

SPECIAL TREATMENT LICENSING

RULES GOVERNING APPLICATIONS FOR SPECIAL TREATMENT LICENSES BEING REGULATIONS MADE UNDER SECTIONS 7(4) AND 7(5) OF THE LONDON LOCAL AUTHORITIES ACT 1991;

INTERPRETATION

1. In these rules:-

The masculine always includes the feminine

'Licence' means any special treatment licence which the Council can grant under Section 6 of the Act. This includes any associated consent or permission.

'Licensee' means the holder of such a special treatments licence.

'Applicant' means the applicant for the licence or licensee as appropriate.

'Application' means an application for one or more of the following as the case may be:

- (a) grant of a licence;
- (b) transfer of a licence
- (c) renewal of a licence
- (d) variation of a licence (including waiver or modification of a licence condition).
- (e) an amendment to a licence which would extend the licensed area, increase the accommodation capacity or extend the licensed hours.

'Objector' means any person who has given notice in accordance with Rule 7 hereof and who has complied with its terms.

'Parties' means the applicant(s), any objector(s) to the grant of the application, including any Council Officer, in circumstances where he is making formal objection or seeking revocation.

'Premises' means the place for which the licence is sought or for which a licence is in force.

'Revocation' means the revocation of a licence under section 14 of the Act or a proposal to revoke the licence under this statutory provision.

'The Head of Environmental Services' means the Council's Head of division, or other representative.

'Council' means Wandsworth Council.

'Committee' means the Regulatory Licensing Committee.

APPLICATION FORMS

2. An application for a licence shall be made on the form provided by the Council. The form of application shall be signed by the applicant, or a solicitor or other duly authorised agent acting on behalf of the applicant.

APPLICANTS

3. An application for a licence shall be made by the person who lawfully occupies or who will occupy the premises to be licensed by virtue of a freehold interest, a lease, an agreement for a lease or a tenancy or any other agreement in writing giving a substantial right of occupation and acceptable to the Council

PLANS AND SPECIFICATIONS

4. An applicant shall submit such plans and specifications of the premises concerned as may be required by the Council.

Note: When the licence application forms are submitted to the Council, the Head of Environmental Services will arrange for a survey to be carried out to determine the suitability of the premises concerned with a view to ensuring public safety.

NOTIFICATION OF THE POLICE AND FIRE AUTHORITY

5. All applications for a new licence or for the transfer, variation or renewal of a licence shall be forwarded to the Metropolitan Police and to Fire Authority by the licensing authority. In the case of a new application, a copy will also be forwarded to the planning officer.

HOW TO OBJECT

6. A person who wishes to object to an application shall within 28 days of the application being received by the licensing section, write to the Head of Environmental Services, giving in detail the reasons for objection. The Council is unable to consider anonymous objections.
7. Within 14 days of the last day for lodging objections the Head of Environmental Services shall forward to the applicant a copy of every valid written objection.
8. Any objection received after the due date may not be considered by the Council.
9. The Council will not accept an objection or an individual ground of an objection when it considers that either the objection as a whole or the individual ground is irrelevant to the decision to be reached.
10. Unless the objection relates to the character of the applicant, Council officers may seek to mediate between the parties to see if agreement can be reached

without the need for a licensing hearing.

11. An opposed application shall be decided at a hearing where evidence (oral and written) is given orally and in public unless the Regulatory Licensing Committee decides otherwise.
12. At any oral hearing in public of an application, an objector shall not be allowed to raise any matter not referred to in the written objection lodged by the objector concerned unless there are reasons for so doing and the objector is able to satisfy the Licensing Committee as to why the new material should be placed before them.
13. At any oral hearing in public of an application the applicant and the objector shall attend in person or, if the application or objection is made by a body corporate, business firm, society, association or other group, a duly authorised representative shall be present who is able to speak on behalf of the body corporate and who, in the case of an applicant, is empowered to supply any undertaking requested by the Regulatory Licensing Committee or demonstrate that any conditions attached to the licence will be complied with.

Note: All objectors and applicants are reminded of their right to have a legal representative at the hearing.

14. If any person who has written to the Head of Environmental Services objecting to the grant etc. of the licence fails to attend the oral hearing in public, the Regulatory Licensing Committee will hear and consider any evidence and arguments put forward by and on behalf of the applicant in relation to the written objection received. The Regulatory Licensing Committee will take into account, in considering the importance to be attached to the objection, that the objector was not available to be questioned about his statements.

PROCEDURE AT AND AFTER ORAL HEARINGS IN PUBLIC

15. At the meeting a report will be put before the Regulatory Licensing Committee prepared by the Head of Environmental Services. In addition the Head of Environmental Services will provide a plan indicating the location of the applicant premises and the location of any objectors (if relevant). A copy of the report will be sent to the applicants in advance of the meeting.
16. Applicants are advised that they should not introduce at the meeting revised proposals or complex technical evidence not referred to in the application which may be difficult for the other parties present or the members of the Committee to evaluate during the meeting.

DECISION

17. The Regulatory Licensing Committee may decide to grant the application in whole or in part, to refuse the application, or to make a revocation and if granting or varying a licence, may attach any conditions they consider appropriate.

NOTIFICATION OF A DECISION

18. The Chairman will normally announce the Regulatory Licensing Committee's decision in public at the end of the hearing. This decision will then be communicated in writing to the parties as soon as possible after the hearing.

Note: A person refused an application for a licence or a licensee aggrieved by any term, condition or restriction attached to the licence can appeal to a Magistrate's Court. The Council is the party who defends any such appeal but the Court re-hears all the evidence for and against the grant of the application or the imposition of the term, condition or restriction as the case may be.

An objector aggrieved by the decision of the Licensing Committee does not have these rights of appeal but is entitled to object again when the licence comes up for renewal or may be called by the Council as a witness on the hearing of any appeal by the applicant.