



LICENSING COMMITTEE

17 May 2012

REPORT

Subject Heading:

Licensing Act 2003: Proposal to cease writing to residents within 50 m of a premises following a premises licence or variation. application

CMT Lead:

Cynthia Griffin

Report Author and contact details:

Trudi Penman
Divisional Manager, Licensing and Health and Safety

Financial Summary:

Marginal cost savings will result

The subject matter of this report deals with the following Council Objectives

Ensuring a clean, safe and green borough	<input type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input checked="" type="checkbox"/>
Valuing and enhancing the lives of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

The Licensing Act 2003 was amended on the 25th April 2012 by the provisions of the Police and Social Responsibility Act 2011.

One of the changes was the removal of section 13 (3) which defined who could be an “interested person” in relation to a licensing application. The effect of this is that any person may now object to a license and s/he does not need to live within the vicinity of the premises.

A policy had developed by which the Licensing team notify all persons with properties within a 50 metre radius of the premises. It is proposed that this requirement be removed as all applications will now be available for viewing on the Council website under the licensing pages. The details of the application, how to make an objection and the closing date for the consultation are detailed on the website.

RECOMMENDATIONS

That the Licensing committee recommends that the policy requirement to write to residents within 50 m of a premises following a premises licence or variation application do cease because the information is now available for all interested people on the Council website.

REPORT DETAIL

1. On the introduction of the Licensing Act 2003 a policy developed that when a premises licence application or variation application was received then the licensing officer would write to residents within 50 m of the premises to let them know that an application had been made. This was over and above the legal requirement for the premises to display a blue notice and advertise in the paper. At the time only “interested persons” who lived in “the vicinity” could make representations either for or against a premises licence application.
2. The Police and Social Responsibility Act 2011 made several changes to the Licensing Act 2003 which were commenced on the 25th April 2012. One of the changes was the removal of section 13 (3) which defined who could be an “interested person” in relation to a licensing application. The effect of this is that

Licensing Committee, 17 May 2012

any person may now object to a license and s/he does not need to live within the vicinity of the premises.

3. Since 25 April 2012 all current applications are available for viewing on the Council website under the licensing pages. The details of the application, how to make an objection and the closing date for the consultation are also provided on the website.

4. The applicant must still advertise the application by placing a blue notice at the premises and advertising the application in the local paper so that people who live near the premises have the opportunity to be alerted that an application has been made.

5. It is therefore proposed that the Licensing Committee recommends that the licensing team no longer write to residents within 50 metres of a premise when an application for a new premises licence or variation of an existing premises licence is made.

IMPLICATIONS AND RISKS

Financial implications and risks:

By ceasing to send letters to residents there is a cost saving in officer time and saving in stationery and postage.

Legal implications and risks:

The Council is complying with the legislation by advertising current applications on the website. The previous policy to notify residents in a 50 metre radius of the premises was beyond the requirements of the Licensing Act and therefore the removal of the rule should not risk any legal action.

Human Resources implications and risks:

There are no human resource implications.

Equalities implications and risks:

There are no equalities implications. However, the change does have social inclusion implications in that, while more people will have the right to object to applications, ceasing to write to residents in the vicinity of the premises may lead to less public awareness of those applications. This may result in a reduction in public engagement in the licensing application process.

BACKGROUND PAPERS

None

