

Ref the question of actively informing residents:

Section 8.78 of the latest LA2003 Guidance, states:

"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."
(Note there is no mention of notifying local businesses)

On a national forum (www.licensingguru.co.uk) the majority of respondents say that they do not notify anyone.

Of those that do notify residents, the question of 'vicinity' is variable.

One LA informs properties to the left, right, front and rear.

One LA states they have already contacted 'all core cities' and none of them notify residents.

Of the few LAs that do notify neighbours, the 'vicinity' varies from 40metres to 150 metres.

However, there is a note of caution that a letter-drop to a defined radius sets a precedence of defining what is 'in the vicinity'.

It also causes problems to the households not given a letter, but who consider themselves as in the vicinity. Are we rejecting them by defining 'vicinity' with our letter-drop?

Following responses received from Neighbouring Local Authorities

"We don't in Leicester. Our concern is that we could be criticised for encouraging representations, particularly when the government has prescribed how applications should be advertised. However, I'm sure you could argue it from the other end as well. In terms of vicinity - our view is anyone who is close enough to be likely to be affected by the licensable activities. This means that there is no fixed distance and each case has to be looked at on its own merits"

(Leicester City Council)

"We don't although we do advise all Councillors and Parish Councils now. I note a change in the guidance at 8.78 which indicates that maybe we can inform those in the vicinity but as this is not defined I would suggest each on own merits as suggesting a distance could include those that are not directly affected by what is happening on or directly outside the premises"

(Blaby DC)

“No we don't inform neighbours because the Act doesn't specify we have to. I do inform Councillors but not Parish Councils. Guidance 8.52 is the relevant bit. Which I interpret as: We don't have to. We can if we like. If we do it must be straightforward information and be seen to be soliciting Representations”

(Melton Borough Council)

“We do not inform local residents.

We do inform ward Councillors for their information but not local residents as the Planning Authority do.

However the Guidance now states that we can.

8.78 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.

My concern in doing this is that it may appear that we are soliciting for representations and may fetter the discretion of the authority, but that is just my opinion”

(Hinckley & Bosworth)

“The situation here being we don't although we do advise all Councillors.

Although as per Blaby "I note a change in the guidance at 8.78 which indicates that maybe we can inform those in the vicinity but as this is not defined I would suggest each on own merits as suggesting a distance could include those that are not directly affected by what is happening on or directly outside the premises”

(Harborough District Council)

Telephoned South Kesteven District Council. They had considered this question and do not actively inform residents