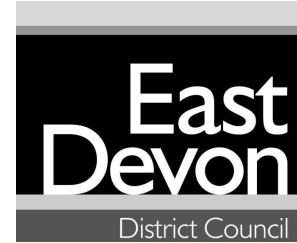


## Agenda Item 6

**Licensing & Enforcement Committee**

**2 March 2010**

**JT**



### **Licensing Act 2003 – Councillors as interested parties**

#### **Summary**

The report sets out an explanation of the recent changes to the Licensing Act 2003 relating to the role of elected members as Interested Parties.

#### **Recommendation**

**That the Committee note the report**

**a) Reasons for Recommendation**

To explain to Members the recent changes of the legislation.

**b) Alternative Options**

None

**c) Risk Considerations**

N/A

**d) Policy and Budgetary Considerations**

None

**e) Date for Review of Decision**

N/A

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## **1 Explanation**

1.1 Section 33 of the Policing and Crime Act 2009 came into force on the 29 January 2010. This section has the effect of changing the definition of “Interested Parties” under the Licensing Act 2003 by adding a new category:

“a member of the relevant licensing authority”

East Devon District Council is a “relevant licensing authority”.

1.2 The effect of the previous paragraph is that the definition of “interested parties” (s13(3) Licensing Act 2003) has been expanded to include all members of local authorities that are also licensing authorities, so that elected councillors of the licensing authority can now make representations or seek a review in their own right.

1.3 Elected councillors are not required to live in the vicinity or in the same ward as the licensed premises/club they are making a representation about, and are not required to have been requested to act by any other person or body.

- 1.4 The term "member of the licensing authority" refers only to elected councillors, and not officers or other employees of the authority.
- 1.5 Elected members who make representations or who call for a review carry the same weight as those submitted by local residents or businesses. In the same way that local residents are restricted with the type of representation they can make members can also only make "relevant representations" relating to the four licensing objectives:
- The prevention of crime and disorder;
  - Public Safety;
  - The prevention of public nuisance; and
  - The protection of children from harm
- 1.6 Lacors have provided a FAQ fact sheet relating to elected members as Interested Parties. A copy of this sheet is at **Appendix A** to this report. Also attached is additional guidance:
- Appendix B** - Councillor briefing sheet provided by Lacors on this subject.
  - Appendix C** - Updated Guidance on the role of elected members in relation to licensing committee hearings under the Licensing Act 2003
- 1.7 It may be helpful to emphasize that this change does not affect the role of a Parish or Town Councillor. They are not interested parties in their own right, but can be involved as representatives of interested parties.
- 1.8 Following this meeting I intend to circulate an email to all elected members of this Council to explain this new ability/role. A draft copy of that email is attached at **Appendix D**. A copy **Appendixes A** and **C** will also be attached to the email for information.

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### **Legal Implications**

The legal implications are set out within the report and require no further comment.

### **Financial Implications**

There are no financial implications.

### **Appendices**

- Appendix A - Lacors have provided a FAQ fact sheet relating to Elected members as Interested Parties.
- Appendix B - Councillor briefing sheet provided by Lacors
- Appendix C - Guidance on the role of elected members in relation to licensing committee hearings under the Licensing Act 2003
- Appendix D - Copy of email to Council Members

### **Background Papers**

- Licensing Act 2003
- Section 33 of the Policing and Crime Act 2009
- Revised Guidance (dated January 2010) issued by the Secretary of State for the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003

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John Tippin Ext 2787  
Licensing Manager

Licensing & Enforcement Committee  
2 March 2010

