

Licensing Act 2003

Weekly List of Applications Received

Introduction

In accordance with revised procedures considered by Council on 13th December 2007, the Licensing Team now produces a weekly listing of applications for new or varied Premises licences and Club Premises certificates.

Where no representations (ie objections) are received from “interested parties” (generally local residents) or the Responsible Authorities (the Police, Environmental Health Service etc), then the Council acting as Licensing Authority is obliged to grant the application in the terms applied for. Where representations are made (and not resolved) the application proceeds to a meeting of the Council's Licensing Sub Committee for determination on the evidence presented by the relevant parties.

The application procedure differs from the Town Planning process, in that applications cannot be "called in" for Members' consideration. Rather, the Licensing Sub Committee's jurisdiction is only engaged once valid representations have been received. Applications must be advertised by way of a blue notice, which must be displayed at the application site for a period of 28 consecutive days, and by advertisement in a newspaper circulating in the area. Notification processes are checked by Officers.

To be legally valid, representations made about an application are those which are:

- a) about the likely effect on the grant of the application upon the licensing objectives,
- b) are made by an interested party or a Responsible Authority within the prescribed period, and
- c) not “excluded representations” (i.e. those made by an interested party and which are in the opinion of the Licensing Authority frivolous or vexatious).

A similar procedure applies in respect of applications for review of existing licences, which will also appear on the weekly list.

Interested Parties

An “interested party” means any of the following:

- a) a person living in the vicinity of the premises,
- b) a body presenting persons who live in that vicinity,
- c) a person involved in a business in that vicinity,
- d) a body representing persons involved in such businesses.

Responsible Authorities

The “Responsible Authorities” designated by the Act are the following:

- a) the Chief Officer of Police,
- b) the Fire Authority,

- c) the Health and Safety Enforcing Authority (generally the Safety team within the Environmental Health Service, but occasionally the Health and Safety Executive),
- d) the local Planning Authority,
- e) the Environmental Protection Team of the Environmental Health Service,
- f) the Department of Children and Learning,
- g) the Navigation Authority (in respect of vessels only).

The Licensing Objectives

The Licensing Objectives are:

- a) the prevention of crime and disorder,
- b) public safety,
- c) the prevention of public nuisance, and
- d) the protection of children from harm.

Time Limit for Representations

Representations must be received in writing within 28 days from the day after the application was given to the Licensing Authority. (It should be noted that the date on which the application is recorded may differ from the date on which it was given. Thus, persons wishing to make representations are advised to check with the Licensing Team in order to ensure that representations are made within the prescribed period).

Examination of Applications

Copies of the applications and the accompanying plans may be viewed at these offices by the public. It is generally preferable for an appointment to be made, in order to ensure that the relevant Officer is available to answer any enquiries.