

Agenda Item No: 3

COMMITTEE	STANDARDS COMMITTEE
DATE	16 NOVEMBER 2005
TITLE OF REPORT	DISPENSATION FOR MEMBERS TO CONSIDER LICENSING APPLICATIONS
RESPONSIBLE OFFICER	Mark Bowen, Assistant Director, Legal, Contract and Property Services

1 PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to seek the Committee's agreement for members to consider licensing applications by Medway Council.

2 RECOMMENDATION

- 2.1 The Committee confirms that it agrees that members of Medway Council whose only potential interest in a licensing application by the Council arises from that membership of the Council may sit and determine licensing applications.

3 DECISION ISSUES

- 3.1 The constitution gives the Standards Committee a key role in ensuring good practice across the authority and in granting dispensations to members.

4 BACKGROUND

- 4.1 The Licensing Act 2004 will transfer full responsibility for granting licences to sell alcohol from the Licensing Justices to Medway Council taking full effect on 24 November 2005. Medway as a local authority has a number of premises which previously held justices licences. It also undertakes certain entertainment activities which require licensing under the 2004 Act.

Medway's licences have been successfully converted from justices licences without leading to objections.

- 4.2 However, under the new system, members of the public do have the ability ask a local authority to review any licence held. This includes licences held by Medway Council. The Act provides that where a review is requested, then unless it is frivolous or vexatious it must be considered by a Licensing Hearing Panel of Medway councillors. There is a right of appeal on to the Magistrates Court.

- 4.3 Under other legislation Medway councillors can, for example, consider planning applications by the Council and in this regard it is considered that licensing applications are not materially different. Further, it is strongly arguable that where a member considers a Medway licensing matter they will not have a personal interest as defined within paragraph 8(1) of Medway Council's Code of Conduct. However, it is still considered expedient to seek the views of this Committee.

5 LEGAL AND FINANCIAL IMPLICATIONS

- 5.1 The legal implications are contained in the body of the report. There are no direct financial implications arising

BACKGROUND DOCUMENTS

None.