

## Licensing Act 2003:

### Guidance notes - How to make a Licensing Representation.

#### 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

#### Premises Licences

Businesses or individuals wanting to carry out any licensable activities (except for temporary events) must hold a Premises Licence.

Applicants must send their application for a Premises Licence to the Licensing Authority for the area in which their premises is located. In Runnymede the Licensing Authority is Runnymede Borough Council.

When submitting a licence application to Runnymede Borough Council, applicants must also provide copies of their application to what are known as other responsible authorities, these are:

- Surrey Police;
- Surrey Fire and Rescue;
- Health and Safety Enforcing Authority;
- Surrey Trading Standards Service;
- Surrey County Council's Social Services Child Protection Team;
- Runnymede Borough Council's Planning Department;
- Runnymede Borough Council's Environmental Protection Department.
- Surrey Primary Care Trust
- Home Office 9 (Immigration Enforcement)

The responsible authorities contact details are available on the licensing section of our website at <https://www.runnymede.gov.uk/article/5846/Responsible-authorities>

Any of the responsible authorities may object to any application for a new licence or variation to a licence or initiate a review of the Premises Licence or Club Premises Certificate.

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

Applicants must advertise their applications at the premises and in a local newspaper. For Runnymede this will be the Surrey Advertiser. Applications are also entered on our website <https://www.runnymede.gov.uk/article/5846/Responsible-authorities>

## **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:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

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. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf)

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.

## **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.

This form or your representation must be returned within the statutory period which is generally 28 consecutive days from the date the application was submitted. Please contact the Licensing Department for confirmation of the date.

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. Unless there are genuine and well-founded fears of intimidation representations will be published with names and addresses attached (your email address will not be disclosed).

If you are unsure when the application was made, you can view the current applications on the Councils website <https://www.runnymede.gov.uk/article/6898/Current-licensing-applications>. Alternatively, you can look at the site notice posted at the premises which advertises the application. If you would like information about licences already in force you can view the public register of licences <https://www.runnymede.gov.uk/article/6141/Licences>.

### **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. Unless there are genuine and well-founded fears of intimidation representations will be published with names and addresses attached (your email address will not be disclosed).

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

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 Elected Members from the Council's Licensing Committee.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf)

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, Members 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	<input type="checkbox"/>
Application to Vary a Club or Premises licence	<input type="checkbox"/>
Application to review a Club or Premises Licence	<input type="checkbox"/>

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

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

<b>Number of premises licence or club premise certificate (if known)</b>	
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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)

**(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)

This form must be returned within the statutory period which is generally 28 consecutive days from the date the application was submitted



