

Guidance on Making an Effective Relevant Representation

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

When applying for, or seeking to vary, a premises licence, an applicant must give notice of their application to each 'Responsible Authority'. The applicant will also be obliged to advertise his/her application. Anyone will be able to make representations to the Council (as the Licensing Authority) about the application, if they wish to do so. This includes the ability to raise objections.

All Responsible Authorities and any other person will have a period in which they can make representations in writing to the licensing authority about the application. If no relevant representations are made the licence or variation must be granted (subject to the mandatory conditions).

What are relevant representations?

In brief "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;
 - the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance;
 - the protection of children from harm.
- be made by a responsible authority or any other person;
- not have been withdrawn;
- not be 'frivolous or vexatious' or, in the case of a review, 'repetitious'.

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 a reasonable person would consider the observations frivolous or vexatious.

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 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.

Anyone aggrieved by a rejection of his or her representations on these grounds may challenge the authority's decision by way of judicial review.

I have made a representation. What happens next?

If the Licensing Authority considers that the representations are relevant it must hold a hearing to consider those representations (unless all 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 a public document, and your name and address will be disclosed.

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 Residents Association or parish council to put forward a representation. They may do this if they consider that the concerns raised by residents are relevant.

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 committee. You can also appoint a person to represent you at the hearing. All parties to the hearing will be notified of the outcome, whether or not they attend.

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

Generally, the committee will ensure that each party has an equal maximum period of time in which to speak. This will 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 eg. by a group of residents, it would be helpful if you could appoint one person to speak on behalf of those who wish to make the same point. The committee will ask if there are any points that have not been covered by the spokesperson, so you will still have an opportunity to raise your point if you consider the spokesperson did not cover it.

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

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. You may wish to check with Licensing Services before the meeting that the application is still due to be considered, and has not been withdrawn by the applicant.

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 you made your written representation.

The 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, 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

I have found some documentary or other information – can I introduce this to the Hearing?

The committee can 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 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 committee may have to proceed by excluding your additional information.

The 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.

Can I ask the applicant questions about their application?

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

If you require further information please contact:

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