

20<sup>th</sup> February 2007

Dear Mr. Richardson,

Re: Licensing Consultation.

I write in answer to your request for views on the Licensing Guidance in a personal capacity. As a member of Richmond upon Thames Borough Council for five years I have served on, and chaired, quite a few licensing sub-committees since the new act came into force in a borough which has had over eight hundred applications, nearly two hundred requiring a hearing, and so I would like to make a number of observations. I have also served on Planning where there is some similarity in the approach to proceedings.

**VICINITY.** First the definition of 'vicinity'. This needs to be clarified, but must not be so rigid it can not take into account individual circumstances. We have normally considered 'within 150 meters' as a rough guideline but exceptions are made where local circumstances suggest this would be unduly limiting. The sub-committee is given a map with the application premises in the centre and rings drawn at 50, 100 and 150 meters and the premises housing objectors marked in red. I attach one for illustration.

I chaired one sub-committee when this seemed reasonable though a lot of objections came from homes considerably further away. (This is the map I enclose). It was clear a local campaign had been launched. When we allowed the application a threat was made to appeal, though this was not pursued. (This may have been because of the possibility of the appellant having to pay costs. We had an earlier case where an approval was appealed by an objector and he had to pay £1,000 costs and this was quite widely reported).

There must be exceptions. 150 meters might be too limiting when an application comes from one side of the river, it is reasonable to allow those immediately across the water to be heard, and large-scale events in parks at the like where threatened noise is often a major issue.

As to the suggestion we should be allowed also to hear from those on a route to transport I am not aware of any cases where this has been a major preoccupation with us but we have one in the pipeline for a large wine-tasting event in a park where there is considerable concern that after it closes the town centre may be filled with some who have tasted too generously. A feature of Richmond town is the significant amount of residential accommodation close by and even within the commercial area.

**WARD COUNCILLORS.** Some ward councillors when approached by objectors see their role to be the objector's advocate. My personal view is that any councillor should have in mind the broader ward and borough good and not side with what they believe to be unreasonable objections. There is inevitably a political dimension to this as any councillor will naturally be thinking of their and their party's electoral future. A refusal to support an objector could lose votes, however much it may be emphasised that the proceedings are 'quasi-judicial'. (In one ward here three councillors who lost their seats by a small majority last year believe a sex shop licensing decision in which they took no part was, however, a significant factor in their loss).

**RESIDENTS' GROUPS etc.** We also have to be careful with representations from local residents' groups and the like to ensure that any views really do reflect those of the members, and not just a vocal few. We had one occasion when a Friends' group lodged objections but the main objector was then instructed by a general meeting to withdraw the objection. One Friends' group on a different matter here simply refused for a while to accept into membership anyone who did not support a particular viewpoint.

**NOISE NUISANCE.** I certainly consider guidance on noise nuisance and, in particular, the behaviour of people in the area around the premises and on leaving would be useful. We have often imposed shorter hours on the use of pub gardens when they are near residential property.

**PUBLIC/PRIVATE DECISION.** When reaching the decision it is the practice of our sub-committee to retire privately along with the legal advisor and committee manager, but not the Head of Licensing, to discuss and reach our decision. It has been suggested this should be done in public as this would be more 'open'. I have great reservations about this as I fear a public discussion will be more restrained and less frank. Also it could lead to unofficial private discussions which would be most undesirable. I gather this is the practice in most, but not all, councils and guidance would be no bad thing.

**NOTIFICATION.** We have not sent out letters notifying neighbours about an application but relied on the blue-paper notices and details on our Web Page. There have been suggestions that we should send letters to nearby premises. If this were to be the case it would need to be clear where this would go. It could take the form of a simple notice saying that the application has been received and drawing attention to the blue-paper notice.

Also I have wondered if A4 notices were really prominent enough. As there are now a great many print-shops which can enlarge an A4 to A3 at modest cost perhaps there should be at least one this size.

**AGENDA PAPER.** Our practice has been to copy all letters received and include them with the Agenda sent to all concerned. This has consumed an enormous amount of paper and makes agendas very bulky. (Richmond Council consumes, apart from schools, around fifteen million sheets of A4 a year, 30,000 reams, 178 trees. A hundred page agenda sent to a hundred people is two reams). We are considering replacing this with an officer's summary of all significant points, many of the objections are often repetitive, with the originals being available on the sub-committee table during the hearing. Guidance could be useful.

I hope this is helpful. On the whole I think Richmond has coped well with the new regime; I believe we have had any costs awarded against us on only one occasion. We also, as I mentioned earlier, secured costs from one resident who appealed against the grant of a licence.

Yours sincerely



**Rodney Bennett**

**PS** I have shown a draft of this letter to both our Regulatory Chairman and Head of Licensing. The former is supportive and so is the Head of Licensing with the caveat that he has doubts about the wisdom of any guideline figure for 'vicinity'. I still believe it should be.

cc Head of Licensing



