



Licensing Act 2003: Guidance on how to make an effective 'relevant representation'

1. Putting forward your views on applications for, or to vary, a premises licence

When applying for, or seeking to vary, a premises licence (or club premises certificate), an applicant must give notice of their application to each responsible authority. The applicant will also be required to advertise his/her application both on the premises concerned and in a local newspaper. Any resident or business operating 'in the vicinity' of the premises which are the subject of the application will be able to make representations to the **licensing authority** about the application, should they wish to do so. This includes the ability to raise objections.

All interested parties and responsible authorities will have a period in which they can make representations in writing to the licensing authority about the application. This period is normally 28 consecutive days starting from the day following the application being made. If no relevant representations are made then the licence or variation must be granted (subject to mandatory conditions).

2. What are relevant representations?

In brief the term 'relevant representations' is the expression used in the Licensing Act 2003 for comments, including objections, about applications.

For a representation to be relevant it should:

- relate to the effect of the grant of the licence on the promotion of the **licensing objectives**
 - **the prevention of crime and disorder;**
 - **public safety;**
 - **the prevention of public nuisance;**
 - **the protection of children from harm.**
- be made by an interested party or responsible authority;
- not have been withdrawn;
- not be 'frivolous or vexatious' or, in the case of a review, 'repetitious' if made by an interested party.

3. Who can make representations about an application or ask for a review of a licence?

'Interested parties' or 'responsible authorities' can make representations. Interested parties are any of the following:

- a person living in the vicinity of the premises;
- a body representing persons who live in that vicinity;
- a person involved in a business in the vicinity of the premises;
- a body representing persons involved in these businesses.

4. What does frivolous, vexatious or repetitious mean?

Frivolous or vexatious will bear their ordinary meaning. The licensing authority must form a view as to whether any reasonable person would consider the observations to be frivolous or vexatious.

A representation may be determined as repetitious where it is identical or substantially similar to a representation already made and considered by the licensing authority. Where a representation concerning an application is made after an earlier provisional statement had been granted, such representations may be excluded.

Furthermore the Act provides that it will be a repetition if a reasonable interval has not elapsed since the earlier application or review was considered.

An interested party will be given written notice by the licensing authority if their representation has been determined as frivolous or vexatious.

5. I have made a representation. What happens next?

If the licensing authority considers that the representations are relevant it must hold a hearing of a sub-committee of the Licensing Committee to consider those representations (unless all parties agree that this is unnecessary).

You will receive a notice of hearing, inviting you to attend on a specified date. With the notice, there will be an Attendance at Hearing Notice, asking you to let the licensing authority know whether:

- you will attend;
- you intend to be represented by somebody at the hearing;
- you consider the hearing to be unnecessary; or
- you wish to call a witness in support of your representation.

Your representation will be copied to the applicant, and when the agenda is prepared for the hearing, it will also be included in the report. This means that your representation will be part of a public document, and your name and address will be disclosed (*Note: it is not possible for the Licensing Authority to decide whether you are an 'interested party' without this information*).

If you are concerned that you have not received the hearing notice then you should contact the Licensing Section without delay.

6. I do not want my name and address to be published or sent to the applicant - how can I make a relevant representation?

You could ask your local resident's association or parish council to put forward a representation. They may do this if they consider that the concerns raised by residents are relevant and representative of people in the vicinity of the premises to which the application relates.

7. Do I have to attend the hearing?

No, if your representation has been accepted by the Licensing Authority, it will be included in the report to the sub-committee. You may also appoint a person to represent you at the hearing.

All parties to the hearing will be notified of the outcome, whether they attend or not.

Adjournments will normally only be considered in exceptional circumstances, and with regard to the statutory time limits involved with determining the application.

8. Who can speak at the meeting, and for how long?

The following people will be entitled to speak and put their case at the meeting:

- The applicant or their representative;
- Any person who has made a relevant representation, or their representative;
- Any other person a party has identified to the Licensing Authority on the Attendance at Hearing Notice

The sub-committee will ensure that each party has an equal maximum period of time in which to speak. This may be allocated according to the amount of time the applicant considers is necessary to present their case. Where more than one relevant representation has been made by interested parties, it would be helpful if you could appoint one person to speak on behalf of those who wish to make the same point. The sub-committee will ask if there are any points that have not been covered by the spokesperson, so you would still have an opportunity to raise your point if you consider the spokesperson did not cover it.

If you do intend to address the sub-committee, please ensure that you identify yourself to the duty licensing officer/committee clerk not later than 15 minutes before the start of the hearing.

9. When will the application be considered?

It is not possible to give an exact time when a particular application will be heard during the meeting, but the applications to be considered will be listed outside the hearing room, so you will know in which order they are due to be heard. You may wish to check with the Licensing Section, prior to the hearing, that the application is still due to be considered and has not been withdrawn by the applicant.

10. What can I say at the meeting?

Please try to be brief and to the point. Limit your comments to the application, and those matters that you referred to when making your written representation.

The sub-committee can not consider any points that you raise which you did not include in your written representation, even if you think that they are relevant to the licensing objectives and the application.

If you are being represented, or have permission to introduce a witness, then you should ensure that they limit their comments to:

- Those issues which you set out in your representation; or
- Those issues which were identified by you when you completed the 'Attendance at Hearing Notice'.

11. I have found some documentary or other information - can I introduce this at the hearing?

The sub-committee may take into account documentary or other information produced by a party in support of their application, representations or notice, either before the hearing, or, with the consent of all parties, at the hearing.

You should try to avoid introducing documentary or other information at the hearing, as it may be that the applicant, or other parties do not give their consent to the sub-committee considering it. This is because the other parties may not have sufficient time to read and understand your information, and respond to it adequately. In some circumstances parties may agree to an adjournment of the hearing, but at other times the sub-committee may have to proceed by excluding your additional information.

The sub-committee may also exclude the information if they consider that it is not relevant to the application, representation, objection notice or the promotion of the licensing objectives.

12. Can I ask the applicant questions about their application?

Yes, there will normally be an opportunity for you to question the applicant, within the hearings procedure. There will normally also be an opportunity for the applicant to question any party who makes representations about their application.

This information is provided for general guidance/information only. The Authority has made every effort to ensure accuracy but accepts no liability for omission or error.