

SCHEDULE 3

FURTHER PROVISION IN CONNECTION WITH SPECIAL PROCEDURE LICENCES

Right to make representations

- 15 (1) This paragraph applies if a local authority proposes—
- (a) to give notice to an applicant under section 65(2) or 66(6) of refusal of an application (including under any of those provisions as applying in respect of the application by virtue of section 67 or paragraph 13(1)(b)),
 - (b) to give notice to a licence holder under section 68 of revocation of a licence (including under that section as applying in respect of the application by virtue of section 67 or paragraph 13(1)(b)), or
 - (c) to give notice to an individual under section 61(1), designating that individual in respect of a special procedure.
- (2) In this paragraph and paragraphs 16 and 17, the applicant or licence holder is referred to as “A”.
- (3) The authority must give A a notice (a “warning notice”) that sets out what the authority proposes to do and why.
- (4) A warning notice must state that, within a period specified in the notice, A may either—
- (a) make representations about the proposal, or
 - (b) inform the authority that A wishes to make representations.
- (5) The period specified in the warning notice must not be less than 14 days beginning with the date of the notice.
- (6) The authority may take the steps specified in the warning notice, if—
- (a) within the period specified in the warning notice, A informs the authority that A does not wish to make representations, or
 - (b) the period specified in the warning notice expires and A has neither made representations nor informed the authority that A wishes to do so.
- (7) If, within the period specified in the warning notice, A informs the authority that A wishes to make representations, the authority—
- (a) must allow A a further reasonable period to make representations, and
 - (b) may take the steps specified in the warning notice, if A fails to make representations within that further period.
- (8) If A makes representations (either within the period specified in the warning notice or within the further period allowed under sub-paragraph (7)(a)), the authority must consider the representations.
- (9) The representations made by A under this paragraph may be made orally or otherwise; and in the case of oral representations, may be made either by A or by A’s representative.