

PUBLIC HEALTH (WALES) ACT 2017

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4

Special Procedures

Section 65 - Mandatory grant or refusal of application for special procedure licence

122. This section outlines the circumstances under which a local authority must grant or refuse an application for a special procedure licence. The detail of how a licence application must be made is set out in Schedule 3 (see commentary below).
123. The local authority must grant the special procedure licence application if (and only if) it is satisfied that all the applicable licensing criteria are met in respect of the performance of the special procedure, thereby authorising the performance of the procedure on that basis, and at or in the premises or vehicle specified in the application. If an application relates to more than one procedure, and/or more than one set of premises, but the criteria are not met in respect of each procedure and/or set of premises, the authority must grant the application, but only in respect of those procedures and/or premises in relation to which the criteria are met.
124. If the local authority is not satisfied that all the applicable licensing criteria are met, it must give notice to the applicant that the application has been refused. The process the local authority must follow in relation to providing notice and communicating with the applicant (including the process available to them for making representations) is provided in Schedule 3. The licensing committee of the authority (or one of its sub-committees) will consider the application and make a decision. The applicant may appeal against the local authority's decision to the magistrates' court.