

## STANDARDS COMMITTEE

9 JULY 2025

### REPORT OF THE MONITORING OFFICER

#### A.1 REVIEW OF TENDRING DISTRICT COUNCIL'S MEMBERS' LICENSING GUIDANCE FOR COUNCILLORS AND OFFICERS

##### PART 1 – KEY INFORMATION

###### PURPOSE OF THE REPORT

To enable the Committee to consider the outcome of the review of the Licensing Guidance for Councillors and Officers carried out by the Monitoring Officer and her team.

To seek the Committee's approval that members of the Licensing and Registration Committee, the Portfolio Holder for Assets and Community Safety, Officers responsible for licensing services in the Governance and the Environment & Housing Directorates and the Independent Persons be consulted on the draft revised Licensing and Registration Probity Protocol.

###### EXECUTIVE SUMMARY

At its meeting held on 24 October 2024, the Committee agreed the Revised Work Plan that included a review of the Council's Licensing Guidance for Councillors and Officers to be carried out to ensure it was adhering to the best practice and easy to follow. The review conducted has researched various examples of such protocols from other Councils and the outcome has resulted in a revised approach with the first step being to refer to the document as the 'Licensing and Registration Probity Protocol'. Whilst a protocol for licensing matters had been located, it would have been adopted some considerable time ago and required a review.

This report sets out initial proposals arising from a review by the Monitoring Officer and following consideration by the Committee, seeks approval to consult with members of the Licensing and Registration Committee, Portfolio Holder for Assets and Community Safety, Officers responsible for licensing services in the Governance and the Environment & Housing Directorates and the Independent Persons on the draft revised Licensing and Registration Probity Protocol.

###### RECOMMENDATION(S)

It is recommended that:

- a) the Committee notes the outcome of the review of best practice to produce a revised Licensing and Registration Probity Protocol for consideration;
- b) subject to the outcome of the Committee's debate on the contents of the draft Licensing and Registration Probity Protocol, as set out in Appendix A;
  - (i) approves that consultation be undertaken on the draft revised Licensing

and Registration Probity Protocol; and

(ii) that the outcome of the consultation in ((b)(i) be reported back to the Standards Committee for consideration prior to recommendation on to Full Council for adoption and inclusion in the Council's Constitution.

#### REASON(S) FOR THE RECOMMENDATION(S)

In order to enable the necessary consultation to take place with relevant parties on the draft revised Licensing and Registration Probity Protocol and for the views expressed to be considered prior to any finalisation of the Protocol.

#### ALTERNATIVE OPTIONS CONSIDERED

Not to progress any further with the review. However, this would equate to a missed opportunity to refresh the Protocol and to produce a more user-friendly document following recognised best practice.

### PART 2 – IMPLICATIONS OF THE DECISION

#### DELIVERING PRIORITIES

The Members' Licensing and Registration Probity Protocol will form part of the Council's Constitution in Part 6 and will demonstrate effective and positive governance arrangements and promotes the maintenance of integrity, both real and perceived, within the Licensing and Registration Committee and its Sub-Committees decision making as well as high standards of conduct.

The Council has approved and adopted a Local Code of Corporate Governance, which is consistent with the principles of the **CIPFA / SOLACE Delivering Good Governance in Local Government Framework (2016 Edition)**. The principles and standards set out in the 2016 Framework are aimed at helping local authorities to develop and maintain their own codes of governance and discharge their accountability for the proper conduct of business.

The first principle of the CIPFA/Solace Framework – Principle A expects local government to give on-going assurance (through its Annual Governance Statement) that it is "*Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law*".

The Role of the Standards Committee within the governance environment is to:

- Promote and maintain high standards of conduct
- Develop culture of openness, transparency, trust and confidence
- Embed a culture of strong ethical and corporate governance

Corporate governance is about how we ensure that we are doing the **right** things, in the **right** way, for the **right** people in a timely, inclusive, honest and accountable manner.

Keeping under review and updating its protocols demonstrates the Council's commitment to

ensuring good governance sits at the core of its arrangements and culture.

## **LEGAL REQUIREMENTS (including legislation & constitutional powers)**

**Section 28 of the Localism Act 2011 requires Councils, including Tendring District Council, to adopt a Code of Conduct that is consistent with the Nolan Principles of:**

- (a) selflessness;**
- (b) integrity;**
- (c) objectivity;**
- (d) accountability;**
- (e) openness;**
- (f) honesty;**
- (g) leadership.**

**Councils deliver a range of services and are responsible for many functions. To support Councillors in their roles in respect of decision making across those services and functions it is highly beneficial to support the objectives of the adopted Code and the underpinning principles about by developing protocols such as that now presented to the Committee.**

## **FINANCE AND OTHER RESOURCE IMPLICATIONS**

There are no financial implications for the Council directly from the content of this report. The development of the Protocol set out at Appendix A has been undertaken within existing resources. Likewise, the consultation proposed through this report will be carried out within the same resource limits.

## **USE OF RESOURCES AND VALUE FOR MONEY**

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	Good decision making should underpin financial sustainability, and the proposed protocol supports good decision making.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	Key messages from local government failures include the absence of the right culture and understanding of the Nolan Principles and the need for greater transparency in decision making. The proposed Licensing and Registration Probity Protocol builds on the Council's existing culture of embedding the Nolan Principles within the way services are delivered, and decisions are made.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	There are no direct matters concerning economy, efficiency and effectiveness.

## **MILESTONES AND DELIVERY**

Standards Committee 24 October 2024 – Agreed to undertake review.

Standards Committee 9 July 2025 – Consider the outcome of the review

The following set out the milestones envisaged in the development/finalisation of the Licensing and Registration Probity Protocol (should the Committee approve the recommendations set out above).

Licensing and Registration Committee August 2025 – undertake consultation with Members of the Licensing and Registration Committee, the Portfolio Holder for Assets and Community Safety, Licensing Officers and the Independent Persons.

Standards Committee October 2025 – report outcome of consultation to Standards Committee for consideration and recommendations onto Full Council.

Full Council December 2025 – Council considers and adopts the proposed new Licensing and Registration Probity Protocol.

## **ASSOCIATED RISKS AND MITIGATION**

The Council must ensure that any Codes and Protocol which provide guidance for Councillors are up to date with current policy, legislation, case law, good practice and national guidance. Through this report, and its recommendations, the Council seeks to achieve this and thereby avoid the risks associated with no protocol or an out-of-date protocol.

## **OUTCOME OF CONSULTATION AND ENGAGEMENT**

Possible consultees include:-

Members of the Licensing and Registration Committee;  
Portfolio Holder for Assets and Community Safety  
Officers responsible for licensing services in the Governance and the Environment & Housing Directorates; and  
The Independent Persons.

## **EQUALITIES**

Part of the review of the Licensing and Registration Probity Protocol has been to ensure that it meets the requirements of the Public Sector Equality Duty in that the Council must, in the exercise of its functions, give due regard to the need to eliminate discrimination, harassment victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race religion or belief, sex and sexual orientation.

The Committee, in its decision making should likewise consider the requirements of the Public Sector Equality Duty.

<b>SOCIAL VALUE CONSIDERATIONS</b>	
Not applicable to this report.	
<b>IMPLICATIONS RELATED TO DEVOLUTION AND/OR LOCAL GOVERNMENT REORGANISATION</b>	
On the basis that local government reorganisation proceeds following the submission of proposals to Government by 26 September 2025, there will be a need to look at harmonising a range of policies and procedures across the Councils that will be combined (in full or in part). The Probity Protocol will be one of those documents and the adoption of the finalised Protocol will be a useful position statement to inform the harmonisation process.	
<b>IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2050</b>	
Not applicable to this report.	
<b>OTHER RELEVANT IMPLICATIONS</b>	
Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.	
<b>Crime and Disorder</b>	None
<b>Health Inequalities</b>	None
<b>Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)</b>	None
<b>Area or Ward affected</b>	All
<b>ANY OTHER RELEVANT INFORMATION</b>	
The draft Licensing and Registration Probity Protocol is intended to be a 'sister' protocol to the adopted Planning Probity Protocol.	

### **PART 3 – SUPPORTING INFORMATION**

<b>BACKGROUND</b>
At its meeting held on 24 October 2024, the Committee agreed its Revised Work Plan and this included a review of the Council's Licensing Guidance for Councillors and Officers to ensure it was adhering to the best practice and easy to follow. In undertaking the review, other Councils Licensing Protocols were examined with a view to assessing best practice to assist the drafting of this Council's Licensing and Registration Probity Protocol. Various examples identified different elements, such as interests, lobbying, Officer Member

relationship, Ward Councillor involvement, site visits, training etc.

Some of the Council's Licensing Protocols that was used were:

- Benford Borough Council;
- London Borough of Hammersmith and Fulham;
- Somerset Council; and
- South Holland District Council

#### PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.

Standards Committee 24 October 2024 – Minute 28 (refers)

- *“Licensing and Registration Committee Probity Protocol – Initial Draft for Consultation Purposes*

**RESOLVED** that the revised Work Plan for the Standards Committee for the remainder of the 2024/2025 Municipal Year be approved and adopted.”

#### BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

[Licensing Protocol July 2010](#) – TDC original Licensing guidance document

[Minutes Template](#) – Standards Committee 24 October 2024

[Item 7 Guidance for Members dealing with Licensing Matters](#) – Bedford Borough Council – Guidance for Councillors dealing with Licensing Matters

[GUIDANCE FOR COUNCILLORS AND OFFICERS DEALING WITH PLANNING AND LICENSING](#) – London Borough of Hammersmith & Fulham – Guidance for Councillors and Officers Dealing with Planning and Licensing

[Part 5](#) – Somerset Council – Local Code of Best Practice for the Licensing Process

[SOUTH HOLLAND DISTRICT COUNCIL](#) – South Holland District Council – Protocol on Good Practice in Licensing for Members and Officers Dealing with Licensing Issues

#### APPENDICES

Appendix A – Draft New TDC Licensing and Registration Probity Protocol.

#### REPORT CONTACT OFFICER(S)

*Include here the Name, Job Title and Email/Telephone details of the person(s) who wrote the report and who can answer questions on the content.*

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