



Making Representations or Complaints

The Licensing Act 2003

Applications made under the Licensing Act 2003

When applicants want to apply for a new premises licence or vary their existing one (for example, to extend their hours) they must advertise the application by placing a pale blue notice on the premises and placing a notice in a local newspaper. In addition to this, all responsible authorities will be notified of every application, thus giving them the opportunity to make representations to the Licensing Authority about the likely effect on the promotion of the licensing objectives.

Responsible authorities mean any of the following;

- The chief officer of police for the area in which the premises are situated;
- The fire authority for the area in which the premises are situated;
- The health and safety authority for the area in which the premises are situated;
- The local planning authority for the area in which the premises are situated;
- The environmental health authority for the area in which the premises are situated;
- The body recognised as being responsible for the protection of children from harm for the area in which the premises are situated;
- The relevant Licensing Authority and any other Licensing Authority in whose area part of the premises is situated;
- The nation health service/public health service for the area in which the premises are situated;
- The local weights and measures authority (Trading Standards) for the area in which the premises are situated; and
- With regard to vessels – the relevant navigation authority – the Environment Agency, British Waterways Board or the Secretary of State.

What are the licensing objectives?

There are four licensing objectives;

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

Each objective is of equal importance and must be addressed when licensable activities take place. There are no other statutory licensing objectives so the promotion of the four objectives is the basis of all considerations under this legislation. Matters not related to the four licensing objectives must not be addressed through the licence or licensing legislation.

Applicants are asked to detail steps they are going to take to promote the four licensing objectives as part of their application. So for instance, providing CCTV, or door supervisors.

Applications can be viewed by appointment on Monday to Wednesday 9am to 5pm and 9am to 4.30pm on Thursdays and Fridays, except bank holidays.

Making a Representation

Any person can make 'representations' to the Licensing Authority about applications for new licences, variations or reviews. Representations should be made on the 'Licensing Act 2003 Representation Form', and must be submitted to the Licensing Authority within 28 days from the date the application was displayed on the premises or the date given in the public notice, local newspaper. Representations received outside of this time will not be considered.

Comments may be positive or negative, but will only be considered 'relevant' by the Licensing Authority if they relate clearly to one or more of the four licensing objectives. Matters in your representation that do not relate to the licensing objectives will not be considered.

There is no requirement for representatives to produce a recorded history of problems at a premises to support their representation, and in fact, this would not be possible for new premises. However the more information you can provide the better as this will assist the Licensing Panel when they consider your representation at a licensing hearing.

In addition to the four licensing objectives, the Licensing Authority can only consider representations which are not 'vexatious' or 'frivolous'. These terms bear their ordinary meaning. Whether representations are frivolous or vexatious will be for the Licensing Authority to determine. For example, the Licensing Authority might find the representations were vexatious if they arise because of disputes between rival businesses or they might be frivolous representations if they plainly lacked seriousness.

What happens after a representation has been made?

Where representations have been received and are considered relevant by the Licensing Authority a hearing must be held. If there is a hearing on an application that you have submitted a representation, the Licensing Authority will write to you to inform you of the date and time.

Representatives that have made representations are required to give notice to the Licensing Authority at least 5 working days before the start of the hearing, stating;

- Whether they will attend the hearing in person
- Whether they will be represented by someone else (e.g. councillor/MP/lawyer)
- Whether they think that a hearing is unnecessary (if, for example they have come to an agreement before the formal hearing)

NB – A hearing can still go ahead in the absence of any party but the Licensing Authority strongly recommend attendance.

Representatives must let the Licensing Authority know as soon as possible (by a notice no later than 24 hours before the start of a hearing, or orally at the hearing) if they wish to withdraw their representation.

Hearings will generally be held in public, unless the Licensing Authority decides it is in the public interest to hold all, or part of the hearing in private. The Licensing Authority will ensure that a record is taken of the hearing.

As a result of a hearing, the Licensing Authority must then decide how to proceed in order to promote the four licensing objectives. It may;

- Decide to grant or vary the licence in the same terms 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 the conditions;
- Exclude from the scope of the licence a licensable activity.

Licensing authorities must give notice of its decision within 5 working days (if it does not give a decision at the hearing) and include information on the right of a party to appeal against the decision.

NB – If no relevant representations are made the licence or variation must be granted (subject to the mandatory conditions).

Complaints against Licensed Premises

Complaints relating to the activities carried out at a licensed premises of any description will initially be referred to the Licensing Authority's Licensing Team to check for compliance with existing licence conditions. If there are no relevant conditions in place the relevant responsible authority will then deal with the complaint. In the first instance complainants will be encouraged to raise the complaint directly with the licensee or business concerned.

The Licensing Authority where practicable will seek to facilitate mediation between premises licence holders (licensees) and occupiers of nearby premises to resolve matters. However any person or responsible authority can, at any time, apply to the Licensing Authority for a review of a premises licence if there are grounds relating to the licensing objectives.

When an application for review is received the Licensing Authority must consider whether the grounds put forward are frivolous, vexatious or repetitious and check that they are relevant to one or more of the four licensing objectives. Once the Licensing Authority is satisfied that the application for review is properly made it must organise a hearing to consider the substance of the review application and any other relevant representations that have been received during the 28 day consultation period.

For further information on calling for a review please see Stratford District Council's guidance booklet '**Guidance for applying for a Review**'.

If you find the text in this booklet difficult to read,
we may be able to supply it in a format
better suited to your needs.
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