposes only [paras 6(b)(ii) & 6(c)];
- You must have regard to advice from your monitoring officer or chief finance officer where they give it under their statutory duties [para 7].

Full details of these obligations are available in the Standards Board’s Guidance.

Further Sections of the National Model Code of Conduct cover Personal Interests, Disclosure of Personal Interests, Prejudicial Interests, Participation in Relation to Disclosed Interests, and the Register of Members’ Interests. Again, full details are available in the Standards Board’s Guidance.

The remainder of this document details instances where the 2007 National Model Code might impact specifically upon issues arising during the Licensing Act 2003 process. LACORS’ suggestions as to how local authorities and their Elected Members may wish to interpret the Code of Conduct in this context are provided. These suggestions are

bold and italicised. LACORS' suggestions in subsequent sections are similarly highlighted.

2. Interests - 2007 National Model Code of Conduct

Full and detailed guidance on Interests is available from the Standards Board. The following is a summary for ease of reference.

The 2007 National Model Code refers to “personal” and “prejudicial” interests and to certain special categories of interests including

- Gifts and hospitality;
- The business of Overview & Scrutiny Committee meetings;
- The business of the Executive or Cabinet;
- Sensitive information

Registration of interests: The Local Government Act 2000 and the 2007 Model Code provide rules for the registration and disclosure of Members’ interests. Guidance on these rules is provided by the Standards Boards and advice may be sought by Members from their local authority’s monitoring officer. It is recommended that Members regularly review their situation in consideration of these rules.

A register of interests will be maintained by a local authority’s monitoring officers and will be open to public inspection.

A Member must provide the monitoring officer with written details of relevant interest within 28 days of his/her election to office. Any changes to his/her interests must be notified within 28 days of the Member becoming aware of the changes.

Personal interests: There are two types. A Member has a personal interest in any business of his/ her authority where it relates to or is likely to affect:

- An interest which must be registered;
- An interest which does not require to be registered, but where the wellbeing or financial position of the Member, his/ her family, or people with whom he/ she has a close association, is likely to be affected by the business of the authority more than it would affect the majority of inhabitants of the ward/ electoral division/ authority’s area affected by the decision.

A Member declaring a personal interest may remain in the meeting and speak and vote on the matter, unless that interest is also a prejudicial interest (see below)

Members must declare that they have a personal interest, and the nature of the interest, before the matter is discussed or as soon as it becomes apparent (except in certain limited circumstances which the Code explains). Even if the interest is registered, the Member must declare it in meetings where matters relating to that interest are discussed, unless an exemption applies.

Prejudicial interests: A personal interest will also be a prejudicial interest if all of the following apply:

- The matter does not fall within one of the exempt categories of decisions;
- The matter affects the Member’s financial interests or relates to a licensing or regulatory matter; and

- A member of the public, knowing the relevant facts, would reasonably think that the Member's personal interest was so significant that it would be likely to prejudice his/her judgement of the public interest.

A Member having a prejudicial interest in a matter being discussed at a meeting must declare it, and the nature of it, as soon as that interest becomes apparent to the Member. The Member should then leave the room, unless members of the public are allowed to make representations, give evidence or answer questions about the matter by statutory right or otherwise. If that is the case, the Member may also attend the meeting for that purpose. The Member must, however, immediately leave the room once he/ she has finished speaking or when the meeting decides that the Member has finished. The Member must not remain in the public gallery to observe the vote on the matter. Additionally, a Member must not seek to improperly influence a decision on a matter in which the Member has a prejudicial interest.

The National Model Code of Conduct states that where a Member has such an interest s/he should not take part in any discussions about that interest, unless a dispensation¹ has been obtained from the authority's standards committee. S/he must declare what the interest is and withdraw from the meeting by leaving the room (see also *R (Richardson and Another) v North Yorkshire County Council and another [2003] EWCA Civ 1860*).

Prejudicial interests – licensing or other regulatory matters: LACORS draws Members' attention particularly to the Guidance of the Standards Board on the 2007 Code relating to licensing/ regulatory matters and to situations in which Members have a statutory right to speak.

As an example of a licensing or regulatory matter which would give rise to a prejudicial interest, the Guidance refers to a situation in which a Member of a Licensing Committee might be considering a Licensing application made by him/ her or a body on his/ her register of interests.

Prejudicial interests – significant matters likely to prejudice judgement of the public interest: where a reasonable member of the public knowing all the relevant facts would think that a Member's ability to judge the public interest objectively might be prejudiced, then the Member has a prejudicial interest. The Standards Board guidance offers an example of such a situation from the planning context which, LACORS feels, would apply equally in the Licensing Act 2003 context.: a Member would have a prejudicial interest in a Licensing Act 2003 application if a member of his/ her family lived next to the premises concerned. The existence of the close family tie means that a reasonable member of the public might think that it would prejudice the Member's view of the public interest when considering the licensing application.

Effect of a prejudicial interest: IN AN IMPORTANT CHANGE FROM THE 2001 CODE, THE NEW MODEL CODE SUPPORTS AND RECOGNISES MEMBERS' ROLES AS COMMUNITY ADVOCATES AND ENABLES MEMBERS TO REPRESENT THEIR COMMUNITIES AND SPEAK IN CERTAIN CIRCUMSTANCES EVEN WHERE THERE IS A PREJUDICIAL INTEREST.

Again, LACORS refers Members to the Guidance of the Standards Board and encourages Members to seek the advice of their Monitoring Officer if the situation appears to be unclear.

¹ NB. Dispensations are not possible for members of a Council's Executive.

Although generally the new Code does not provide a right to speak to a meeting where a prejudicial interest exists, the Licensing Act 2003 regime does now provide a statutory right to speak at Licensing Hearings, which is recognised by the Code.

Licensing examples of personal & prejudicial interests: *The key question is “what are to be regarded as personal and prejudicial interests, in terms of the Licensing Act 2003?” It should be recalled that personal interests include those which affect the well-being or financial position of the Member. Examples of personal and prejudicial interests might include situations in which the Member (or their friend, family or employer):*

- *lives very near to the premises in question (likely to have a personal interest and potentially a prejudicial interest);*
- *is a frequent visitor to the premises in a personal capacity (potentially a personal and a prejudicial interest);*
- *belongs to a lobby or campaign group which may be directly impacted by the outcome of the Licensing Committee hearing (personal and potentially prejudicial interest).*

Gifts and hospitality: Members should be very cautious about accepting gifts or hospitality. Members are required by the National Model Code of Conduct to provide written notification of receipt of any gift/hospitality worth greater than £25, within 28 days, to the monitoring officer of the local authority. *To avoid potential perceptions of bias it may be appropriate that generally any gifts or offers are unacceptable. It is recognised that this is more stringent than the National Model Code of Conduct. However, in particular circumstances where a gift or offer is accepted e.g. free drinks, meals, admission to events etc. then local authorities may wish to follow a procedure whereby the details are registered and stored for example, on the licence file.*

Exemptions to the rules on personal and prejudicial interests

Exemption as to personal interests: Where a Member's personal interest arises solely from his/ her membership of, or position of control/ management on

- Any other body to which the Member was appointed or nominated by the authority;
- Any other body exercising functions of a public nature (for example another local authority).

The 2007 Code states [para 9(2)] that in these cases, provided the Member does not also have a prejudicial interest, he/ she needs only to declare that interest if and when speaking on the matter.

Bodies exercising functions of a public nature: The Guidance of the Standards Board cites as examples: regional and local development agencies; other government agencies; other councils, public health bodies, council-owned companies exercising public functions; arms-length management organisations carrying out housing functions on behalf of the Member's authority; and school governing bodies.

Exemptions as to prejudicial interests: Para 10(2)(c) of the Code of Conduct 2007 states that a Member will not have a prejudicial interest if the matter relates to certain functions of their authority:

- Housing – the Member holds tenancy or lease with the authority, but the matter does not relate to his/ her particular tenancy or lease;
- School meals/ transport/ travelling expenses – the Member is a parent or guardian or a child in full-time education and is a parent governor, unless the matter relates to the particular school the Member's child attends;
- Statutory sick pay;
- An allowance/ payment/ indemnity for Members;
- A ceremonial honour given to Members;
- Setting Council tax or a precept.

In respect of the Licensing Act 2003 the situation may occur where a Member carries-out a function for another public authority or another local authority which is making an application for a licence, or which is making a representation. For example, if the local hospital or school is applying for a premises licence and the Member is on the Board of Governors of the school or involved in the management of the hospital. It may also occur where the Member is a 'dual-hatted' Member and is part of the District Council's Licensing Committee but also a Member of the County Council which is applying for a premises licence for its land.

In such situations, whilst there would be a personal interest which could be exempt from declaration, the added dimension of the public function vis-à-vis the other public bodies which the Member also serves, would mean that this was also a prejudicial interest. It is strongly suggested that Members consider NOT availing themselves of any exemption in such circumstances as to do so may put the local authority at risk of being accused of bias.

The Standards Board has previously commented that "...you should not sit on decision-making bodies, such as planning and licensing committees, when they decide applications from an authority on which you also serve. Even though these situations fall within the scope of those

exempt from declaration], a reasonable member of the public would think that your judgment is likely to be prejudiced. In addition, a legal challenge could be made against the authority's decision-making process if you participate in these circumstances." ("Lobby groups, dual-hatted members and the Code of Conduct – Guidance for Members" The Standards Board for England September 2004 p.15).

The Standards Board has also stated "Regulatory matters such as planning and licensing, are particularly sensitive... In our view, you should adopt a particularly cautious approach to planning and licensing matters."("Lobby groups, dual-hatted members and the Code of Conduct – Guidance for Members" The Standards Board for England September 2004 p.6).

'Advantages' available to Members

Under the National Model Code a Member with a personal and prejudicial interest shall also not "improperly influence a decision about that matter". What this means is that a Member must not use any advantage available to them as a Member which would include, for example, access to Officers and other council Members. Sections of the new Code relating to "Compromising the impartiality of officers of the authority [para 3(2)(d)]; improper use of position [para 6(a)]; use of the authority's resources [para 6(b)(i)]; and using resources for proper purposes only [para 6(b)(ii) and 6(c)] would also apply.

In respect of the Licensing Act 2003 Section B5 Lobbying of/ by Councillors should be referred to. The Member should not have access to papers and persons which would not be available to an ordinary member of the public, and must not be able to address or view the proceedings of the Licensing Sub-Committee, which are not available to members of the public.

The Standards Board for England published in September 2004 a guide, entitled "Lobby groups, dual-hatted members and the Code of Conduct", which Licensing Members and Officers should have regard to.

3. Licensing Sub-Committees - Bias and Predetermination

(a) Introduction

Bias has been defined as “an attitude of mind which prevents the [decision-maker] from making an objective determination of the issues that he has to resolve” (*Re Medicaments and Related Classes of Goods No. 2 [2001] 1 W.L.R. 727*). As mentioned in section A3 (Natural Justice – rules of the English Common Law), the important concept as regards bias is that there is no need for proof of actual or potential bias for there to be ‘procedural impropriety’ shown. It is sufficient that there is an appearance of bias. Accordingly, the test for bias is ‘whether a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility of bias’¹.

Further, where the decision to be made is quasi-judicial, as at Licensing Sub-Committees, the key issue to ensure the legality of the decision is the “public perception of a probability of unconscious bias”² This brings into consideration the previous dealings of members of the Licensing Sub-Committee and views expressed by them. ***Members should therefore avoid participating as a member of a Licensing Sub-Committee where previous voting or statements of belief may alter that “objective impression conveyed”***³. The Standards Board for England’s advice also states “You should not reach a final conclusion before you come to take a decision on an issue” and that “Your statements and activities should not create the impression you’re your views on a matter are fixed, and that you will not fairly consider the evidence or arguments presented to you when you are making a decision”. (“Lobby groups, dual-hatted members and the Code of Conduct – Guidance for Members” The Standards Board for England September 2004) The sections on Gifts & Interests and Lobbying are particularly relevant in this regard.

‘Bias’ also includes the situation where it is felt that the decision-maker has pre-determined the case based upon his/her own prejudices.⁴ In the local government context, the most obvious example of pre-determination is where the impression is clearly given to persons (such as members of the public or a lobbyist) beyond conveying a mere pre-disposition, that ‘the Member or authority will approach the matter with a closed mind and without impartial consideration of all relevant issues’⁵

To help avoid accusations of pre-determination and ensure that Ward Members are free to represent their constituents as ‘interested parties,’ it may be advisable for local Licensing Authorities to consider that Ward Members do not sit on Licensing Sub-Committees where that Committee is considering an application in that Member’s Ward.

(b) ‘Structural’ Bias

A potential issue concerning bias or pre-determination in relation to the Licensing Act 2003, is where a Member sitting on the Licensing Sub-Committee is a Member for another authority function such as economic development / regeneration, where that function’s policy / decisions either impliedly or explicitly support (or indeed, opposes) the application. This might, for example, include the scenario where an ‘Open Spaces’

¹ *Porter v. Magill [2002] 2 AC 357 at 494 [103]*

² *Lawal v Northern Spirit Ltd [2003] UKHL 35*

³ *Costas Georgiou v Enfield LBC [2004] EWHC 779 (admin) QBD*

⁴ For discussion of this see *Locabail UK v Bayfield Properties (2000)*

⁵ *Costas Georgiou v Enfield LBC [2004] EWHC 779 (admin) QBD*

plan has been agreed and indicates that some areas of the local authority land will be licensed for entertainment purposes under the Licensing Act 2003 (explicit support); or where an economic regeneration plan includes the provision to encourage more theatres and restaurants to an area (implicit support).

In this regard, judicial discussion has noted that there is a difference between pre-determination and a pre-disposition arising from structural or political bias.¹ And it has been stated that “...there is a degree of permissible structural bias built into the statutory framework for local authority decision-making” Cummins v Camden LBA and SSTER [2001] EWHC Admin 1116 at para. 261. However, there is a crucial distinction between party political policy or structural matters, involving Members in a wider policy setting context, and where a Member has acted as an advocate for or against a licence application via their actions in another forum of the local authority or public body. The latter may well give rise to the perception that s/he has pre-judged the issue or having introduced a real possibility of bias.

Local authorities may wish to agree procedures to cover such situations and advise that the Member concerned makes a disclosure of his/her position, in advance, to the Licensing Sub-Committee which will consult with the Sub-Committee’s legal advisor to decide if the Member can take part in the decision-making. Licensing Authorities may wish to be cautious and where there is doubt, decide to exclude the Member from the decision making. A useful case to note on this point is the planning case of Costas Georgiou v Enfield LBC [2004].

As mentioned previously, it should be noted that the Standards Board for England has advised that “Regulatory matters such as planning and licensing, are particularly sensitive... In our view, you should adopt a particularly cautious approach to planning and licensing matters.” (“Lobby groups, dual-hatted members and the Code of Conduct – Guidance for Members” The Standards Board for England September 2004 p.16)

Potential ‘structural bias’ may also be perceived where the Licensing Policy Statement includes provision that the local authority intends to licence its land and the Member took part in the Council meeting which approved the policy statement (e.g. Full Council meeting). In such a situation Members would NOT normally be excluded from the Licensing Sub-Committee on this basis as it would make the decision-making process unworkable. The only exception would be where the Member involved could reasonably be seen as having been a leading or particular advocate for or against the proposal.

(c) Difference between the Personal / Prejudicial Interests provisions of the National Model Code of Conduct, and Bias at Common Law

Bias at common law and personal and prejudicial interests under the National Model Code of Conduct are related but do differ as concepts and in their effect. Although the wording and

¹ As referred to in Bovis Homes Ltd v. New Forest DC [2002] EWHC 483 (Admin) it was stated in Cummins v Camden LBA and SSTER [2001] EWHC Admin 1116 at para. 261 ¹that “There is an important distinction between bias from a personal interest and a predisposition, short of predetermination, arising say from prior consideration of the issues or some aspect of a proposal. The decision-making structure, the nature of the functions and the democratic political accountability of Councillors permit, indeed must recognise, the legitimate potential for predisposition towards a particular decision. The source of the potential bias has to be a personal interest for it to be objectionable in law.” For further case law on this area see Cummins v. Camden LBC and SSTER-[2001] EWHC Admin 1116, R v. SSE ex p. Kirkstall Valley Campaign Ltd [1996] 3 All E.R. 304 and R v. Amber Valley DC, ex p. Jackson [1984] 3 All E.R. 501 and Costas Georgiou v Enfield LBC [2004] EWHC 779 (admin)

apparent objectives are similar, the test for common law bias has a lower threshold. Bias at common law includes those areas where the potential Licensing Sub-Committee Member has created a real danger of a perception that s/he has prevented him or herself from being able to make an impartial determination of the issues. This is also known as fettering one's discretion. Interests under the National Model Code of Conduct, however, only concern themselves with the definition of a personal interest under the National Model Code of Conduct, first, and only then is the test as to whether or not that personal interest may be prejudicial then applied.

In terms of effects, a Member who has a personal and prejudicial interest may not take part in the Licensing Sub-Committee or attend the hearing at all. Whereas, a Member who has fettered his/her discretion through common-law bias may not sit as part of the Licensing Sub-Committee but may act on behalf of (or as) an 'interested party'.

Members should also be made aware that, because personal and prejudicial interests under the National Model Code of Conduct are concerned with acting in the wider public interest, matters may be caught as a personal and prejudicial interest under the National Model Code of Conduct which would not be considered to amount to bias under the common law.

For the Licensing Authority, bias may vitiate its decision on an application. Personal and prejudicial interests, in contrast, are ostensibly a matter for the Member concerned to disclose, act upon and take responsibility for. It must be recognised, however, that knowledge of the potentially undisclosed personal and prejudicial interest may be such that it would be irrational for the Authority or Sub-Committee to continue without taking action in response to it, and may therefore in turn, vitiate the Licensing Authority's decision.¹

¹*R (Richardson and another) v North Yorkshire CC and another [2003] EWCA Civ. 1860*

4. Applications submitted by the Local Authority

Local authorities may apply for their own Premises Licences so as to licence areas of public space. Indeed the Government's Guidance encourages this:

3.59 "To ensure cultural diversity thrives, local authorities should consider establishing a policy of seeking premises licences from the licensing authority for public spaces within the community in their own name. This could include for example, village greens, market squares, promenades, community halls, local authority owned art centres and similar public areas."

Such applications must be, and seen to be, dealt with fairly. During such an application process it is therefore important to be aware of any potential appearance of bias. The discussions in the preceding sections should be considered in this respect. *It might also be worth considering whether such applications are always decided by the Licensing Committee and not the Licensing Officer, even where there are no representations, to minimise any potential appearance of bias.*

5. Lobbying of/ by Councillors

Local democracy: The Licensing Act 2003 sets out the grounds for making representations on licence applications and specifies the parties which may make such representations. It should be borne in mind that one of the key aims of the Licensing Act 2003 is to localise decision-making or 'democratise' the process and Members are therefore legitimately concerned with their locality and the needs/wishes of its constituents, including both the needs for entertainment and employment, as well as the undesirability of crime and public nuisance. Local Councillors can either sit as part of the Licensing Committee or can represent the interests of their constituents by acting as 'interested parties', as long as they do not have any prejudicial interest in the matter (see Licensing Act Section 13(3) and Guidance at 8.5).

Note: Since January 2010, councillors are regarded as interested parties in their own right. They are entitled to make representations or call for reviews in respect of any licensed premises in any ward within the council's area. They do not have to await instructions from residents or other organisations, but can act on their own initiative. (Note: members of councils that are not licensing authorities are not included within this definition. A small minority of councils will be affected by this; the majority are licensing authorities.)

It is important to note that representations submitted by councillors must be "relevant representations"; i.e. they must be concerned with the likely effect of the grant of the premises licence on the promotion of the licensing objectives, and must be made within the 28 day period during which representations may be made to the licensing authority; and they must not be frivolous or vexatious.

The National Model Code of Conduct: Membership of lobby / campaign groups should be included on the register of interests and then if the matter to be decided at a licensing hearing relates to the Member's membership of a lobby or campaign group, a personal (and potentially, a prejudicial) interest should be declared. This might, for example, include a situation where the Member is part of a campaign group which promotes rural pubs and the licence application requests a licence for such a premises. Whilst the National Model Code of Conduct does not require the Member to withdraw from the meeting unless there is also a prejudicial interest,

local authorities may wish to decide that in such a situation the Member does not sit so as to avoid perceptions of bias, especially as the Sub-Committee is made-up of no more than 3 Members. However, this would not preclude the Member attending the meeting either as the licence applicant, or being / representing an 'interested party'.

Clearly, if the interest is also a prejudicial one then the Member must not be present in the meeting in any form. Should s/he be the licence applicant or be / represent an 'interested party' then an agent should be utilised at the meeting instead, to present the Member's views.

It should be noted that the Standards Board for England has advised that "Regulatory matters such as planning and licensing, are particularly sensitive... In our view, you should adopt a particularly cautious approach to planning and licensing matters." ("Lobby groups, dual-hatted members and the Code of Conduct – Guidance for Members" The Standards Board for England September 2004)

Appearance of bias: Whilst lobbying of Members is legitimate and certain Members may make representations to the Licensing Committee on behalf of 'interested parties', it is crucial for the Licensing Authority and its Committee to ensure that there is neither actual nor an appearance of bias in its decision-making. It should also be remembered that concerns about political lobbying were the basis of the concerns which lead to the first Nolan Committee on Standards in Public Life.

To avoid an appearance of bias the following advice can be directed at Members:

- *No Member sitting on the Licensing Sub-Committee can represent one of the interested parties or the applicant. If s/he wishes to do so s/he must excuse him/herself from membership of the Sub-Committee which is considering the application and address the Sub-Committee as an 'interested party'.*
- *If a Member who sits on the Licensing Sub-Committee is approached by persons wishing to lobby him/her as regards the licence application then that Member must politely explain that they cannot discuss the matter and refer the lobbyist to his/her Ward Member or the Licensing Officer who can explain the process of decision making. If the Member who sits on the Licensing Sub-Committee wishes to represent them then s/he will need to excuse him/herself from the Licensing Sub-Committee.*
- *Members who are part of the Licensing Sub-Committee must avoid expressing personal opinions prior to Licensing Sub-Committee decision. To do so will indicate that the Member has made up his/her mind before hearing all the evidence and that their decision may not be based upon the Licensing Objectives nor the Licensing Authority's Statement of Licensing Policy.*
- *Political group meetings should never be used to decide how any Members on the Licensing Sub-Committee should vote. The view of the Ombudsman is that using political whips in this manner may well amount to findings of maladministration. It may be advisable that the Chair of the Licensing Sub-Committee should state, during proceedings, that no member of the Sub-Committee is bound by any party whip.*

- *Councillors must not be members of the Licensing Sub-Committee if they are involved in campaigning on the particular application.*
- *Other Members (i.e. those who do not sit on the Licensing Sub-Committee) need to be careful when discussing issues relating to matters which may come before the Licensing Sub-Committee Members as this can easily be viewed as bias / pressure and may well open that Sub-Committee Member to accusations of such. Whilst a full prohibition upon discussing such issues with Committee Members by other Members may be impractical and undemocratic, local authorities are advised to produce local guidance for Members on how such matters can be dealt with.¹ Such guidance could include a definition of what is viewed as excessive e.g. attempting to obtain a commitment as to how the Member might vote.*
- *Members must not pressurise Licensing Officers to make any particular decisions or recommendations as regards applications (such as the ability to decide whether an application is frivolous or vexatious as per Section 18(7)(c)).*

It should be noted that a Member for a Ward, which would be directly affected by the application, is most at risk to being accused of bias. Such Members are also most likely to be put under pressure to represent local 'interested parties' (ie objectors/supporters) or indeed 'responsible authorities' as regards a licence application. It is for this reason that, whilst there are no statutory requirements for Ward Members to excuse themselves from such licence application Sub-Committees (unless they have a prejudicial interest), local authorities may find it helpful to include in procedures that Members whose Ward includes the application, or whose Ward is likely to be affected by the application, are advised to not sit on the Licensing Sub-Committee considering the application but that s/he may wish to act as / or represent an 'interested party', or may wish to act in their capacity as an interested party in their own right.

¹ "It is undemocratic and impractical to try to prevent councillors from discussing applications with whomever they want: Local democracy depends on councillors being available to people who want to speak to them. The likely outcome of a prohibition would be that lobbying would continue but in an underhand and covert way." (Nolan Committee Report into Standards in Public Life 285 p. 72)

6. Pre-application/ pre-decision discussions

Discussions between the licence applicant and the Licensing Authority prior to the submission of an application (or prior to a decision being made) are often helpful to both parties. For example, a premises licence applicant may ask for advice on how to complete an 'operating schedule'. However, these discussions can often be viewed by objectors as a form of 'lobbying' and the Licensing Authority must ensure it is not open to accusations or / appearance of bias. ***The Licensing Authority must therefore ensure that such advice and assistance is clearly identified as being such and is not any type of 'predetermination'.***

Bearing in mind the available resources, some suggestions on how this can be achieved by the Licensing Authority are:

- ***Ensure that there are clear guidelines on how such pre-application / pre-decision discussions should take place, for both applicants, Members and Officers.*** This may include advice to applicants that they should not approach Licensing Sub-Committee Members to engage them in pre-application / pre-decision discussions, and that all queries should be addressed to the Licensing Officer (or an officer of any local authority 'responsible authority') in the first instance.
- ***Licensing Committee Members should ensure that they do NOT take part in any pre-application / pre-decision discussions and that applicants are referred to the Licensing Officer.***
- ***Ensure to keep full meeting notes on file*** where the meeting / telephone conversation / e-mail communication is contentious (precise arrangements for the necessity to keep meeting notes should be decided by each local Licensing Authority) and follow-up letters can also be useful to confirm the nature and content of the meeting which took place.
- ***Make clear that the discussions do not bind the Licensing Authority*** to any particular decision and when suggestions are made that these are provisional only.
- ***Advice must be consistent with the Licensing Objectives and the Licensing Authorities Statement of Licensing Policy.***
- ***Make clear the limited decision making power of the Licensing Officer.***
- ***Advice must be impartial.***

7. Role of the Licensing Officer

Licensing Officers have no ability under the Licensing Act 2003 to make representations or to be a party to the hearing. ***There is no legal provision for Licensing Officers to make recommendations to the Sub-Committee in terms of the outcome of the Committee hearing as is seen in planning cases.*** However, a summary report of the application, the representations, and the Officer's comments as to how these relate to the Licensing Act 2003, the Guidance and the local Licensing Policy Statement may be useful.

Each local authority would be advised to set-out clearly the role of its Licensing Officer(s) in the decision process covering topics such as pre-application / pre-decision discussions, site visits etc.

8. Decision making

Reasons for decisions made must be clearly documented so that any subsequent accusations of bias etc. can be defended. It is critical that it is clear that decisions are made according to the Licensing Objectives of the Licensing Act 2003 as well as the Licensing Authority's Licensing Policy Statement. Whilst the Government's Guidance accompanying the Licensing Act 2003 indicates some other factors which may influence decisions (e.g. live music / cultural considerations) these will always be subservient to the Licensing Objectives and the Licensing Policy Statement.

9. Site visits

Site visits by Licensing Sub-Committee members are generally unnecessary and can put the Members and the Licensing Authority at risk of accusations of bias. If a Licensing Authority believes that there might be occasions where visits are required then it would be advised to have set-out the reasons why this might be the case in local guidance, so that there are clear criteria for justifying any visit, which can be documented. Licensing Authorities would also be advised to have clear guidance as to how the visits are conducted.

10. Complaints Systems & Record keeping

Licensing Authorities may wish to review their complaints records procedures to ensure that they fully cater for the new functions under the Licensing Act 2003.

The Ombudsman has provided advice on the setting up of a complaints system entitled "Running a Complaints System" (<http://www.lgo.org.uk/guidance.htm>).

Generally, a complaints system, with regard to the licensing function, should ensure that:

- Record keeping is complete and accurate to ensure that complaints can be fully investigated.
- Full and comprehensive files are maintained throughout the life of the licence.
- It should be possible for someone not involved in the application process to understand what the decisions were and why and how reached, by reading the file. Particular care to be taken when a decision has been delegated to the Officer level.

Local record keeping procedures for the Licensing Act 2003 functions need to be devised and *any decisions of the Licensing Officer as regards applications deemed frivolous or vexatious must be recorded clearly with full reasons provided.*

REFERENCES & WEBSITE LINKS

DETR (subsequently ODPM, DCLG and now CLG) "New council constitutions: guidance pack / Modular constitutions for English local authorities": http://www.odpm.gov.uk/stellent/groups/odpm_localgov/documents/page/odpm_locgov_605660.hcsp

Good Practice Note No 1 - 'Devising a Complaints System'" <http://www.lgo.org.uk/guidance.htm>

LACORS <http://www.lacors.gov.uk>

LGA <http://www.lga.gov.uk/>

Local Government Ombudsman: <http://www.lgo.org.uk>

National Model Code of Conduct:

<http://www.standardsboard.gov.uk/TheCodeofConduct/Guidance/filedownload,5982,en.pdf>

Nolan Committee Reports: <http://www.public-standards.gov.uk/reports/index.htm>

The Standards Board - <http://www.standardsboard.gov.uk>

CASE LIST

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Cooper v Wandsworth Board of Works (1863)

Costas Georgiou v Enfield LBC [2004] EWHC 779 (Admin)

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