

**LICENSING AND SAFETY COMMITTEE
4 OCTOBER 2007**

**NEIGHBOUR NOTIFICATION - REVIEW
(Director of Environment and Leisure)**

1 PURPOSE OF DECISION

- 1.1 At the Licensing and Safety Committee on 1 February 2007, it was agreed that notification letters would be sent to residents who were immediate neighbours of any premises subject to new and variation applications for premises licences.
- 1.2 It was agreed that officers would provide an update to this Committee in relation to experience gained from to the Neighbour Notification procedure.

2 RECOMMENDATION

- 2.1 **That the Neighbour Notification procedure is continued for all new and variation applications for premises licences under the Licensing Act 2003.**

3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 3.1 The situation needs to be closely monitored and kept under review.

Borough Treasurer

- 3.2 There is no significant financial impact incurred as a result of this procedure. Any costs will be met within existing resources.

Impact Assessment

- 3.3 There are no implications identified.

4 SUPPORTING INFORMATION

- 4.1 The introduction of the use of notification letters is in addition to the statutory requirements that are already in place for applicants to advertise applications in a local newspaper and on a blue notice outside the premises. The letter contains the name of the premises, brief details of the application and how to get further information or make representations
- 4.2 During the period 1 April 2007 to 31 July 2007, the Licensing Section received 3 new licence applications and 12 variation applications. The results of the neighbour notification procedure have been set out in the table below. The columns show the name of the premises, the number of letters sent to 'neighbours', the number of representations received from those who were sent letters and the number of representations received from those who were not sent a letter.

Premises	Number of letters sent	Representations received	Additional representations
Co-op Owlsmoor	10	0	0
Lily Hill Park Trader	14	1	0
Hanworth Social Club	2	0	0
Gold Cup	14	6	11
Running Horse	25	4	0
Royal Oak	6	5	4
Woodcutters	10	2	0
Waterloo Hotel	12	3	1
Bird in Hand	13	0	1
Crown Wood	9	0	1
Rackstraws	13	1	0
Royal Hunt	14	2	0
Dukes Head	10	2	2
Swinley Forest Golf Club	5	0	0
Shepherds House	3	0	0

- 4.3 Many of the variation applications were related to the use of external areas at premises due to the Smokefree legislation which came into effect on 1 July 2007. In relation to these applications, letters were sent to all properties bordering the outside areas of the premises, in accordance with the Neighbour Notification procedure.
- 4.4 It appears that the number of representations received in respect of applications has not drastically increased as a result of implementation of the neighbour notification procedure. From the analysis, a small amount of positive comments have been received from persons who are pleased that they have been notified. A similar amount of negative comments have been received from persons who were not sent letters as they were outside the terms of the notification policy. This will always be a potential issue no matter how wide the Policy is set to apply. From the results it is not unreasonable to conclude that the current procedure is working well, both for applicants and local residents. It sets reasonable parameters for the purposes of notification having proper regard to where the most likely impact may arise. Accordingly, it is recommended that the Policy continue to be applied without alteration.
- 4.5 In paragraph 8.52 of the Guidance issued under section 182 of the Licensing Act 2003, it states that "It is open to licensing authorities to notify residents living in the vicinity of premises by circular of premises making an application, but this is not a statutory requirement". Also, LACORS (the Local Authorities Coordinators of Regulatory Services) have stated that it is a matter for local authorities if they wish to undertake additional advertising outside of the statutory requirements, but that care must be taken to ensure that there could be no accusation of bias or indication as to preference to the outcome of the application process.

Background Papers

Guidance issued under section 182 of the Licensing Act 2003
Neighbour Notification Procedure – attached to this report as Annex A

Contact for further information

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