Guidance on Interested Party Representations

# General

The Licensing Act 2003 (the act) makes local authorities responsible for the licensing of pubs, clubs, theatres, cinemas, restaurants, takeaways and so on. Some premises may apply for a new licence or to alter their existing one, and this is where interested parties can have their say by making relevant representations and objecting to the proposals. In addition to this, interested parties can also submit representations in support of an application.

# Interested parties

As well as Responsible Authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographical proximity to the premises.

Any representations made by these persons must be ‘relevant’. For a representation to be relevant it must:

* relate to the likely effect of the grant of the licence on the promotion of the licensing objectives
* be made by an interested party or responsible authority
* not have been withdrawn
* not be ‘frivolous’ or ‘vexatious’ or, in the case of a review, ‘repetitious’ if made by an interested party

In the case of variation applications, the representation must be confined to the subject matter of the variation.

# What are the Licensing Objectives?

* **The prevention of crime and disorder**

*(Examples of representations relevant to this objective are illegal drugs, sex related activities, violent behaviour, anti-social behaviour, drunkenness, drug dealing, underage selling, however, guidance issued under Section 182 of the Act states that beyond the immediate area surrounding the premises are matters for the personal responsibility of individuals under the law)*

* **Public safety**

*(Examples of representations relevant to this objective are lack of adequate lighting, unauthorised alterations to property and so on)*

* **The prevention of public nuisance**

*(Examples of representations relevant to this objective are noise nuisance, noxious smells, anti-social behaviour, litter in the vicinity and so on)*

* **The protection of children from harm**

*(Examples of representations relevant to this objective are underage selling, sexual activities, access to premises, drugs use and so on)*

The Section 182 Guidance is a valuable source of information that interested parties may wish to consult when considering making a representation and can be found online using the following link: <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

# Viewing the application

If you would like to view the full application, you can do so by visiting our Public Register which is available on our website at [www.oldham.gov.uk/licensing](http://www.oldham.gov.uk/licensing). In the cases of variation applications, you will be able to view the existing licence and permissions, as well as the proposals under the variation application. Alternatively, you can contact a member of the team, using the details at the end of this form, to arrange an appointment to view the application at the Licensing Office.

# Making a Representation

Representations, against or in support of an application, must be made within 28 days of the date displayed on the public notice. If you are unsure of the last date to make a representation please contact a member of the team, using the details at the end of this form, and they will be happy to provide more information.

We have created an Interested Party Representation Form which should assist you in ensuring all relevant information is included. This form can be found on the licensing page of our website under the section Representations. Alternatively, you can email us, and a member of the team will be happy to send you a form.

Your representation will be forwarded to the applicant for their consideration and will be shared publicly should the matter proceed to a licensing hearing.

It is important that you complete the representation form as fully as possible, including all relevant information. The licensing authority will review your representation upon receipt and any information contained within the representation that is not considered relevant for the purpose of the determining the application under consideration, will be highlighted.

Members of the panel who preside over any subsequent hearing to determine the application will be alerted to the highlighted sections of the representation and informed those sections cannot be considered in their decision-making process.

If the licensing authority believes no part of your representation is relevant, or it is frivolous or vexatious, your representation will be rejected, and you will be notified of this in writing. If you are aggrieved by a rejection of your representation you may lodge a complaint through the local authority’s corporate complaints procedure. You may also challenge the authority’s decision by way of a judicial review.

Completed representations can be served on the Licensing Service by email or by post at our office address. Details of this can be found on the Interested Party Representation Form previously mentioned.

# What happens following making a representation?

For applications where representations are made, other than Minor Variations, the licensing authority must hold a hearing to determine the application, taking the representations into consideration.

Where possible, the licensing authority will attempt to mediate between the applicant and anyone making a representation, to see whether an agreement can be reached. Where agreements are reached and the interested party wishes to withdraw their representation, the hearing may be dispensed with.

If there is a hearing on an application for which you have submitted a representation, we will write to you to notify you of the date, time, and location of the hearing. You will also receive a full explanation on how the hearing will run and anything you may need to do beforehand.

The hearing will be held with the licensing sub-committee, comprising of three Councillors. You are entitled to call witnesses and be represented if you so wish.

You are not under any obligation to attend the hearing, and you can choose to notify the licensing authority that you do not wish to attend, but that you would like your representation to still be considered. It should be noted that attendance of the person submitting the representation places more weight to the comments you have submitted.

# Hearing Decisions

A hearing can still proceed in the absence of any party. At the hearing the licensing panel will decide how to proceed to best promote the licensing objectives and what they deem most appropriate in the circumstances.

A written result will be sent to you following conclusion of the hearing. You have the right of appeal to the Magistrates Court within 21 days of being notified of the decision.

# Useful contact information/links:

The Licensing Service receive applications and respond to queries by email. You can contact a member of the team at licensing@oldham.gov.uk

The Licensing Service provides all their application forms and guidance on the Council website. These can be found at [www.oldham.gov.uk/licensing](http://www.oldham.gov.uk/licensing).

The Licensing Act 2003 can be found online at <https://www.legislation.gov.uk/ukpga/2003/17/contents>

Statutory Guidance can be found online at <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>