



St Edmundsbury
BOROUGH COUNCIL

D12

Cabinet 23 May 2012

Recommendations from the Licensing and Regulatory Committee: 2 April 2012 (Jun12/05)

Cabinet Member:
Cllr Anne Gower

Chairman of the Committee:
Cllr Frank Warby

1. Acceptance of Electronic Representations in Licensing Act 2003 Applications

RECOMMENDED:-

That hard copies of electronic representations (emails) submitted in respect of Licensing Act 2003 applications be no longer necessary.

The current procedure for receiving any representation from an interested party in respect of any application under the Licensing Act 2003 requires that a hard copy is also submitted to the Licensing Authority before the representation may be accepted. There have been relevant representations which have not been presented at a meeting of a Licensing Sub-Committee because the individual making the representation has not, for whatever reason, completed the process by sending the representation a second time as a hard copy.

Regulation 21(B) (1) of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulation 2005 ('the Regulations') provides that Regulation 21 is satisfied if the representation is:-

- (a) submitted via electronic means (e.g. email);
- (b) the person to whom the presentation is made (the Licensing Authority) has agreed in advance to the use of electronic means for that purpose; and
- (c) forthwith on sending the information comprising the representation by electronic means, the representation is given to the recipient (the Licensing Authority) in writing (a hard copy).

Regulation 21(B) (2) (an amendment to the Act), provides that Regulation 21(B) (1)(c) does not apply in respect of representations if the recipient (St Edmundsbury Borough Council in this case) has agreed in advance that the representations need not be given in writing.

2. Street Collections: Proposal to Amend Procedures

RECOMMENDED:- That

- (1) the current requirement to consult with Suffolk Constabulary on applications for street collections be removed; and***
- (2) the minimum period between application and the date of the proposed collection is reduced from 28 days to 10 working days.***

The current procedure makes provision for the Council to consult with Suffolk Constabulary on all applications for street collections. The Borough Council deals with, on average, over 120 street collection applications per annum. The forthcoming implementation of the Charities Act 2006 will remove the responsibility from local authorities for verifying collectors' identification, enforcing non payment of collectors, and scrutinising accountants' returns as these matters will in future be dealt with centrally by the Charities Commission. Under the new provisions, street collections are likely to be simply a matter of notification to licensing authorities. Consultation with Suffolk Constabulary is a resource issue for both the Police and the Borough Council. In practice, Suffolk Constabulary do not make any comment on these applications, and has not objected to one application since 1998.