

COMMITTEE:	CENTRAL LICENSING COMMITTEE
DATE:	17 SEPTEMBER 2012
TITLE:	REVIEW OF ARRANGEMENTS FOR MAKING REPRESENTATIONS ON APPLICATIONS FOR A PREMISES LICENCE
PURPOSE:	FOR DECISION
AUTHOR:	HEAD OF REGULATORY DEPARTMENT

BACKGROUND

This report is presented at the request of Councillor Eryl Jones Williams.

There have been several examples recently of premises licence applications being referred to the Licensing Sub-committee for a decision because of correspondence received from Town Councils objecting to the applications.

When an application to vary, review or permit a premises licence is submitted to the Licensing Authority, the procedure in accordance with the guidelines issued under section 182 of the Licensing Act 2003 is followed.

If an application is submitted in a proper, correct and complete manner, it is not required to refer the application for decision to a hearing of the Sub-committee unless relevant observations or objections have been received from a responsible authority or any other person.

In these cases, the Licensing Authority's officers may permit applications in accordance with what is requested; and in accordance with the conditions that are relevant to the Operating Schedule and the relevant mandatory conditions of the Licensing Act 2003.

If relevant representations are made by a responsible authority or individuals, the Licensing Authority is required to use its discretion to determine whether or not the decision should be referred to a hearing by the Licensing Sub-committee.

To ensure fairness and transparency of process, applications where observations/objections have been received are usually referred to the Sub-committee.

RELEVANCE OF REPRESENTATIONS MADE IN RESPECT OF LICENCE APPLICATIONS

The Home Office provides guidance on making representations in respect of premises licence applications in the guidelines made under section 182 of the Licensing Act 2003. It notes that representations made within the consultation period must specifically relate to the likely effect of permitting a licence; in relation to at least one of the licensing objectives –

- **Crime and disorder prevention**
- **Public safety**
- **Prevention of public nuisance**
- **Protection of children from harm**

Similarly, it must be ensured that an application to review a premises licence is also made in relation to the way the licensable activities undermine at least one of the licensing objectives.

Any representations made should be supported with evidence wherever possible – for example, evidence of a number of criminal incidents associated with the licensed premises; CCTV images etc.

Making representations on an application, or applying for a review of a licence is a serious matter; it is important that observations or objections are factually correct. It is an offence to intentionally make an incorrect statement in relation to an application for a licence; the maximum fine following a summary conviction is £5,000.

The licensing authority must disregard representations if they are ‘frivolous’ or ‘vexatious’ or repetitive.

An example of a ‘frivolous’ representation would be an objection that is obviously trivial, and not of a serious nature. An objection would be considered ‘vexatious’ if a dispute between competing businesses was the basis for the objection.

When representations are received on applications that do not contain much explanation or supporting evidence, it is very difficult to expect the Council’s officers and members of the Sub-committee to determine the validity and significance of the representations in relation to the application.

Any person or responsible authority making observations or objections is invited to attend a hearing of the Sub-committee to support and expand on their representations. If an objector does not take advantage of the opportunity to attend the hearing, the task of considering the significance of the observations or objection is difficult; if the evidence base and the relevance to licensing objectives are not obvious. This is the situation which has faced this Sub-committee on several occasions recently.

OPTIONS FOR REVIEWING THE CURRENT ARRANGEMENTS

There are several options to consider for ensuring effectiveness in the process of making representations –

- Send letters to Community and Town Council clerks on the matter, with guidelines on making representations in respect of applications
- Send a specific form for recording reasons for objecting or providing observations on an application to community councils or any person or body once they have made representations.
- Hold a Community and Town Council training session
- That the officers use the discretion permitted to reject representations that obviously have no relevance to the licensing objectives.
- Put guidelines on how to make representations or objections in respect of an application, along with a specific form, on the Council’s website.

RECOMMENDATION

That the members of the Sub-committee consider the steps required to ensure that only relevant representations are received in hearings on licensing applications that are made in accordance with the requirements of the Licensing Act 2003.