

**REPORT OF ASSISTANT DIRECTOR  
ADMINISTRATION, DEMOCRATIC AND  
ELECTORAL SERVICES**

**Licensing Act 2003**

**SUMMARY**

The purpose of this report is to seek Members views on a proposed amendment to the current Licensing Act 2003 current process of consultation.

**RECOMMENDATION**

Members' comments are received

**Detail**

1. The Licensing Act 2003 (c 17) is an Act of the Parliament of the United Kingdom. The Act establishes a single integrated scheme for licensing premises in England and Wales (only) which are used for the sale or supply of alcohol, to provide regulated entertainment, or to provide late night refreshment and came into force in 2005.
2. When an application for the grant of a new premises licences, club premises certificate or full variation to an existing licence is received, it has been custom and practice to identify interested parties within 100 metres of the application address using the Council's GIS mapping system and then to post out information regarding that application. This letter invites those in the vicinity of the application to make relevant representations on the application.
3. Sending letters out to interested parties within 100 meters of the premise is not a statutory requirement of the Licensing Act 2003 and can be seen by applicants and members of the Licensing Trade as soliciting representations.
4. In accordance with the Licensing Act 2003 all current applications are publicised on our website, can be viewed in person or can be emailed to interested parties. They are recorded on the online Licensing Act 2003 public register, this includes details of the application and consultation closure date, which is available to view at: <https://www.stockton.gov.uk/media/875143/3-currentconsultations.pdf>
5. Representations can be made by any person regardless of their geographical proximity to the premise. LA10 representation forms and guidance on making a representation can also be found on the website.
6. Under the Licensing Act 2003 the Council have a statutory responsibility to balance the needs of residents, visitors, pub/club operators and local businesses. In doing this our aim at all times is to promote the four licensing objectives laid down within the Act:-
  - The prevention of crime and disorder.
  - The prevention of public nuisance.
  - The protection of children from harm.

- Ensuring public safety.

7. As part of the application process the applicant is required by statute to serve a copy of their application to certain statutory bodies, known as Responsible Authorities. The responsible authorities include the Police, Fire Brigade, Environmental Health, Trading Standards, Public Health, Planning and Child Protection Units, and the Home Secretary and it is for them to decide if they have appropriate grounds for submitting a representation.
8. Under the Act applicants must advertise the application, they must also clearly display a notice immediately on or outside the premises for a period of no less than twenty eight consecutive days starting on the day following the day on which the application was submitted to the licensing authority and during which time any person or a Responsible Authority may make representations. The notices must clearly display a brief summary of the application setting out matters such as the proposed licensable activities and the proposed hours of opening, together with information about where the details of the application may be viewed.
9. In addition applicants must advertise the application in a local newspaper no more than 10 days after the application has been submitted.
10. Where relevant representations are received there must be a Licensing Committee hearing, all parties who have made a representation in relation to an application are invited to attend a hearing. Residents do not regularly attend these hearings, and whilst not always the case residents representations can be based on fear rather than factual evidence and not necessary related to the four licensing objectives.
11. The majority of committee hearings called have not resulted in applications being refused in their entirety. On average 13 Licensing Sub Committee hearings are held annually, which results in an average annual cost to the Authority of £15,382.
12. Having consulted with neighbouring Local Authorities this practice of consultation is not part of their Licensing Act 2003 application process and ceasing this activity does not prevent any interested party making a relevant representation in relation to an application.

**Assistant Director Administration  
Democratic and Electoral Services**

**Contact Officer Name:**

**Telephone No.**

**Email Address:**

**Financial Implications:**

**Environmental Implications:**

**Legal Implications:**

**Community Safety Implications:**

**Human Rights Implications:**

**Background Papers:**

**Ward(s) and Ward Councillors:**

Margaret Waggott

Simon Mills

01642 526566

simon.mills@stockton.gov.uk

None

None

It has been custom and practice to send these letters out over recent years therefore before any final decision is made a public notice needs to be placed in a local newspaper.

None

None

None

Not ward related