



AGENDA ITEM 6

CORPORATE AFFAIRS COMMITTEE

24 AUGUST 2005

REVIEW OF LICENSING ARRANGEMENTS: REPRESENTATION TO DEPARTMENT OF CULTURE, MEDIA AND SPORT

RICHARD LONG: HEAD OF LEGAL & DEMOCRATIC SERVICES

PURPOSE OF THE REPORT

- 1 This report is to inform Members of correspondence between Cllr Barry Coppinger, Executive Member with responsibility for Community Safety & Leisure, and the Members' Office Manager, requesting that the Department for Culture, Media & Sport review the guidance in respect of Licensing Authorities.

BACKGROUND

- 2 The Council has recently been given responsibility for liquor licensing. The Guidance that the Authority has been given in respect of informing local residents of licensing applications, and the Guidance relating to the role of Ward Councillors in respect of licensing applications, has caused a degree of uncertainty in respect of the role of Ward Councillors.
- 3 Several Councillors have sought the advice of officers in Legal & Democratic Services, and in the Licensing Service, with regard to effectively informing their constituents in respect of forthcoming licensing applications, and as to what role they are able to undertake as ward councillors in respect of representing their constituents.
- 4 Cllr Coppinger's concerns are set out in his letter to the Members' Office Manager, attached at Appendix 1.

- 5 Briefly, the main concerns of Cllr Coppinger, and other elected Members who have contacted Legal & Democratic Services, are as follows:
- ⇒ the legislation prevents the Council from seeking representations from the public in respect of licensing applications
 - ⇒ the guidance states that ward Councillors are unable to represent the area they are elected to represent, unless specifically requested to do so by residents
 - ⇒ Members have been advised that that Councillors can distribute information to residents, Community Councils, and other bodies: however, Councillors should not simply 'pass on' the correspondence sent to them by the Licensing Authority as they may be construed as seeking representations by the Authority
 - ⇒ Councillors cannot sit on Licensing Committees considering applications relating to their Ward, whether or not they are deemed to have a 'prejudicial interest'.
- 6 It has been pointed out that the Guidance severely limits the role of Councillors as communicators within, and as champions for their communities, both of which were major themes in respect of the "enhanced role for all Councillors" as set out in the White Paper "Modern local government: in touch with the people". The White Paper described the new role of Councillors as being
- "accountable, strong, local representatives for their area. They will bring their constituents' views, concerns and grievances to the council through their council's structures. Their role will be to represent the people to the council rather than to defend the council to the people..... each councillor will become a champion of their community defending the public interest in the council....."

DECISION REQUIRED

- 7 Members views are sought as to whether the Council should write to the Department for Culture, Media & Sport, requesting a review of the guidance in respect of Licensing Authorities in order to ensure that elected Members of the Council are enabled to fully and properly represent the views, concerns and grievances of their constituents.

BACKGROUND PAPERS

White Paper, "Modern local government: in touch with the people": ODPM, 1998

Guidance issued under section 182 of the Licensing Act 2003: Department of Culture, Media and Sport, July 2004.

AUTHOR

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