

Licensing Act 2003

Making Representations (Objections)

Ref: GN 7



Information for Residents and Businesses near Licensed Premises

The Licensing Act 2003 enables thorough scrutiny of licensing applications both by specialists and by local residents and businesses. "Responsible Authorities" such as the police, environmental health and others, are notified of every application for a new premises licence, or variation of an existing licence. They have the opportunity to make representations to the Licensing Authority about the effect of the application on the promotion of the **licensing objectives**.

The Act also enables residents and businesses in the vicinity of the premises ("Interested Parties") to make relevant representations about any application. This gives the local community a greater say than ever before in licensing decisions.

For a representation to be relevant it must be about the likely effect of the application on the promotion of the four licensing objectives. It will not be relevant if the Licensing Authority considers it vexatious or frivolous.

In addition, Responsible Authorities and interested parties have the power to apply for a review by the Licensing Authority of existing licences, on grounds relating to the promotion of one or more of the licensing objectives. Such a review can result in the modification of the licence, its suspension, or ultimately, revocation. See separate information guide on reviews, which is available from the District Council's Licensing Service.

The Act provides four objectives. In carrying out its functions the licensing authority must do so with a view to promoting these objectives. They are:

- The prevention of crime and disorder
- The promotion of public safety
- The prevention of public nuisance
- The protection of children from harm

Putting forward your views on applications

When applying for, or seeking to vary, a premises licence, an applicant must give notice of their application to each Responsible Authority by sending them a copy of the application, together with any accompanying documents, on the same day as the application is given to the relevant Licensing Authority. The applicant is also obliged to advertise the application in a local paper and place a notice of the proposed variation outside the premises for 28 days. Local residents and businesses operating in the vicinity of the premises can make representations to the Licensing Authority about the application, if they wish to do so. A representation may be an objection or a positive

comment. Copies of the applications can be inspected at the District Council's Offices, Knowle, Sidmouth. Please telephone for an appointment before attending to ensure an officer is available to see you (01395 517410/517411).

If no relevant representations are made, the licence or variation must be granted in the form that the application was made with no changes.

The Licensing Authority can only consider representations if they are received within the 28-day consultation period (and the last date should be included in the advertisement). If the Licensing Authority considers that the representations are relevant it must hold a hearing to determine the application (unless all agree that this is unnecessary).

At the hearing, a Sub Committee (3 Councillors) of the Council's Licensing and Enforcement Committee may do one of the following:

- Decide to grant or vary the licence in the same terms as it was applied for
- Decide to grant or vary the licence, but to modify the conditions
- Decide to refuse to issue or vary the licence
- Decide to exclude one or more licensable activity from the licence

The applicant for a licence or variation and any objectors can address the Sub Committee before any decision is made. The Sub Committee will listen to the evidence of both sides before making their decision. Even if the person making a representation cannot attend the hearing the Sub Committee will still consider the person's written representation.

A similar approach is taken in respect of club premises certificates and provisional statements.

A representation against or for the grant or variation of a premises licence or club premises certificate must be given in writing. Forms for making representations are available to print or download from the District Council's website:

http://www.eastdevon.gov.uk/index/council_services/licensing.htm

The form is also be available on request from the East Devon Licensing Authority by either writing to the authority at the East Devon District Council, Knowle, Sidmouth, EX10 8HL, by telephoning the helpline on 01395 517410/517411 or by emailing licensing@eastdevon.gov.uk.

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