

LICENSING ACT 2003

WHAT HAS IT GOT TO DO WITH ME?

If an "interested party" or "responsible authority" submits an objection (known as a representation) to an application for the grant or variation of a Premises Licence or Club Premises Certificate made to the Licensing Authority during the required consultation period, the application will need to be heard by a panel of the Licensing Sub-Committee (unless all parties agree that this is not necessary by resolving their concerns informally).

If this should happen, notification will be sent to all parties that a Hearing has been convened and the date of the Hearing, and a formal report will be published.

The panel of elected members which makes up the Licensing Sub-Committee have strict guidance to follow when considering any application brought before them.

They must:

- Take in to account national statutory guidance
- Take in to account the Council's own statement of licensing policy
- Take in to account their responsibilities under the Crime and Disorder Act and Human Rights Act

DETERMINING APPLICATIONS: SUB-COMMITTEE HEARINGS

The panel have a number of steps available to them including:

- Granting the application as applied for
- Adding conditions to the licence
- Removing or restricting certain activities from the licence
- Rejecting the application

However, the panel must when making any decision under the Licensing Act 2003 act with a view to promoting the Licensing Objectives, which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

WHO ATTENDS LICENSING SUB-COMMITTEES?

Other than the panel, the applicant(s) and / or their representatives will attend. Also in attendance will be a representative from the Responsible Authority who has made a representation to the application, and any Interested Parties who may have also made representations.

Licensing Sub-Committee Hearings are carried out in the public domain.

WHAT HAPPENS DURING THE SUB-COMMITTEE HEARING?

At the start of the Hearing, the Chair of the Sub-Committee will introduce the panel, and all of the other parties are able to state who they are and why they are attending.

The Licensing Officer then reads a report as to what the application consists of, who has made representations and why these representations have been made.

The applicant then puts his / her case forward, and then the Responsible Authorities and Interested Parties put their views across. Questions can be put to any of the parties during the Hearing.

At the end of the Hearing, the panel retires to determine an outcome.

HOW WILL I FIND OUT WHAT WAS DETERMINED AT THE HEARING?

The panel will most likely declare their decision and their reasons for such a decision at the Hearing.

However, the Law & Governance Department must produce a Notice of Determination within a prescribed period of time, which will be advised during the hearing. Copies of this Notice will be sent to the applicant and any person who made a relevant representation.

IS THERE ANY RIGHT OF APPEAL AGAINST THIS DECISION?

If upon receipt of this Notice of Determination any party involved in the hearing is unhappy with the panel's decision, they may appeal to the Magistrates' Court.

Any appeal must be lodged with the court within a period of 21 days from receipt of the notice.

The court details are:

**Mansfield Magistrates' Court
Rosemary Street
Mansfield
Nottinghamshire
NG19 6EE**

WHAT MAY HAPPEN AT THE APPEAL HEARING?

Upon hearing all of the evidence provided the Magistrate's Court may:

1. Return the application back to the Licensing Sub-Committee to review their decision
2. Uphold the decision made by the Licensing Sub-Committee
3. Uphold the appeal
4. Refuse the appeal on the grounds of insufficient evidence.
5. Substitute the original decision for one of its own.

HELP & ADVICE WHO CAN I TALK TO?

The Licensing Team at Ashfield District Council are able to offer you any advice that you may need. Please call us on 01623 457589, or alternatively you can email us at: licensing@ashfield-dc.gov.uk

The Licensing Team at Nottinghamshire Police are also able to help. You can call them on 01623 483938.

FURTHER HELP

Additional information can be found on the following websites:
www.ashfield.gov.uk
<https://www.gov.uk/guidance/alcohol-licensing>

Contact Details

Licensing Team
Ashfield District Council
Urban Road
Kirkby-in-Ashfield
Nottinghamshire
NG17 8DA
Telephone: 01623 457589
Email: licensing@ashfield-dc.gov.uk
Website: www.ashfield.gov.uk

LICENSING AUTHORITY

LICENSING ACT 2003

SUB-COMMITTEES:

HEARINGS

AND

APPEALS

