

## **Application Process and Representations for Premises Licenses and Club Certificates.**

The following information should aid Councillors during the discussion at Northern Area Committee on whether Parish and Town Councils can receive notification in writing of all alcohol and entertainment licenses applied for within their area.

### **Background**

The Licensing Act 2003 requires the applicant to serve their application on the council as the Licensing Authority and also send a copy of their application to the responsible authorities. These include;

- Police
- Fire
- Planning Authority
- Environmental Health (representing noise and health and safety issues)
- Trading Standards and
- The appointed representative for child safety.

Parish and Town Councils are not defined as responsible authorities under the licensing act.

### **Making a Representation**

All responsible authorities can make a representation to the Licensing Authority on applications for the granting, variation or review of premises licences.

Interested parties which include residents living within the vicinity, businesses based within the vicinity or a body representing the person or business can also make representation. Therefore a Councillor who lives within the vicinity of the premises can make a representation in their own right.

### **Councillors representing Constituents**

The new revised guidance clarifies that a Councillor can represent interested parties (individuals living within the vicinity). However, in order to protect councillors from exceeding their powers, Licensing Solicitors are recommending that the Councillor has written authority from the individual requiring representation. Councillors cannot make representation expressing their own personal view if they do not live within the vicinity, and it is important in ensuring a fair process that we only include representations from interested parties.

Licensing Solicitors have also indicated that if a Councillor were to make representation, as a councillor representing his parish, he should present both view points, for and against the application. This is to ensure representation of all those within the parish including the premise applying for the licence, however this would have the effect of neutralising the representation.

### **The Application Process**

The Act requires that all applicants;

- a) Advertise in the local paper (i.e. a public notice)
- b) Display blue notices on the perimeter of the premises for 28 days.

Both of these requirements are regularly checked by the licensing officers to ensure compliance. Where shortfalls are identified the 28 day consultation period may need to begin again or an advertisement detailing an amendment may be necessary.

The consultation period is set by the Act as 28 days starting on the day after the Council receives the application.

### **Informing Local Councillors of Applications**

There is no legal requirement to notify Parish or Town Councils of premises applying for new licences, or varying existing licences as they cannot make representations in their own right. If Parish Councils were notified of all premises applications it would be strictly for information only.

As Councillors are not a 'responsible authority' there is a risk if notified independently that their actions could be interpreted as canvassing for representation, for example, by contacting residents, the police or other interested parties. This is not permitted under the Licensing Act. It is only permissible for councillors to become involved if they are acting for themselves as individuals or on behalf of residents who specifically request their support. They should not initiate representations as this would prejudice any legal process.

All responsible authorities are currently e-mailed daily with lists of all applications received across the district and Parish Councils could be added to the list. However it should be stressed that the list covers a variety of licences (new applications, variations, transfers, surrenders, Temporary Event Notices etc) across the whole of the district and could total on average 30 – 40 per week. Given the number of weekly notices it may be easier for Councillors to identify relevant applications which are advertised in the local press as only new premise applications and variations are required to be advertised.

The administrative burden of writing to each Parish Council with a list of premises applications relevant to their parish would be significant. Over the past couple of years the Licensing team have successfully implemented the Licensing Act 2003 with very little additional financial support and we are mindful of the need to deliver the service in an effective but cost efficient manner.

### **Information for Councillors**

If councillors are approached by residents to represent them, the licensing team can offer verbal advice to ensure they are provided with the latest up to date information in order that they can provide the best service to their community. This advice will also aim to ensure that Councillors do not go beyond their powers.

In addition, new technology is currently being installed which will allow access via the Council's web site to accurate and up to date information on premises applications. This information should be available in the near future.