

Annex 1.1

How this policy applies

All applications for new premises licences or variations need to be supported by an operating schedule. The schedule must specify (among other things) the steps which the applicant proposes to promote each of the licensing objectives.

If no responsible authority or interested person lodges an objection (known as a "relevant representation" – see below) to the application, the licensing authority must grant the application as set out in the operating schedule, subject only to mandatory conditions under the Licensing Act 2003. The steps proposed by the applicant will become licence conditions. The licensing authority will have no discretion to refuse the application or to alter or add to the conditions arising from the operating schedule.

A "relevant representation" is one which is made within the time permitted for making objections and relates to one or more of the four licensing objectives. The licensing authority cannot give notification of applications, although the Register of Applications is always available for public inspection. The onus lies on the applicant to post notice of the application on site and to publish it in a local newspaper in accordance with the provisions of the Act as well as serving copies on the responsible authorities.

Where there are relevant representations, then a hearing before a panel of the Alcohol and Entertainments Licensing Committee will normally follow. After the hearing, the panel has full discretion to take such steps as it considers necessary to promote the licensing objectives. These may include refusing the application, or adding to or modifying the conditions proposed in the operating schedule.

In exercising its discretion, the panel will have regard (amongst other things) to this licensing policy. Therefore, in drawing up their operating schedule, applicants are advised to read this policy carefully. Where an operating schedule complies with this policy, it is generally less likely that an interested party or responsible authority will object to it, or that any objection will succeed. Therefore, compliance with this policy is likely to assist the applicant to avoid the delay and expense of a contested licensing hearing, and the risk of a refusal or the addition of unwanted licence conditions.

This is not to say that an application that complies with the policy will necessarily be granted or that an application that does not comply with it will necessarily be refused. Where there have been relevant representations, the licensing authority will always consider the merits of the case, and interfere with the operating schedule only when, and to the extent, necessary to promote the licensing objectives. Nor will blanket or standard conditions be applied without regard to the merits of the individual case. So, for example, the licensing authority will not interfere with an operating schedule which does not comply with this policy where the steps proposed are sufficient to meet the licensing objectives in the individual circumstances of the case.

However, the policy represents the licensing authority's view of the best means of securing the licensing objectives in most normal cases. It has been drawn up in consultation with other expert bodies and responsible authorities, together with community stakeholders. While the contents of the operating schedule are a matter for the applicant, where there is objection to a schedule which departs from the policy, the licensing sub-committee will normally expect to be given a good reason for the departure if it is to be asked to make an exception to the policy.

In this policy, there are a number of references to the licensing authority's requirements of applicants. As explained above, the policy is only engaged where the licensing authority has a discretion following the receipt of objections. In such cases, the licensing authority will not apply the policy rigidly, but will always have regard to the merits of the case with a view to promoting the licensing objectives.

Further, the policy will be used when dealing with a number of other matters. For example, during the transitional period, applicants may apply to convert their existing licences into premises licences. Only the police may object to conversion, and then only on crime prevention grounds. Where this occurs, their objection will be considered by the licensing sub-committee, who will have regard to the terms of this policy in making its decision. Further, where considering an application for review of a licence, the licensing authority is likely to view with concern premises that are being operated in clear breach of the terms of this policy.

The contents of this section apply both to premises licences and club premises certificates.