5. DELIVERING LICENSING SERVICES

5.1 The Authority will make available guidance and such resources as required by law to enable engagement with the licensing process. Such guidance and resources may be accessed through the **Broxtowe Borough Council** web site, Liquor Licensing Policy or by contacting the Authority direct.

5.2 The Licensing Authority will maintain an impartial role in service delivery and cannot act in favour of one party over another. The Licensing Authority may, in certain circumstances, act as a Responsible Authority. This will only be done in exceptional circumstances and the Licensing Authority will not normally take over the role of other Responsible Authorities or parties.

5.3 Responsible Authorities are public bodies which must be fully notified of licence application and are entitled to:

- Make relevant representations
- Request reviews
- Make representations with regard to cumulative impacts

Details of Responsible Authorities can be found on the Council's website following the link for licensing or by contacting the Councils Licensing Team directly.

6. APPLICATIONS, NOTIFICATIONS AND THEIR CONSIDERATION

6.1 The procedure and documentation required for the various applications and notices are prescribed by the Act and Regulations. Further advice on these processes is available on the Council's web site. This section of the policy gives basic guidance on how those applications and notifications will be considered. Failure to comply with the statutory requirements may result in the application or notice being invalid. To ensure the application is completed fully, applicants must consider the contents of this policy statement, the government guidance issued under section 182 Licensing Act 2003 and relevant guidance published by the licensing authority. Applicants are encouraged to seek advice from the licensing authority and responsible authorities before submitting an application. Failure to comply with the statutory requirements may result in an application or notice being invalid/rejected.

6.2 The process of applying for new premises licences and full variations of current premises licences are dealt with in same way and involve serving the application on all responsible authorities and advertising the application in the prescribed way. If objections are received the matter will be heard by the Licensing Committee of the Council. The fee for such applications depends on the size of the premises. Substantial changes to premises should be dealt with by way of a new application

6.3 The process of a minor variation to current premises licences are dealt with differently. Minor variations can be applied for to vary times of activities but not to increase the hours when alcohol can be sold. The process can also be used when making minor structural alterations to the premises and to add or remove conditions from the licence. These minor variations should not have a material effect on the way in which the premises are operated and there is one set fee. The granting of a minor variation is determined at officer level after consultation with those responsible authorities affected. If the application is refused the applicant can resort to the full variation process.

6.4 All applicants are encouraged to submit on-line applications using the gov.uk website or by following the links on the Council's website.

Representations

6.5 Where the licensing authority receives an application for a new licence or a variation to an existing licence, the responsible authorities and any other persons have 28 days to make representations about the application. Representations can be positive as well as negative.

Guidance on making a representation is available from the Home Office and a preferred form is available on the Council's Licensing Policy web page for individuals or groups to make their representations.

6.6 Submissions of representations made via e-mail will be accepted so long as there is a clear indication of who has submitted the representation, it is clear and legible and details of how that person or group can be contacted.

6.7 For a representation to be relevant it should be positively tied or linked by a causal connection to particular premises. Representations received outside

the statutory period for making such representations will be invalid and will not be taken into consideration when the application is determined. The Licensing Authority also has the power to reject a representation made by someone other than a Responsible Authority if it finds it to be vexatious or frivolous. An example could be where a representation was made solely on the basis that the application would provide competition to an existing trader or where no link was made to any of the licensing objectives.

6.8 Members of the public who wish to submit a representation need to be aware that their personal details will be made available to the applicant. If this is an issue, they may contact their ward Councillor or other locally recognised body such as a resident's association about submitting a representation on their behalf. The Council is not able to accept anonymous representations.

6.9 Where a representation proceeds to a hearing, the Hearings Regulations allow for further information to be put forward in support of that representation. However, that material must only relate to the initial representation and must not add new grounds of objection. It is therefore vitally important that as much detail and evidence as possible is included at the time the representation is made. Representations made without supporting detail and evidence may be viewed as frivolous or vexatious and disregarded.

6.10 It is for the Licensing Authority to determine whether any representation by an interested party is, on its own merits, vexatious or frivolous. The Authority will determine this and make the decision on the basis of what might ordinarily be considered to be vexatious or frivolous.

6.11 Where representations are received the characteristics of an area and the impact that the premises may have upon that area will be a fundamental consideration in determining whether a licence should be granted and if so what conditions should be attached to it. Conditions will be focused on matters that are within the control of individual licensees and others in possession of relevant authorisations. These matters will centre on the premises being used for licensable activities and the vicinity of those premises. What amounts to the vicinity will be a question of fact to be determined in the light of the individual circumstances of the case. Consideration will primarily be given to the direct impact of the licensed activity on those who live, work or are engaged in business or

other activities in the area concerned.

Responsible Authorities

6.12 Although the licensing authority is a responsible authority in its own right, it expects other parties such as local residents, Councillors or community groups should make representations in their own right when they are reasonably able to do so rather than rely on the licensing authority to make representations for them.

6.13 The Director of Public Health is responsible for making representations and observations on applications on behalf of health bodies. Public health is not a licensing objective, but Public Health is a responsible authority under the Licensing Act, and the licensing authority believes that Public Health has much to add to licensing in relation to the local populations' alcohol related health needs. Health bodies such as Public Health have unique access to data which has been used to create a matrix to highlight areas within districts and boroughs with relatively higher levels of alcohol-related harm. This matrix can be used by other responsible authorities to inform licensing decisions. Public Health is useful in providing evidence of alcohol related health harms particularly in relation to cumulative impact policies.

Panel/Committee Hearings

6.14 The Act creates a presumption that applications will be granted unless a valid representation is raised. An application will then be determined by the Licensing Committee/Panel unless the issue that led to the representation can be negotiated to an agreed conclusion between the parties.

6.15 The Authority considers the effective and responsible management of the premises, the instruction, training and supervision of staff and the adoption of best practice in the leisure industry (which may include participation in schemes such as Best Bar None, Purple Flag or Business Improvement Districts (BIDs) etc.), to be amongst the most important control measures for the achievement of all of the Licensing Objectives.

Entitlement to work in the UK

6.16 All individual applicants applying for a “Premises Licence”, or a “Personal Licence” with this Licensing Authority must submit further documentation to demonstrate their entitlement to live and work in the United Kingdom (UK)

6.17 A licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:

- does not have the right to live and work in the UK
- is subject to a condition preventing them from doing work relating to the carrying on of a licensable activity

Any licence issued in respect of an application made on or after 6 April 2017, will become invalid if the holder ceases to be entitled to work in the UK.

6.18 Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways:

a) by providing, with this application, copies or scanned copies of the documents* which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance; or
b) by providing their nine (9) digit 'share code' to enable the Licensing Authority to carry out a check using the Home Office online right to work checking service (see below)

*Applicants are required to submit one (1) of the documents listed at Annex A of the Home Office's Employer right to work checks supporting guidance published on: Right to work checks: an employer's guide (GOV.UK) to show they have permission to be in the UK and are permitted to undertake work in a licensable activity.

Home Office online right to work checking service

6.19 To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in their application a nine (9) digit share code (provided to them upon accessing the service at Prove your right to work to an employer: get a share code (GOV.UK)) which, along with the applicant's date of birth, will allow the Licensing Authority to carry out