

BIRMINGHAM CITY COUNCIL

**REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

18 APRIL 2018
ALL WARDS

LICENSING AND PUBLIC PROTECTION MEMBER TRAINING PROPOSALS

1. Summary
 - 1.1 The purpose of this report is to inform Members of the revised training plan arrangements and to seek an amendment to the Code of Conduct to reflect this plan.
 - 1.2 The current Code of Conduct for Licensing and Public Protection Committee Members only requires attendance at one training session.
2. Recommendation
 - 2.1 That the amendment to the Code of Conduct for Licensing and Public Protection Committee Members identified in Paragraph 4.1 be agreed and Officers be requested to make the appropriate arrangements for this to be effected.

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3. Background

- 3.1 The Licensing and Public Protection Committee is responsible for a diverse range of services and functions. It is essential that Members are given suitable training in order to ensure they are properly equipped to carry out their role.
- 3.2 The LGA have produced a handbook for Elected Members on Taxi and Private Hire Licensing and are soon to publish a similar handbook concerning the Licensing Act 2003. Both of these documents refer to the importance of training, with the Taxi handbook stating:
“No councillor should be permitted to sit on a committee or sub-committee without having been formally trained.” (Appendix 1)
- 3.3 The need for appropriate Member training was also highlighted as part of the House of Lords Select Committee review into the Licensing Act 2003 and further ratified in the Government’s response to the Committee Findings.
- 3.4 The current Code of Conduct for Members of the Licensing and Public Protection Committee states:
Members dealing with Licensing issues will be required to attend a training session each year to receive guidance in relation to Licensing regulations and procedures and on declaration of personal or prejudicial interests. Training will be conducted in accordance with the training for Councillors standard. Members who fail to attend such training will be excluded from meetings of Licensing Committee. This training should include a balance of the following:
- *Short (half day) sessions on special topics of interest or where appeals have indicated problems with Licensing policy;*
 - *Special topic groups to consider thorny issues in depth;*
 - *Formal training by internal and external speakers;*
 - *Quick presentations by officers on hot topics, e.g. new legislation, white papers and their impacts, followed by a brief question and answer session.*
- 3.5 This Code only refers to one training session. Owing to the nature and complexity of matters considered by the Licensing and Public Protection Committee, a single session will not be sufficient to address all of the matters required in an appropriate depth.
- 3.6 A training plan has been developed which aims to give all Licensing and Public Protection Committee Members a suitable level of training. This is an ongoing development plan with various training sessions throughout the year.
- 3.7 As a companion to the face to face training, Members will also be provided with a Licensing Manual, containing the latest versions of policy documents, as well as other useful information, such as Guidance documents and links to other useful websites and publications. Training materials from subsequent training sessions will be able to be added in to this Manual.

- 3.8 Throughout the year, it may be necessary to schedule additional training sessions to address matters which may arise during the course of the year, such as case law or legislative change.
- 3.9 Members will be expected to attend all training sessions identified as Mandatory.
- 3.10 Should members feel they require additional training or guidance on a particular issue, this should be raised with the Director of Regulation and Enforcement.

4. Proposed Amendment to Code of Conduct

- 4.1 It is proposed to amend the wording of the Code of Conduct as follows:
Members dealing with Licensing issues will attend such training sessions as required each year to receive guidance in relation to Licensing matters and processes and on procedural matters such as declaration of pecuniary or non-pecuniary interests. Training will be conducted in accordance with the training for Councillors standard. Members who fail to attend such training will be excluded from meetings of Licensing Committee.
- 4.2 As far as is reasonably possible, training will be arranged suitably far in advance to ensure Members have sufficient notice to be able to attend.

5. Implications for Resources

- 5.1 The proposals contained within this report will be met by your Committee's existing resources. There is no corporate member development budget.

6. Implications for Policy Priorities

- 6.1 This work supports the Regulation and Enforcement Division's mission statement to provide 'locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors'.

7. Public Sector Equality Duty

- 7.1 An Equalities Impact Assessment is not required.

8. Consultation

- 8.1 The information contained within this report will be communicated to the Leader and Deputy Leader and all Party leads.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers:

Report to Licensing & Public Protection Committee - 14 SEPTEMBER 2016

Code of Conduct for Members and Officers

Extract from:

Taxi and PHV licensing – Councillors’ handbook (England and Wales)

Local Government Association (Revised August 2017)

Training of councillors

No councillor should be permitted to sit on a committee or sub-committee without having been formally trained. As a minimum, training should cover licensing procedures, natural justice, understanding the risks of child sexual exploitation, and disability equality, as well as any additional issues deemed locally appropriate.

It is important that training does NOT simply relate to procedures, but also covers the making of difficult and potentially controversial decisions, and the use of case study material can be helpful to illustrate this.

All training should be formally recorded by the council and require a signature from the councillor.

In addition to in-house training, there are a number of independent training providers, including the professional bodies – the National Association of Enforcement and Licensing Officers (NALEO) and the Institute of Licensing (IoL). The LGA has also made available a free online module on regulatory services for all councillors to use: <https://lms.learningnexus.co.uk/LGA/>