



Licensing Authority

Guidance to making Representations

Status of this Leaflet

This is not statutory guidance and does not form any part of the Licensing Authority's Policy (which is available separately). The leaflet does not replace the Act or any statutory guidance issued under it, so reference should always be made to that before submitting applications.

This guidance describes the process for making representations to licensing authorities about applications for:

- New premises licences or certificates;
- Full variations to existing premises licences or certificates;
- Minor variations to existing premises licences or certificates; or
- Provisional statements

It also contains information about the hearings process, which applies to all the application processes except minor variations. Unless otherwise stated, references to 'licences' in this document also applies to club premises certificates.

What to look out for

New licence applications and full variations

When applicants want to apply for a new licence, or vary their existing one (for example to put on additional activities or extend their hours – other than when applying under the minor variation process), they must advertise the application by:

Placing a notice at or on the premises

- On A4 pale blue paper (or on white paper, in the case of a minor variation).
- Printed legibly in black ink in a font size of at least 16
- Placed prominently at or on the premises where it can be conveniently read from the exterior of the premises
- Placed every 50 metres on the external perimeter of the premises abutting any highway (where applicable).

Placing a notice in a newspaper

- The newspaper must be one circulated locally to the premises
- Advertisement will be at least one in the 10 days following the application being given to the licensing authority.

Licensing register

If you wish to view full details of the application and to view existing licences you may do so on-line at the following web address:

www.Oldham.gov.uk/

The Licensing Act 2003 is governed by four licensing objectives which are:-

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

If you believe that granting a licence or variation in the terms it has been applied for is likely to have an effect (whether positive or negative) on the promotion of one or more of these objectives, you may make a representation to the licensing authority.

You have 28 days in which to make a representation or 10 working days in the case of a minor variation.

When considering the steps that the applicant has volunteered to promote the licensing objectives it is important to remember that applicants also have to adhere to legislation in other areas i.e. Health and Safety or Fire.

For more information on the four licensing objectives please see the licensing authorities licensing policy which is available on the website.

Making representations

Representations should be made in writing to the licensing authority where the premises are situated. You are also able to make representations by email. You should ensure that your full name and address are contained in your written submission. You must give reasons for why you are making a representation rather than merely saying you oppose the application or support it. This will help the licensing authority determine if your representation is relevant.

Please be aware that your representation will be shared with the applicant and may be available publicly if the application proceeds to a hearing.

All representations must be about the likely effect of granting or varying the licence in relation to one or more of the licensing objectives. Representations can be in support of an application as well as against. You should note that there are some issues that cannot be taken into account such as road safety issues, traffic noise or parking issues. These are considered separately when planning permission is considered.

In addition the licensing authority can only consider representations that are not 'vexatious' or 'frivolous'. These terms have their ordinary meaning. It is for the licensing authority to determine whether representations are frivolous or vexatious.

Things you may want to consider when making representations

- If no relevant representations are made (other than for minor variations) the licence or variation must be granted subject to mandatory conditions.
- Licensing authorities must grant a minor variation unless there could be an adverse effect on the licensing objectives. Representations must be taken into account but there will be no hearing.
- It may be helpful to get the backing of local residents or businesses or speak to the Police or environmental health department about your concerns.
- Looking at the public register will tell you if there has been a review of a licence in the past.
- If making a representation in support of an application, explain how the proposed activities would help promote the licensing objectives.

What happens after a representation has been made

For applications other than minor variations the licensing authority must hold a hearing to consider the representations unless:

- The representations are irrelevant i.e. frivolous or vexatious; or
- All parties can come to an agreement beforehand and agree that a hearing is not necessary. For example the Licensing authority may offer to try and resolve matters via a negotiated agreement outside a formal hearing. You will need to decide if this is appropriate for you, but you can insist upon a hearing.

If there is a hearing on an application to which you have submitted a representation the licensing authority will write to you to advise you of the date, time and venue and will explain the procedure at the hearing. If an application is withdrawn before the hearing you will be notified. Should a new application be submitted your previous representation will not be carried forward and you will have to consider submitting a fresh one.

A hearing will be held before three Councillors from the Licensing Committee. Hearings will take the form of a discussion as far as possible rather than making the process too formal. You may call witnesses and be represented. Full details will be supplied to you in the notice of hearing that will be sent to you. If you wish to submit evidence in advance of the hearing please seek advice from the licensing authority.

Hearing Decisions

- A hearing can still go ahead in the absence of any party.
- At the hearing the licensing panel will decide how to proceed in order to promote the licensing objectives and what they deem as appropriate in the circumstances.
- A written result of the hearing will be sent to you afterwards and all parties have a right of appeal to their local magistrates' court within 21 days of being notified of the decision.

For further information contact Oldham Council's Licensing Team

In person or in writing to:	Licensing Team Oldham Council Sir Robert Peacock House, Vulcan Street Oldham OL1 4LA 8:40 to 17:00 Monday to Friday
By phone:	0161 770 4730 or 4731 8:40 to 17:00 Monday to Friday
Fax:	0161 770 4481
E-mail:	licensing@oldham.gov.uk,

Any advice given in this guidance is not to be taken as legal advice. Independent legal advice should be sought on any points of law.