

**THE LICENSING ACT 2003 (“the Act”)
GUIDANCE FOR
“RESPONSIBLE AUTHORITIES” AND “INTERESTED PARTIES”
ON MAKING REPRESENTATIONS**

1. INTRODUCTION

- 1.1 The Act will enable thorough scrutiny of applications both by the licensing authority and by residents and businesses.
- 1.2 ‘Responsible authorities’ and ‘interested parties’ (see Appendix A for all definitions) will be made aware of applications in the ways described further on in this guidance (see paragraphs 2.1 and 2.2) of the following types of applications:-
- i) For a new premises licence
 - ii) To vary a premises licence
 - iii) For a new club premises certificate
 - iv) To vary a club premises certificate
 - v) For a provisional statement
 - vi) For a review of a licence
- 1.3 As either a ‘responsible authority’ or ‘interested party’ you will have the opportunity to make relevant representations (in writing) to the Licensing Team at the licensing authority in relation to any of the above types of application.
- 1.4 For a representation to be relevant it must be one that is about the likely effect of the application on the promotion of the four licensing objectives. Also, if the representation is made by an interested party it will not be relevant if the licensing authority considers it to be vexatious or frivolous. The four licensing objectives are: -
- i) the prevention of crime and disorder
 - ii) public safety
 - iii) the prevention of public nuisance
 - iv) the protection of children from harm
- 1.5 In addition, responsible authorities and interested parties will be able to apply for a review by the licensing authority of existing licences, on a ground relating to the promotion of the licensing objectives.
- 1.6 The Act makes provision for rights of appeal against a licensing authority’s decision to the Magistrates’ Court (see para. 5 for more details).

2. APPLICATIONS

- 2.1 For the above types of application an applicant must give notice of their application to the licensing authority and each responsible authority. The applicant **MUST** also submit a copy of an application for review to the premises licence holder or club holding the club premises certificate.
- 2.2 The applicant will have to advertise the application in two ways, by posting a notice on or near the premises and in a newspaper circulating within the vicinity of the premises.
- 2.3 General advice on licensing, guidance notes to applicants, and all forms can be obtained by contacting the Licensing Office on 01954 713132 or 713204 or by e mail on:- licensing@scams.gov.uk.

3. RELEVANT REPRESENTATIONS

- 3.1 Responsible authorities and interested parties have a period of 28 consecutive days following receipt by the licensing authority of the application in which to make representations to the licensing authority about the application, providing they are relevant to any or all of the four licensing objectives. The representation forms attached for this process are at :
- Appendix B for responsible authorities; and
 - Appendix C for interested parties.
- 3.2 Although regulations allow 28 consecutive days for responsible authorities and interested parties to make representations, this timescale allows very little time for the licensing authority to either arrange mediation (if all parties agree) or arrange a Licensing Sub-Committee. Therefore, if any responsible authority or interested party wishes to make a representation it should be made, in writing, (using the attached form) to the licensing authority **AS SOON AS POSSIBLE** and preferably within 14 consecutive days.
- 3.3 It should be stressed that this part of the process does not override the statutory timescales, it is merely a request to assist in the process of determining applications.
- 3.4 Please note there is a different time-scale for making relevant representations to the licensing authority in respect of a review of a premise license following a closure order. This is at any time up to and including seven days starting on the day after the day on which the authority received the notice of the closure order.
- 3.5 It is expected that the interested parties and responsible authorities will list conditions, under the relevant licensing objectives, which if added to the operating schedule would negate the need for mediation or a hearing. If adding conditions would not result in the representation being withdrawn because the representation related to the proposed hours or licensable activity, an alternative remedy that would negate the need for your representation, such as closing earlier or not providing regulated entertainment after a certain hour should be indicated on the form.
- 3.6 There is nothing to stop either the interested parties or responsible authorities from liaising with the applicant directly if it is felt necessary.
- 3.7 If the licensing authority receives representations from responsible authorities and interested parties it will consider if they are relevant. If considered relevant, the licensing authority will initially try to mediate between the relevant parties (if all parties agree).
- 3.8 Initially the licensing authority will mediate between parties by telephone or email in order to expedite the process. If mediation fails, the licensing authority will arrange a hearing before the licensing authority's Licensing Sub Committee who will determine the application.
- 3.9 The licensing authority will then have a number of choices as to how to proceed depending upon what is necessary for the promotion of the licensing objectives. It may:
- decide to grant or vary the licence in the same terms as it was applied for;
 - decide that it is necessary to refuse to issue or vary the licence
 - decide to grant or vary the licence, but to modify or add conditions (to promote the licensing objectives)
 - exclude from the scope of the licence a licensable activity
- 3.10 If no relevant representations are made the licence or variation will be granted (subject to any mandatory conditions).

4. REVIEWS

- 4.1 In addition, responsible authorities and interested parties will be able to apply, at any stage following the grant of a premises licence or club premises certificate, to the licensing authority for a review of existing licences on grounds relating to the promotion of the licensing objectives. Such a review can result in: -
- the modification of the licence;
 - the suspension of the licence; or ultimately
 - revocation of the licence.
- 4.1 The person or body requesting the review must notify the holder of the premise licence and each responsible authority of their request.
- 4.2 The licensing authority must advertise the application for a review and invite representations from responsible authorities and interested parties.
- 4.3 The licensing authority can reject any ground for the review if it considers it to be frivolous, vexatious or a repetition.
- 4.4 If not rejected, the licensing authority must hold a hearing to consider the application, unless all agree that a hearing is not necessary.

5. APPEALS

- 5.1 There is a right of Appeal to the Magistrates Court for an applicant aggrieved at a decision of the licensing authority to reject their application. Where a licensing authority –
- i) Rejects an application for a premises licence
 - ii) Rejects (in whole or in part) an application to vary a premises licence
 - iii) Rejects an application to vary a Designated Premises Supervisor (DPS) to specify an individual as the DPS
 - iv) Reject an application transfer a premises licence and similarly for a club premises certificate
- 5.2 A person who has made relevant representations where they contend that the license/club premises certificate ought not to have been granted or that on granting the license/club premises certificate the licensing authority ought to have imposed additional or different conditions; (and similarly in relation to variation applications.)
- 5.3 The chief officer of police against a decision to transfer a premises licence/club premises certificate.
- 5.4 The applicant; licence/certificate holder or the person making relevant representations against a decision in relation to a review application.

DEFINITIONS**“Frivolous or Vexatious”**

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

“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 that premises
- a body representing persons involved in such businesses

“Responsible Authorities” means any of the following:

- the chief officer of police
- the fire authority
- the health and safety authority
- planning department within the District Council
- environmental health department within the District Council
- children’s services department within the District Council
- trading standards department within the District Council
- with regard to a vessel – the relevant navigation authority, the Environment Agency, British Waterways Board or the Secretary of State

“Relevant Representations” is the expression used in the Act for comments including objections on applications etc.

For a representation to be relevant it must: -

- relate to the effect of the grant of the licence on the promotion of the licensing objectives
- 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; or
- if it concerns the Designated Premises Supervisor (DPS) be made by a Chief Officer of Police and include a statement explaining the reasons for the objection

“Repetition” In the case of a review of the licence, the Act provides that for a ground to be a repetition it must be identical or substantially similar to a ground for review already made.

For a representation to be a repetition it is identical or substantially similar to one already considered by the licensing authority before it determined an application, or the representation would have been considered but for the fact that they were excluded representations following a provisional statement.

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

“Vicinity” The term ‘vicinity’ is used in the Licensing Act 2003, in particular with reference to those ‘interested parties’ (see definition in guidance attached) who may lodge objections to applications for premises licences and who may make representations concerning existing premises licences. Unfortunately the Act does not define the term ‘vicinity’ but the licensing authority will determine each case on its individual merit.

THE LICENSING ACT 2003
REPRESENTATION FORM FOR “INTERESTED PERSON” / “BODY”
(living in the ‘vicinity’ of the premises detailed below)

Your name / Company name	
(Name of Body you represent) Please tick one: ✓ i) a person living in the vicinity of the premises <input type="checkbox"/> ii) a body representing persons who live in that vicinity <input type="checkbox"/> iii) a person involved in a business in the vicinity of the premises <input type="checkbox"/> iv) a body representing persons involved in these businesses <input type="checkbox"/>	
Postal Address (inc post code)	
Contact telephone number:	
Mobile Number:	
Email address:	

Name of Premises you are making a representation about:	
Address of the premises you are making a representation about:	

The prevention of crime and disorder

The prevention of public nuisance

Public Safety

Protection of Children from Harm

The term 'vicinity' is used in the Licensing Act 2003, in particular with reference to those 'interested parties' (see definition in guidance attached) who may lodge objections to applications for premises licences and who may make representations concerning existing premises licences. Unfortunately the Act does not define the term 'vicinity' but the licensing authority will determine each case on its individual merit.

If the licensing authority considers that relevant representations are made the licensing team will consider arranging a mediation meeting between the relevant parties (if all agree) to try and reach a settlement. If this informal process is unsuccessful a hearing before the Licensing Sub Committee will follow, unless the interested parties withdraw their representations.

All representations in their entirety, including your name and address will be disclosed to the applicant for the premises licence.

Signed Date

.....
Please print name

Please return this form along with any additional sheets to:

The Licensing Section
South Cambridgeshire District Council
Cambourne Business Park
Cambourne
Cambridgeshire
CB3 6EA

Telephone: 01954 713132/713024

Email: licensing@scamb.gov.uk

This form should be returned along with any additional information you may feel relevant within the Statutory Period, which is 28 days from the day after the day on which the application was given to the licensing authority by the Applicant.

However, because of the tight timescales involved, and to assist in the determination of the application process, any representations should be forwarded to the licensing authority AS SOON AS POSSIBLE and preferably within 14 days of notification of the application.

If in any doubt, please contact the Licensing section on the above telephone number.

**THE LICENSING ACT 2003
REPRESENTATION FORM FOR “RESPONSIBLE AUTHORITY”**

Please delete as applicable: Children’s Services / Health & Safety / Environmental Pollution / Fire / Planning / Police / Trading Standards

Your name	
Job Title	
Postal Address (inc post code)	
Contact telephone number:	
Mobile Number:	
Email address:	

Name of Premises you are making a representation about:	
Address of the premises you are making a representation about:	

This section is about your representation/s. They must relate to one or more of the Licensing Objectives. Please detail the evidence supporting your representation, (under the relevant headings) and the reason for your representation/s. *It is important that you detail all matters that you wish to be considered. (Use additional sheets if necessary). Regulations provide that in considering representations the authority may take into account documentary or other information produced by the party either before the hearing or, with the consent of all parties, at the hearing.*

The prevention of crime and disorder

The prevention of public nuisance

Public Safety
Protection of Children from harm
Suggested conditions that could be added to the licence to remedy your representations, or other suggestions you would like the licensing authority to take into account. Please use separate sheets where necessary.

If the licensing authority considers that relevant representations are made the licensing team will consider arranging a mediation meeting between the relevant parties (if all agree) to try and reach a settlement. If this informal process is unsuccessful a hearing before the Licensing Sub Committee will follow, unless the interested parties withdraw their representations.

All representations in their entirety, including your name and address will be disclosed to the applicant for the premises licence.

Signed Date

.....
Please print name

Please return this form along with any additional sheets to:

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 South Cambridgeshire District Council
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If in any doubt, please contact the Licensing Team on the above telephone number.