

Objecting to new applications

Any application by a new premises or private club, or for changes to licences already held must be advertised in a local newspaper and on the premises (with a pale blue poster). Applications that we are processing (and licences that we have issued) can be seen in our public register in the office at Pershore or via the Internet, at www.wychavon.gov.uk/lic.

The applicant also has to serve copies on seven separate authorities responsible for upholding the licensing objectives. This includes the Police, and our Environmental Protection team.

There is a 28 day period in which relevant objections might be lodged by any Interested Party (people or businesses personally and directly affected by the proposals or activities) or Responsible Authority (defined in the Regulations). Objections must directly relate to the licensing objectives: prevention of crime and disorder, public nuisance, public safety and protection of children. The presumption is that this new flexible regime will allow businesses (and qualifying clubs) to operate with greater freedoms, unless they prove not to be "good neighbours."

How will people find out that an application has been made?

Applications for variations and new premises and clubs have to be advertised both on the premises and in a newspaper - they will also be summarised on our web site and in our Licensing Register.

Although the licensing regime is not the primary means of dealing with problem premises, the legislation gives us greater powers to restrict or prevent activities once a licence is in force - see below.

Complaints about existing licences

Complaints about licensed premises should be passed in the first instance to the relevant enforcing authority. Normally this will be the Police (for Crime and Disorder) or our Environmental Protection team (for noise related to premises, phone 01386 565015). If licensees fail to control problems, then either the responsible bodies or people who are effected are able to ask the Council to take action using the "Review" process mentioned below.

New Personal Licences

Only the Police can object to the grant of a Personal Licence. This will happen if the applicant has a criminal conviction and the grant of the licence would undermine the crime prevention objective.

Temporary Event Notices

A Temporary Event Notice is used to authorise events lasting not more than 96 hours, which are for not more than 499 people. Please see our separate leaflet on these.

These Notices are served on us as Licensing Authority not less than 10 days before the event. Only the Police can object to Temporary Event Notices. If they don't object, we must endorse the Notice and the function can go ahead. We can't attach conditions to the Notice.

Premises Licence Reviews

The licensing system is not the only way of regulating licensed premises, and more appropriate legislation should generally be used first – complaints should be made to the appropriate enforcing authority.

Where problems because of the way that licensed premises are run can't be resolved, a responsible authority or a person effected may, at any time, apply to us as the Licensing Authority for a review of the licence (or Club Premises Certificate). Reviews have to be requested using a particular form, that we will send on request.

The law allows us to reject representations that we consider are not relevant, or that are frivolous or vexatious. We can also deny a request for a review if it repeats the grounds of a previous Review – normally there would have gap of at least 12 months.

The Licensing Act is based around four objectives: crime and disorder, public safety, public nuisance, and protection of children from harm. Reviews must be relevant to these issues. For example, felling of trees after the grant of a licence would not be relevant.

Representations must be in writing and may be amplified at the subsequent hearing. But only those original issues may be addressed at the hearing - nothing else.

What happens if there is a valid request for review or objection to an application ?

A valid request for review ("representation") or objection to an application will be heard by our Licensing Sub-Committee, which consists of three Councillors.

Copies of representations\ objections are given to the licence holder in advance, and he or she is allowed to make a defence. Please note that the Licensing Officers are not able to work on behalf of objectors to help them to prepare representations, and cannot speak on their behalf.

All parties involved are allowed to speak, and may elect to be represented by someone else who may or may not be legally trained.

The sub-committee will consider the relevant representation or objection and the applicant's submission in the light of our statement of licensing policy (available from our web site or sent on request) and the Secretary of State's Guidance on the Act. The application will be determined and a decision given at the meeting.

Where an application is contested, the sub-committee may (in general) grant licences or certificates with or without additional conditions, or exclude from the licence or certificate a licensable activity. They may reject the application. There is no power to grant a licence or club premises certificate for a limited trial period.

For reviews (after the grant of a licence) the sub-committee may also revoke or suspend for up to 3 months an existing licence or certificate, or reject the Review request.

Appeals

The applicant and anyone who lodged an objection may appeal to the Magistrates Court against the decision of the Council.

See our separate fact sheets together with information (including frequently asked questions) on our web site: www.wychavon.gov.uk/lic

Contact Details

Licensing Unit, Environmental Services
Wychavon District Council
Civic Centre, Queen Elizabeth Drive
Pershore, WR10 1PT
Phone 01386 565016
Fax 01386 561826
Web <http://www.wychavon.gov.uk/lic>
Email licensing@wychavon.gov.uk

