

Dear Amanda,

I am the Director of Licensing Matters and deal with hearings and any issues that need to be resolved with applications. I have been asked to get involved in the application for Stafford Stores due to the apparent unsatisfactory service the licensing section are providing.

The first issue is that we have for some reason been sent the representation in the body of an email, why has that been done? As you know we are all meant to work in partnership and part of that effort from our side is to try and resolve representations, that is why we are entitled to full disclosure of the original representations with name and address. Representations should (and usually are) sent in their original form at the point they are received by the licensing authority. Sending them at the point of preparing the hearing report does not allow us to undertake our role efficiently and will amount to actively blocking the efforts we need to make to resolve the issues. To that end, please can you send all the representations in their original and unredacted form as a matter of urgency.

Secondly and more importantly, these representations are quite obviously not relevant to the Licensing Act 2003. They are about need, and traffic and parking, which are matters for your highways department and planning. Not in any sentence does any one of them refer to alcohol and the impact of the sale of alcohol from this premises on the licensing objectives. That is the ONLY requirement for a representation to be deemed as relevant and that has not happened here.

I understand that you are sending this case to committee for them to decide their relevance. Yet it is your role as a licensing officer to assess these representations for relevance and either accept them or reject them once that assessment has been undertaken. That is reflected in your scheme of delegation in the Statement of Licensing Policy. The policy does go on to also state that you have discretion to refer to the committee, but that discretion should only be utilised if the assessment of relevance is border line and out of fairness to the person having made it. It should not be needed in cases such as these where it is abundantly clear to anyone that the content of the representations is not relevant to the sale of alcohol at these premises.

I am extremely concerned that you intend to waste thousands of pounds of public money by referring this to the committee. To say that all our councils are struggling financially is an obvious point, to send this to a hearing for no reason and waste everyone's time and the hard-earned money of local people is unacceptable.

I need you to re-consider your assessment of these representations. If you do plan to send them to committee, I need to know which specific points (from your professional assessment) you deem relevant and the reason it needs to be deferred to them.

Having worked with this Licensing Act since its inception in 2005, I have never experienced representations being so obviously irrelevant and yet being referred to a committee. It is a simple case of licensing officers failing to fulfil their role and will be very much worthy of a formal complaint. If you do choose to refer this case to committee regardless of my comments, I would ask that this email is included in the report so that the committee and any person present are made aware of its contents.

I look forward to hearing from you.

Thanks,  
Gill

Dear Gill,

Thank you for your email. I hope to address each of your points below in turn.

The representations received were shared in a document as a copy and paste function for ease. The majority of these representations were not received by my officer until the 24<sup>th</sup> April, one day ahead of the close of consultation. As detailed in the Revised Guidance under Section 182 at section 9.26 “Where a notice of hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made”. Full details of the representations will form part of the report to be sent later today in line with this guidance.

We agree that there are a number of points raised by the residents which are not relevant to the licensing objectives and therefore cannot be taken into account. We do feel that objections numbered 1 – 4 in Amanda’s previous email contain concerns under the prevention of public nuisance objective as detailed below:

Objection 1 – potential increase in footfall leading to possible public nuisance

Objection 2 - potential disturbance to residential area from early morning and late night deliveries

Objection 3 – potential to impact on local residents’ enjoyment of their homes and garden

Objection 4 – proposed opening hours may make noise levels unacceptable

We agree that objection 5 does not make reference to matters relevant to the licensing objectives and have therefore determined to discount this representation.

For the above reasons and in line with our Licensing Policy we have used our discretion to refer this application to the sub-committee to make a decision only on the matters relevant.

A copy of your email and this response will be sent as an attachment to the report as requested.

As advised in Amanda’s email of the 25<sup>th</sup> April, the hearing has now been arranged for Wednesday 15<sup>th</sup> May at 10.30am. The notice of hearing and committee report will follow under separate cover.

Kind regards,

Sarah

**Sarah Harris**  
Licensing Team Manager