



Committee and date

Strategic Licensing
Committee

8th June 2011

Item No

9

Public

Licensing Act and Planning Applications

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Purpose of Report:

To inform the Committee of how Licensing Act and Planning applications are administered to enable both licensing officers and planning officers make relevant representations on applications.

Recommendation:

1. That Committee note the steps that Licensing and Planning Officers will take to share information regarding applications.

Report

- 1 When a person requires a licence to be granted under the Licensing Act 2003 for either the sale of alcohol or to provide regulated entertainment or late night refreshment, the applicant will need to ensure that the premises that they intend to operate from has the appropriate planning permission. Without planning permission any licence granted cannot be utilised.
- 2 If planning permission is required, the licensing team encourage applicants to make that application before applying for a licence. The planning process generally takes a minimum of eight weeks, where as a licence application can be granted after the 28 day consultation period if no objections have been received. If representations have been made then the licensing authority must determine the application within 20 working days from the end of the consultation period. If an applicant decided to make both applications at the same time, the licence application would be determined before planning.
- 3 Applicants that apply for a Premises Licence are obliged to send a copy of the application to the planning authority. Officers then have 28 days to make representations to the licensing team. Those representations must be relevant to one of the four licensing objectives which are the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. It would not be a relevant representation, nor can a licence be refused because the premise does not have planning permission.

- 4 The planning process does not require the applicant to inform the licensing department when they make an application. As such officers have agreed to take the following action to ensure that where there is a need for either a licensing or planning committee report to be prepared, members are fully informed as to what has been approved by each department.
- The licensing team will send a list of all Licensing Act applications received, each week to planning officers to ensure that they are aware of all current applications.
 - On receipt of a Licensing Act application, planning officers will inform the licensing team that they have received the application and either make representation or state that they have no representation to make. They will also inform the licensing team of any planning restrictions, for information purposes only.
 - The licensing team will view the planning weekly list of applications and where appropriate inform planning officers of either the details of the approved licence and conditions that apply; that the premises does not have a licence or that an application has been applied for but has not yet been determined.
5. The above procedures will ensure that members can make informed decisions when determining both applications.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Licensing Act 2003

Human Rights Act Appraisal

Not applicable

Environmental Appraisal

Not applicable

Risk Management Appraisal

Not applicable.

Community / Consultations Appraisal

Not applicable

Cabinet Member

Councillor Charmley

Local Member

Appendices None.