

## **Licensing Act 2003 – Guidance notes for licensing representations**

### **Introduction**

These guidance notes have been designed to help you make your representation for the following -

- an application for a new premises licence or club certificate
- an application for a full or a minor variation to an existing premises licence or club certificate
- an application for a review of an existing premises licence or club certificate

### **Background**

The Licensing Act 2003 (the Act) was introduced to provide a streamlined and more effective licensing system. Licensable activities regulated by the Act include:

- the retail sale of alcohol;
- the supply of alcohol by clubs;
- regulated entertainment;
- the provision of late night refreshment

The public and other responsible authorities are given the opportunity to make representations about applications and the licensing authority (Runnymede Borough Council) may hold a hearing to discuss the matter and reach a decision on an application taking any representations into account.

### **How will you know an application has been made**

#### **New licence applications, full variations, provisional statements**

When an application is made for a new licence, or to vary an existing licence (for example, to put on additional activities or to extend their hours) they must advertise the application by:

- 1) Placing a notice at or on the premises
  - On A4 or larger pale blue paper (or on white paper, in the case of an application for a minor variation).
  - It must be placed prominently at or on the premises where it can be conveniently read from the exterior of the premises.

## 2) Placing a notice in a newspaper

- Applicants must advertise their applications in a local newspaper. For Runnymede this will be the Surrey Advertiser.
- Advertisement within 10 working days following the application is received by the Licensing Authority.

## 2) Applications are also entered on Runnymede Councils website

The displayed notice must include details of the applicant, the premises address and description of what is being applied for. It must also include the consultation period in which a representation can be made (28 consecutive days) and details of who to contact (Runnymede Borough Council). Please note there is only a 10 working day consultation for Minor Variation applications.

A redacted version of the application will be placed on our website, [Current licensing applications – Runnymede Borough Council](#) this contains all the detail you should need as it is only personal details which have been removed the full application is available to be viewed at a Runnymede Borough Council, please contact [licensing@runnymede.gov.uk](mailto:licensing@runnymede.gov.uk) or 01932 425711 to make an appointment.

Should an application for a review of a licence be made Runnymede Borough Council will place a blue notice of A4 size at and /or in the vicinity of the premises there will be a blue notice concerned. This will give brief details of the reason for a review and the last date for any representations. This must be in place for the whole of the 28 day consultation period. The review application will also be made available in a redacted form on our website.

### **Criteria for making a representation**

Under the Licensing Act 2003, any person is able to make a written representation in relation to certain types of applications. However, for a representation to be considered relevant, it must address the likely effect the granting of the application will have on the promotion of one or more of the following licensing objectives:

**Prevention of Crime and disorder** - This relates to any crime, disorder or anti-social behaviour related to the management of the premises. The licence-holder cannot be responsible for the conduct of individuals once they leave the vicinity of the premises.

**Public safety** - This relates to the safety of the public on the premises, such as fire safety, lighting and fire exits

**Prevention of public nuisance** - This can relate to hours of operation, noise and vibration, noxious smells, light pollution and litter.

**Protection of children from harm** - This relates to protecting children from the activities carried out on the premises whilst they are on the premises. The law does provide Specific protection for children, such as making it illegal for children under 18 to buy alcohol.

If you are concerned that granting a licence in the terms it has been applied for is likely to have an adverse effect on the promotion of one or more of these objectives, or, conversely, that it may support

the objectives, you have 28 consecutive days, starting on the day after the day on which the application was given to the Council, to make a representation. Details of how to do this are set out below.

## **Making a representation**

Attached to this guidance note is a template representation form which can be used, if you wish, to assist you when making representations. The form is designed to help extract the type of information which is required to ensure the representation is relevant and therefore, can be accepted. Letters or emails are also acceptable but must contain all the relevant information.

Representations must relate to the impact of licensable activities carried on from the premises on those objectives listed above. By way of an illustrative example: *“...a representation from a local business person about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a business person that nuisance caused by the new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant.”*

It is important that you set out any personal experiences as these will be considered as relevant. You need to give as much detail as possible so that the Licensing Authority can assess the relevance of your representation. Please attach any supporting documents/further pages as necessary, numbering all additional pages. Try to be specific and give examples, where possible.

If you wish to gain a better understanding of the licensing objectives and the determination of applications please see the Government guidance issued under section 182 of the Licensing Act 2003. [Revised guidance issued under section 182 of the Licensing Act 2003 \(December 2022\) \(accessible\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/revised-guidance-issued-under-section-182-of-the-licensing-act-2003-december-2022)

Please also be aware that the Licensing Authority will not consider representations that are frivolous (ones that display a lack of seriousness in purpose or nature) or vexatious (ones that are intended to cause aggravation or annoyance whether to a competitor or other person, without reasonable cause). Additionally, in the case of a premises licence review the Licensing Authority may not consider any repetitive representations.

Relevant representations must be in writing (this includes e mail) and submitted to the Licensing Authority within the 28-day notice period. Late representations will not be considered and will be returned.

Once a representation has been accepted by the Licensing Department it will ultimately become part of a hearing report, which is a public document, personal contact details such as email addresses and telephone numbers will be removed from the published version of the document. Unless there are genuine and well-founded fears of intimidation representations will be sent to the licence holder with names and addresses attached (your email will not be disclosed).

In Summary, to be considered a relevant and complete, your representation must:

- Include your name and address.
- Include the name and address of the premises you are making a representation about.
- Be relevant to the four Licensing Objectives and no other matters.

- In relation to Licence variations it must only relate to the variation and not the existing Licence.
- Explain in as much detail as necessary what problems you believe will arise from what the applicant is proposing and include any evidence/records if referring to existing concerns.
- Not be frivolous or vexatious in nature.
- Be received by the Council within the consultation period

### **Alternatives to making an individual representation**

If you do not want to make your own representation, then you may wish to ask someone else to make the representation on your behalf. For example, you may wish to ask a local Councillor or any other recognised body or association.

If your chosen representative is willing to act on your behalf, you must submit a letter of authorisation to the Licensing Department as part of your representation. You must provide your chosen representative with your name, address and details of the grounds upon which your representation is made. They should then submit written representation to the Licensing Authority replicating the grounds upon which your representation is made.

Please note that all future dialogue and correspondence will be held with your representative, and the Licensing Authority will not be in a position to make direct contact with you. Consequently, the Notice of Hearing and any decision notice will also be sent to your representative.

### **Disclosure of personal details of persons making representation**

Once a representation has been accepted by the Licensing Department it will ultimately become part of a hearing report, which is a public document, where appropriate your personal details will be redacted.

Where a Notice of Hearing is given to an applicant, the Licensing Authority is required to provide that applicant with copies of the relevant representations that have been made. It is only in exceptional circumstances that personal details will be removed from representation correspondence.

We would refer you to Government Guidance on this matter, which states:

‘In exceptional circumstances, persons making representation to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant. Where licensing authorities consider that the person has a genuine and well - founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches. For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified’.

The licensing authority may also decide to withhold some or all of the person’s personal details from the applicant, giving only minimal details (such as street name or general location within a street).

However, withholding such details should only be considered where the circumstances justify such action.

## **Hearings**

If the Licensing Authority decides that representations are relevant, it must hold a hearing to consider them. In the meantime, the Licensing Authority, the applicant and any person or body who has made a representation can negotiate an agreeable way forward, and where written agreement is reached between all parties, the hearing may be cancelled.

The Licensing Authority strongly encourages all parties to mediate, and will assist, where possible, in the facilitation of mediation discussions.

Where agreement cannot be reached, the hearing will take place before a Licensing Sub-Committee, which is made up of three local Councillors from the Council's Licensing Committee.

The applicant, persons making representation, and any responsible authority will receive a Notice of Hearing. The Notice will set out the date, time and location and explains the procedure to be followed at the hearing. The Notice will be sent out within the prescribed statutory timescales. Please note that you are required to respond to this Notice.

All parties who have submitted a representation will be able to address the Sub-Committee. No new grounds of objection may be raised at this stage and parties are limited to speaking to matters outlined in their original representation and response to Notice of Hearing, although detail provided may be expanded upon. Where you have chosen to use a representative, only they may speak on your behalf. However, Councillors may still wish to direct questions to applicants, even in cases where they are represented.

Please note that parties will all be given an equal amount of time in which to address the Sub-Committee, but that time period may be limited by the Chairman of the Sub-Committee – for example, where there are numerous objections, speaking time may be limited to 5 minutes, or the Chairman may request, where lots of similar representations have been made, that a spokesperson is nominated.

Please be assured that if for any reason you are unable to attend the hearing, the Sub-Committee will still consider your written representation.

The Sub-Committee will normally announce their decision at the hearing, and written confirmation will be distributed to all parties following the hearing. If any party is aggrieved by the decision, an appeal may be made to the Magistrates' Court. An appeal has to be commenced by the appellant giving notice of appeal to the designated officer for the magistrates' court within a period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision which is being appealed.

**Representations on a Current Application for a Grant / Variation / Review of a Premises Licence or Club Premises Certificate under The Licensing Act 2003**

Before completing this form please read the Guidance Notes. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. Please keep a copy of the completed form for your records.

**Please Note – Your address will be a matter of public record if the application to which this representation relates is referred to the Licensing Committee to determine at a Hearing.** (see guidance note)

**I/We (Insert name)..... wish to make a representation in relation to an application that has been made in respect of the premises described in Part 1 below.**

I wish to object to the application

I wish to support the application

Which type of application do you wish to make representations about?

Please Tick

Application for a New Club or Premises Licence

Application to Vary a Club or Premises licence

Application to review a Club or Premises Licence

**PART 1 – PREMISES OR CLUB PREMISES DETAILS**

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description	
Post Town	Post Code

Number of premises licence or club premise certificate (if known)	
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**PART 2 – Details of those making representations**

Please Tick

An individual or organisation (please complete (A) or (B) as appropriate below)

A responsible authority (please complete (C) below)

1

**(A) DETAILS OF INDIVIDUAL MAKING REPRESENTATION (fill in as applicable)**

Mr  Mrs  Miss  Ms  Other Title (for example, Rev)

Surname  First Names

I am 18 years old or over Yes (Please Tick )

Current Address		
Post Town	Post Code	

Telephone number

E-mail address

**(B) DETAILS OF ORGANISATION MAKING REPRESENTATION (e.g. Body or Business)**

Name and Address		
Post Town	Post Code	

Telephone number

E-mail address

**(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION**

Name and Address		
Post Town	Post Code	

Telephone number

E-mail address

### PART 3 – THE REPRESENTATION

This representation relates to the following licensing objective(s) Please tick those which apply

- 1. **The Prevention of Crime and Disorder**
- 2. **Public Safety**
- 3. **The Prevention of Public Nuisance**
- 4. **The Protection of Children from Harm**

**Please state the ground(s) for representation; these must be based on one or more of the licensing objectives.** (please read the attached guidance note before you complete this section)

(If completing online this section will expand automatically, If you are writing this by hand please use additional numbered pages)



## PART 4 – Signatures

**It is an offence, liable on conviction to a fine not exceeding level 5 on the standard scale, under section 158 of the Licensing Act 2003 to knowingly or recklessly make a false statement in or in connection with this application.**

Signature of the person making the representation, solicitor or other duly authorised agent.  
If signing on behalf of a body representing a person living or carrying on a business in the vicinity of the premises or on behalf of a responsible authority please ensure that you have the right to sign a representation on their behalf and state in what capacity.

Signature		Date	
Capacity			

**Please Note – Your address will be a matter of public record if the application to which this representation relates is referred to the Licensing Committee to determine at a Hearing.**

<b>Contact name (where not previously given) and address for correspondence associated with this representation.</b>	
Post Town	Post Code

Telephone Number (if any)	
E-mail Address (optional)	

The Council may be statutorily required to supply any information you provide, to other bodies exercising functions of a public nature, for the prevention and detection of fraud.  
For further information, please see [www.runnymede.gov.uk/DataMatching](http://www.runnymede.gov.uk/DataMatching)

### **Data Protection and Privacy**

Any data supplied by you on this form will be processed in accordance with the General Data Protection Regulations, in supplying it you consent to the Council processing the data for the purpose it is supplied. All personal information provided will be treated in the strictest confidence and will only be used by the Council or disclosed to others for a purpose permitted by law. Data is deleted in accordance with our data retention policy. Our privacy policy is published on our web site [www.runnymede.gov.uk](http://www.runnymede.gov.uk)

For further information about the Licensing Act 2003 please contact:  
The Licensing Department, Runnymede Borough Council, Runnymede Civic Centre, Station Road, Addlestone, Surrey, KT15 2AH. Tel: 01932 838383 Email: [Licensing@runnymede.gov.uk](mailto:Licensing@runnymede.gov.uk)