

Alcohol Licence Applications Guidance for Local Churches

The Licensing Act 2003 came into force in 2005. The Government has stated that one advantage of the new law is that it will be easier for local people to have an influence over licensing decisions.

In the rush of applications in autumn 2005 when all premises had to apply for new licenses before the Act came into force on 24 November, it may not have seemed as if this were true. But those applications were dealt with under the old system; it is too early to tell how the new system will work

Local residents, business premises, and statutory bodies such as the police should take an active interest in licence applications. Local residents and businesses, as 'interested parties', can make representations regarding applications for new licences and can also request reviews of existing licences.

Keep informed about the applications being made in your area. The local licensing authority - your local council - is responsible for granting and reviewing the licenses. Some councils advertise applications outside premises and in the local paper. Check with your local authority to see if this is the case where you live.

If you are concerned about the operation of a licence that was granted in the autumn but were unable to object in time, you can ask for a review.

In either case, you need to state your objections in a way that relates to the provisions of the Licensing Act; otherwise the local authority will have no legal basis on which to take action. The following advice will help you; it relates specifically to new applications but is also applicable to a request for a review of an existing licence:

- **Read the licence application carefully** so that you know the details of the application being made e.g. any guarantees that they are offering about the way they plan to run the venue such as measures to protect children from harm. If after reading the application you choose to object to it, you may make a representation to the licensing authority.

Representations can be made to object to applications by '*interested parties*' – that is residents and businesses in the vicinity or those acting on their behalf - and '*responsible bodies*' such as the police and fire service. The Act does not define "in the vicinity"; initially this will be a matter for the licensing authority to determine, so you will need to explain how you are directly affected.

- A representation must be relevant to '*the likely effect of the application on the promotion of the four licensing objectives*'. In other words ***your argument must to be related to the four objectives***:
 - *the prevention of crime and disorder;*
 - *public safety;*
 - *the prevention of public nuisance; and*
 - *the protection of children from harm.*

Think carefully about how the licence might impact on these four objectives. Your representation has to focus on the objectives for it to be properly considered.

- The Department of Culture Media and Sport have published guidelines for people wishing apply for licences and for those who may wish to object or ask for a review of a licence.
http://www.culture.gov.uk/alcohol_and_entertainment/advice_and_guidance/default.htm

As you are preparing your representation you might wish to consider whether any of the following suggestions would be helpful:

- Every authority has to produce a **licensing statement**. Contact your local council or visit their website for a copy of their statement. This should give you more information on how the Licensing Act operates in your area, the kind of premises the council may be favouring, and guidance on what they might see as relevant to these objectives

For example, Birmingham City Council says that it is *'adopting a special policy, if representations are made, of refusing licence applications in...Broad Street area'* This is *'As a consequence of the number of late night premises within the Broad Street area'*, which has been the target of special measures by the Council and Police to deal with anti-social behaviour and crime.

In other words they want to limit the amount of bars in this area due to existing problems. They may only do so, however, if representations are made.

- **Visit your Local Council offices** and speak to the people who will be processing alcohol licensing applications. Find out who they are, how they operate, and try and gain an understanding of how they might deal with your representation. They may well be willing to discuss your concerns with you informally.
- **Sit in on a hearing** for another application before making your own representation. This way you will see how other people are approaching applications, and can use what you have learned in your own situation.

If you have decided that you wish to make a representation about a licence application then before you submit your position you must **collect evidence to support your case**. This might include information such as citing recent incidents that have taken place in similar venues in the area or concerns expressed by the local police. Talk to your neighbours, what do they think? Do they have any examples of problems? Would they like to object too?

For example, you may choose to challenge an application to open a new bar near your home or place of worship, in an area which you feel already suffers from fights and vandalism caused by visitors to other venues nearby. The bar will have club nights at weekends.

To make a representation you might want to use evidence of recent incidents that have been occurring to argue that the application should be refused on the grounds of *prevention of crime and disorder* and *the prevention of public nuisance*. You might ask for guarantees on minimising disruption from the club nights if the licence does get accepted.

Finally, please let us know your experience when you have made a representation. The power of local people to influence licensing has been cited by the Government as an advantage of the new laws. It is an important test of the Act to see how this works in practice. If we have evidence from several places that it is not working, we will be able to use it to persuade the Government to improve matters.

For more information:

One Too Many...? Is a briefing on alcohol misuse and the Licensing Act produced by the Methodist Church is available from Methodist Church House – Public Issues, and on the Methodist Church website www.methodistchurch.org.uk

Go to the Department of Culture Media and Sport website for information on the Licensing Act http://www.culture.gov.uk/alcohol_and_entertainment/licensing_act_2003/default.htm

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