

Licensing Committee	<b>Agenda Item: 6</b>
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<b>Meeting Date</b>	16 <sup>th</sup> March 2010
<b>Report Title</b>	Licensing Act 2003, Cllrs making representations
<b>Portfolio Holder</b>	Cllr John Morris
<b>SMT Lead</b>	Mark Radford
<b>Head of Service</b>	Monica Blades-Chase
<b>Lead Officer</b>	Samantha Potts
<b>Key Decision</b>	<b>No</b>
<b>Classification</b>	<b>Open</b>
<b>Forward Plan</b>	<b>Reference number: N/A</b>

<b>Recommendations</b>	<b>1. That the content of the report be noted.</b>
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## **Purpose of Report and Executive Summary**

- 1.1 To inform the committee of current advice issued by Lacors in respect of elected members making representations under The Licensing Act 2003.

## **2 Background**

- 2.1 Over the past six months there has been much debate nationally over the issue of Councillors making representations.
- 2.2 Members of this committee will recall from training and advice previously provided by Legal Services that the office of Councillor held no status under the Licensing Act 2003. This meant that Councillors could not make representations of their own volition where they were not considered to be an ‘interested party’
- 2.3 Nearly all councillors are now “interested parties” under the Licensing Act 2003 and can make representations in their own right in response to premises licence and club premises certificate applications in the area of the authority for which they are also members.

If your council is a licensing authority for the premises or club in question, then you are an interested party. If your council is not a licensing authority then you are not an interested party.

- 2.4 Parish/town councillors are not interested parties in their own right, but can be involved as representatives of interested parties, including the parish/town council itself, instead. For example, a parish or town councillor can speak at a hearing on behalf of a parish/town council, individual resident or organisation that

has **already** made a representation.

- 2.5 Elected mayors are not interested parties. This is because elected mayors are **not** included in the statutory definition of “member of the relevant licensing authority”.  
Section 39(5A) of the Local Government Act 2000 states that a reference in any enactment to a member or councillor of a local authority does not include a reference to an elected mayor. There are specific exceptions to this provision, which are listed in other regulations, and the Licensing Act 2003 is not included in those regulations.

- 2.6 Further Lacors guidance is attached in Appendix I

### **3 Proposal**

- 1.1 ***That the content of the report be noted.***  
The Licensing Officer will be updating the members guidance on committee procedures and further members training will be scheduled for **Tuesday 8<sup>th</sup> June 2010.**

### **4 Alternative Options**

- 4.1 N/A

### **5 Consultation Undertaken or Proposed**

- 5.1 N/A.

### **6 Implications**

<b>Issue</b>	<b>Implications</b>
Corporate Plan	None identified at present
Financial, Resource and Property	None identified at present
Legal and Statutory	The new guidance has been written in conjunction with the Policing and Crime Act 2009.
Crime and Disorder	None identified at present.
Risk Management and Health and Safety	None identified at present
Equality and	Giving elected members a chance to make representations will in

Diversity	turn give communities a voice and the chance to comment on the environment in which they live.
Sustainability	None identified at present.

## **7 Appendices**

7.1 The following documents are to be published with this report and form part of the report

- Appendix I: Lacors Guidance (FAQ's)

## **8 Background Papers**

8.1 None