

# LICENSING ACT COMMITTEE

## Elected Members as Interested Parties

25<sup>th</sup> March 2010

### Report of the Licensing Manager

#### PURPOSE OF REPORT

This report is to inform Members that the Licensing Act 2003 has been amended to expand the definition of “interested party” to include councillors, as long as they are a member of a council that is also a licensing authority.

**This report is public**

#### RECOMMENDATIONS

**That the report be noted.**

##### 1.0 Introduction

1.1 From 29<sup>th</sup> January 2010 the Licensing Act includes a fifth provision in section 13(3) to include councillors: “Interested party” means any of the following...(e) a member of the relevant licensing authority.” The change was brought about by s33 of the Policing and Crime Act 2009

1.2 This means that councillors can now make representations in respect of most types of licensing applications:

- New premises licence applications
- Applications for a provisional
- Applications to vary existing premises licence applications
- Applications to vary existing club premises certificates
- Minor variation applications
- Applications for reviews of premises licences or club premises certificates

##### 1.3 Relevant Representations

Representations must address the likely effect of the proposed premises on one or more of the following licensing objectives:

- The prevention of crime and disorder
- Public safety

- The prevention of public nuisance
- The protection of children from harm

Representations about demand or general problems are not relevant. In addition, representations must not be frivolous or vexatious.

## 1.4 Reviews

Reviews must be made on a ground (or grounds) relevant to the licensing objectives, and must not be frivolous or vexatious (as above)

Additionally, review applications must not be repetitious, if a review has been held recently and the circumstances at the premises remain the same, the licensing authority could reject the application for review.

- 1.5 Lacors has published a list of Frequently Asked Questions for elected members as interested parties and a copy of that is attached to this report as appendix 1.

## 2.0 Conclusion

- 2.1 In summary, this is a significant change from the previous situation, where individual Members could only make such representations if they lived in or had a business in the vicinity of the premises, or had been specifically asked to represent a constituent at a hearing.

However, the statutory constraints on the reasons for representations or reviews still apply – they may only be made on the grounds of one or more of the licensing objectives

### CONCLUSION OF IMPACT ASSESSMENT

**(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

None.

### FINANCIAL IMPLICATIONS

Any costs associated with Licensing Enforcement officers' work involved in monitoring licensed premises will be met from within existing resources.

### LEGAL IMPLICATIONS

The report has been prepared on behalf of the Head of Legal and Human Resources.

### BACKGROUND PAPERS

None

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