

Guidance Notes for Interested Parties on Applications for Premises Licences.

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Introduction

This guidance is for interested parties who want to object to an application for a premises licence.

Section 3.9 of the East Herts Council Statement of Licensing Policy (page 9) sets out the fundamental rights of interested parties to have relevant objections considered during the licensing process. Section 15 sets out how objections are dealt with.

The Statement of Licensing Policy for East Herts Council is available on the Council's website; www.eastherts.gov.uk,

or by contacting Community Safety and Licensing
Wallfields, Pegs Lane, Hertford SG13 8EQ,

or by telephone 01279 655261 ext 1467

or by email community.protection@eastherts.gov.uk

If you are an interested party and you want to make an objection to a premises licence application, please read the guidance notes below.

If the premises already has a licence which you think should be restricted, you may wish to consider applying for a Review of that licence. There is a separate set of guidance notes for Reviews, please contact Licensing for a paper, fax, or email copy.

Who can be an interested party?

Anyone can be an interested party, and the term 'interested party' no longer has a legal definition. We are continuing to use the term in this guidance to mean any objector who is not a Responsible Authority, until our next revision (expected January 2014) of our Statement of Licensing Policy.

How will I know if an application is made?

Applicants must advertise their application by posting a pale blue notice visible from outside the premises for 28 days from the day the application is made. They must also publish details of the application in the public notices section of a newspaper circulating in the area within 10 days of making the application.

How can I find more details of what has been applied for?

You are entitled to inspect the application and any current licence on the statutory register, free of charge in person at our offices in Hertford. This will also include details of any amendments the applicant may have made to their application following negotiations with the Police, Environmental Health, and other residents. Amendments can add conditions or reduce hours of operation, but cannot increase hours.

You are entitled to photocopies of the application at a charge of £0.12 for each A4 single sided sheet. If you bring your own portable photocopier, you may take copies free of charge. We can fax documents on the statutory register to you free of charge.

Copies of existing licences can be emailed to you free of charge. Applications can be emailed to you free of charge provided we have already received one relevant objection (these are only redacted to be held electronically when relevant objections are received).

How to register an objection to an application

You can make your representation by email, by fax, by posting it to us, or by delivering it to the council offices. Representations must be received no later than 28 days after the application was made.

To be relevant, objections must be on the grounds of one of the four licensing objectives. These are;

- The prevention of crime and disorder;
- The protection of children from harm;
- The prevention of public nuisance and
- Public Safety.

Objections cannot be considered on any other grounds.

To be valid, relevant representations must be;

- In writing;
- Not frivolous, vexatious or repetitious, and;
- Based on evidence.

Your written representation must include your postal address, so the applicant can check the extent to which you may be affected by activities at the premises that have made the application.

Making an objection by signing a petition.

We can accept objections made by persons signing a petition, provided;

- The petition includes a statement at the top of the page which is itself a relevant objection;
- Where a petition is one more than one page, the relevant objection is reproduced at the top of each page;
- Each person signing the petition is an interested party, and writes their name and postal address legibly.

How we keep you informed in the application and decision period

Once we receive a valid representation from you, we will send you an acknowledgement letter or email. We will also arrange a hearing of the Licensing Sub-Committee to determine the application.

Once the date for the hearing has been set, you will receive a Notice of Hearing which will be posted to you at least 10 days before the hearing, telling you when and where the hearing will take place. Usually this will be during office hours, either at 10.00 a.m. or 2.00 p.m., at the council offices in Hertford or Bishop's Stortford.

At least 5 days before the hearing, we will post to you a set of the committee papers. This will contain the procedure that will be followed at the hearing, a summary of the application, copies of any letters of valid objection (with names and addresses of residents and any personal data removed), any representations by the Police or Environmental Health, and a report summarising everything. Spare copies of the committee report will be available at the hearing.

Use of your personal details: name and address.

A full copy of your letter of objection, including contact details will be given to the applicant with their Notice of Hearing. Applicants will therefore be able to contact you before the hearing to offer where appropriate, amendments to proposed operating hours or to the operating schedule, to address valid objections.

Applicants can use your details;

- To prepare their case;
- To satisfy themselves that the Licensing Authority was correct to accept your objection, i.e. that your objection is not frivolous or vexatious;
- To contact you to see whether they can address your concerns by changing the way they intend to operate the premises, and if so, to ask if you will be prepared to withdraw your objection if they offer the proposed change as a condition.

Applicants will be expected only to use your personal data, including your name and address, for the purposes it was supplied: any wrongful use of this personal data may be viewed as harassment.

If you appear have a genuine and well founded fear of harassment or other form of intimidation if you object to an application, then we will consult with the Police Community Safety Team on whether the circumstances justify the withholding of some or all of your personal details. If so, your details will be withheld from the applicant.

Your personal details and other personal data will always be removed from any published agenda papers.

In accordance with the Data Protection Act 1998 the information you supply the Council will be used for the purposes of dealing with your representation and retained as per our published data protection policy. From time to time this information may be shared with other Council departments and/or outside partners such as the Police and HMRC for the purposes of the prevention and detection of crime.

If you have any concerns regarding any data provided or data sharing please contact the Council's Information Officer on 01279 655261. All non-personal information is also subject to disclosure under the Freedom of Information Act 2000.

Your rights in the hearing

You are entitled to attend the hearing as a party, and to address the Licensing Sub-Committee. You will then have the opportunity to tell the councillors why the application should be refused, or why you think the premises should not get longer hours or should have additional conditions. With the permission of the Sub-Committee you may also be allowed to ask the applicant questions about the application and about any evidence they give to the committee in support.

If you do not want to attend, or cannot attend but still have something to say that you want the Sub-Committee to know about, you can appoint a representative to attend and speak for you.

Decisions

The Sub-Committee may decide to;

- Approve the application (grant the licence in full), or
- Refuse the application, or
- Approve the application with conditions.

The decision takes affect immediately if there is no appeal, or when any appeal has been decided by the court.

How we inform you about the decision

The decision of the Licensing Sub-Committee will be read out at the end of the hearing, and you will be sent a Decision Notice giving the decision and the reasons for the decision.

Right of Appeal

If you do not agree with the Sub-Committee decision, you have a right of appeal to the Magistrate's Court within 21 days of the date of the Decision Notice.

Contact us

If you still wish to make an objection, please send it;

- By email: community.protection@eastherts.gov.uk
- By fax: 01992 531 521

- By post or hand delivery (please obtain a proof of postage from the Post Office, or a dated receipt from the Council Office receptionist):

Community Safety and Licensing,
East Herts Council,
Wallfields,
Pegs Lane,
Hertford
SG13 8EQ