

18TH FEBURARY 2013

LICENSINGACT2003

Guidance to Town and Parish Councils on making Representations

Executive Summary

This report informs Members on the Guidance drafted by the Licensing service to aid Town and Parish Councils in how to make representation to the Licensing Authority in connection with applications received under the Licensing Act 2003.

Recommendations

It is recommended:

- That the Licensing Committee notes this report and agree the proposed Guidance and instruct the Licensing service to include the finalised Guidance into the next Town and Parish Newsletter and embed it in the licensing guidance on the Wiltshire Council website.

Reason for Proposal

Encourage and aid effective local engagement in the Statutory Licensing process.

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Purpose of Report

To inform Members of the proposed Guidance to Town and Parish Councils on how to make effective representations in connection with Licensing Act 2003 applications.

Background

At its meeting on the 14th September 2012 the Chair of the committee reported that concerns had been raised by some Town and Parish Councils concerning how they could become more involved in making representations in relation to applications made under the Licensing Act 2003. The Act changed in April 2012 to remove the vicinity test, the consequence of this change means that any person or body including Town or Parish Council can make a representation in relation to a licensing Act 2003 application regardless of where they are located.

The Licensing service were tasked with producing draft guidance to aid Town and Parish Councils concerning representations in connection with Licensing Act 2003 applications to present to Members of the Licensing Committee prior to them being circulated more widely.

The draft Guidance is attached to this report as appendix A.

Environmental Impact

None

Equality and Diversity

If Town and Parish Councils have been given effective advice through the use of Guidance notes on how to make representations in connection with Licensing Act 2003 applications, better local engagement and subsequent licensing decisions can be made.

Risk Assessment

If effective guidance is not available to the Town and Parish Councils there is a risk that local views on Licensing Act 2003 applications will not be heard.

Financial Implications

If more representations are received from Town and Parish Councils concerning Licensing Act 2003 applications there is the potential for the need to hold more subcommittee hearings which will increase the costs to Wiltshire Council.

Legal Implications

None

Conclusion

It is recommended:-

Following consideration of the draft Guidance the Licensing Committee Members agree the Guidance.

Once agreed the Guidance will be distributed to all Town and Parish Councils via the Newsletter.

The Guidance will be included on the Wiltshire Council website.

Background Papers

- The Licensing Act 2003
- The Police Reform and Social Responsibility Act 2011

Appendices

Appendix A. Draft Guidance to Town and Parish Councils on Representations made in Connection with Licensing Act 2003 Applications.