

Appendix 7 - Procedure for Processing Licensing Applications

This procedure details how Licensing Officers will process Licensing applications and facilitate the Licensing Sub-Committee process.

1.0 Receipt of application into The Licensing Service

1.1 On receipt of all applications, a 'conflict of interest' test will be carried out and the application will be allocated to the most appropriate Licensing Officer to avoid such conflict.

1.2 Decision will be based on:

- past involvement such as any enforcement action
- any personal involvement with the applicant or premises
- any other matter that may impact on the application

1.3 Decisions on allocations will be made by the Licensing Service Manager or, in the case of absence, this will pass up the line of management

2.0 Consultation

2.1 The Licensing Officer will send the application to the Ward Councillors within the first 2 working days of the application being received. The standard wording in **Appendix 1** must be used for this consultation. Please do not add any further details or opinions about the application; this is for the responsible authorities to advise.

2.2 The Licensing Officer will ensure that the Responsible Authorities have been consulted.

2.3 The Licensing Officer will ensure that the application is posted on the website displaying the correct consultation end date.

3.0 Representations, Petitions & Mediation

3.1 Where representations are received within the correct period, the Licensing Officer will send an acknowledgement and/or assist with making representations in the correct format.

3.2 Representations must include the following information:

- Name
- Address
- Licensing objective/s under which representation is made

- Reason for objection

3.2 If this information is not provided, liaise with interested party to obtain the information. Templates for Ward Councillors and any other parties (excl. Responsible Authorities) are attached as **Appendix 2**.

3.3 If interested party cannot / will not provide this information, inform them that the representation is therefore 'not relevant' and will not be put before the Licensing Sub-Committee.

3.4 Petitions must include the following information:

- Name and address of each petitioner
- Licensing objective /s under which the petition is made, on each page.
- Reason/s for objection, on each page of the petition

It's a good idea to liaise only with the lead petitioner and ask them to represent all the signatories, rather than liaising directly with each one of them. A petition template is attached as **Appendix 3**.

3.5 If there is only one or two representations, either from an Interested Party or Responsible Authority, it may be possible to mediate rather than convene a Sub-Committee. Each case is to be assessed on its own merits and, if in doubt, seek advice from another officer/Manager.

4.0 Representation from Internal Responsible Authorities (RA's)

4.1 Representations from internal Responsible Authorities should be presented on the standard representations template. See **Appendix 4**.

4.2 Check all relevant information is included in the representation. If not, liaise with RA to obtain what is required.

4.3 Actively obtain a representation from all internal RA's that you feel can contribute to the hearing.

4.4 Where you are in receipt of concerns from interested party, but no representation has been received from the relevant responsible authority, please liaise and obtain a response. It may be that a simple response to say there is no objection is all that can be offered, but this is good to include in the report as it will demonstrate the stance of the responsible authority to the Sub-Committee.

5.0 Licensing Authority acting as Responsible Authority

5.1 The role of the Licensing Authority as Responsible Authority will be carried out by the Licensing Service Manager or Principal Licensing Officer

5.2 The assessment of the application, the writing and presenting of the Licensing Sub-Committee report will be carried out by the Licensing Service Manager or Principal Licensing Officer

6.0 Committee Report

6.1 To be completed in Word format using committee report template - see **Appendix 5**. However, please feel free to use a similar report for a similar previous case as a starting point.

6.2 Report to be completed by Licensing Officers and checked by a senior officer/manager before going to any other department.

6.3 Appendices must be to the standards detailed below.

6.4 A tick sheet can be used to ensure all correct documents are in place to the required standard.

6.5 Please note that all appendices are to be provided in PDF format and clearly marked with their correct Appendix label.

7.0 Appendices - Application & supporting evidence

7.1 Check all relevant parts of the application are complete and that supporting evidence is clear.

7.2 Ensure that supporting documentation and/or evidence is of good quality and standard. Please liaise with persons providing supporting evidence if you need to obtain further information or clarity on any item. Evidence of a poor quality where no discernible conclusion can be made must not be submitted.

7.3 Please remember that it is not for you to weigh evidence but you can assess its quality and relevance.

8.0 Appendices - Maps

8.1 The map must be produced from the GIS and should:

- Include the premise for which application is being made
- Identify relevant neighbouring licensed premises.

- Identify impacted homes/business places of interested parties
- Have titles and other annotations added electronically (no hand written annotations)
- A large scale map should be provided for tabling at the committee hearing where it is perceived to be of benefit.

8.2 **No** Google street view / maps to be included - the Council does not have licence to use these.

9.0 Appendices – Photographs of the application premises

- All photographs to be taken during the consultation period at same time the poster is photographed.
- All photographs to be taken on good quality phone camera or work camera
- Take all views / angles that may be useful to the committee.

10.0 Appendices - Site Plan

10.1 Use the site plan that is included with the application. It must meet the requirements as laid down in the legislation before an application is accepted.

10.2 If it is not an acceptable quality on application, liaise with applicant to obtain satisfactory plan before accepting the application.

11.0 Appendices – Companies House Information

11.1 Where the applicant is a company, information from Companies House should be provided to the Committee as a standard item.

11.0 Existing or previous licences

11.1 Existing or previous licence to be included in all cases where a variation or review case is heard. In the case of new applications.

12.0 Addendums to committee report

12.1 Any addendums to be noted on template - see **Appendix 6**

12.2 Addendums may include amendments; or additional information i.e:

- Further submissions from persons making reps or the applicant
- Matters for clarification i.e. plans, further photos etc

13.0 Liaison with Democratic Services a & Legal Services

13.1 As soon as you think you may need a Sub-Committee date (likely to be during the consultation period), please contact Democratic Services (democratic@hillingdon.gov.uk). Please also view the Programme of Meetings to see if a suitable date is already scheduled. Please ensure you leave yourself enough time to produce the report and have it checked by Legal. Be extra cautious where you have a big, complicated case.

13.2 Please contact Legal Services and let them know that a report is on its way. You may need to discuss the case with Legal if it's particularly complex.

13.3 Send the report to Legal for comments including the full report and all final appendices. You should aim to allow Legal 3 working days to add their comments to the report. Give them a deadline.

13.4 Once Legal have provided comments, the report can be sent to Democratic Services for publishing.

13.5 Depending on the case, you will need to advise Democratic Services whether there are any appendices or other information which is to be heard in Part 2. Seek clarification from Legal if you are not sure.

13.6 You will also need to provide a list of names, addresses and email addresses for all parties to the hearing to Democratic. This is so they know who needs to be sent a Hearing Pack.

14.0 Chairman's briefing

14.1 A few days before the hearing, the Licensing Officer is required to brief the Chairman on the report and case. This will be with the Legal advisor and also the Democratic Services Clerk.

14.2 This will be arranged by Democratic Services.

15.0 After the hearing

15.1 The Legal Advisor will provide you with a final written decision notice which has been signed by the Chairman. This needs to go to all parties to the hearing within 5 working days of the hearing taking place.

16.0 Appeals

16.1 Licensing Officers should notify legal services immediately of any appeal lodged following a Licensing Sub-Committee decision. The Chairman should also be kept informed of progress through the appeal process.