

Licensing Act 2003

Guidance to Making Representations

The Licensing Act 2003 enables **‘Responsible Authorities’** and **‘Other Persons’** to make representations (comments) to the Council about applications for new licences, applications to vary a licence or reviews of existing licences. These are in relation to premises licences and club premises certificates.

How do I know if an application for a new licence or an application to vary a licence has been made?

The following notices will be displayed and will give a summary of the application and the dates between which representations can be made:

- A blue notice at the premises, in a location where it can be read clearly from the exterior of the premises, must be put up by the applicant
- A notice in a local newspaper, at least once within 10 working days of the application being submitted, must be put in by the applicant.
- A notice will be placed on Stroud District Council’s website www.stroud.gov.uk

How do I know if a Review is being held about an existing licence?

A Review is when a ‘Responsible Authority’ or ‘Other Person’ submits an application requesting the Council to review an existing licence on the grounds of the Licensing Objectives. If the application is valid there is a 28 day period during which other ‘Responsible Authorities’ and ‘Other Persons’ can submit additional representations about the premises prior to a Review Hearing.

The following notices will be displayed and will give a summary of the reasons for the Review and the dates that representations can be made:

- A blue notice at the premises, in a location where it can be read clearly from the exterior of the premises, must be put up by the Stroud District Council
- A notice will be placed on Stroud District Council website www.stroud.gov.uk

Who are the ‘Responsible Authorities’?

They are:

Police	Environmental Pollution	Planning	Local Health Body
Fire Service	Trading Standards	Health and Safety	Safeguarding Children Board

Who are ‘Other Persons’?

They are any person, organisation or body. Representations may be made on behalf of an ‘Other Person’ by a representative e.g. MP, solicitor, Ward or Parish councillor or a friend. However the representation must be relevant and not vexatious or frivolous.

What are Relevant, Vexatious and Frivolous Representations?

A representation is relevant if it relates to the likely effect of the grant on the licence on the promotion of a least one of the licensing objectives. For example a representation about commercial competition would not be relevant. However a representation about nuisance from noise, where the steps proposed by the applicant to prevent noise are inadequate, would be relevant.

A representation may be considered vexatious if it appears to be intended to cause aggravation or annoyance without reasonable cause or justification.

Frivolous representations are likely to have a lack of seriousness or concern issues which are minor and in relation to which no remedial step would be warranted to be proportionate.

What are the Licensing Objectives?

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

How do I make a representation?

Representations must be made in writing within the representation period. You can email, send a letter or use a representation form which is available on Stroud District Council's website; or you can ring the Licensing Section on 01453 754440 and we will post a representation form to you.

The representation letter or completed form and any additional sheets or other accompanying documentation or evidence should be emailed to licensing@stroud.gov.uk or posted to **The Licensing Section, Stroud District Council, Ebley Mill, Ebley Wharf, Westward Road, Stroud, Glos GL5 4UB.**

What do I include in the representation?

You should give the name and address of the premises you are making representation about. You will also need to give your own name and address.

A representation can be positive or negative, however, it must be relevant to the Licensing Objectives.

You should provide full details of your concerns regarding the application/premises. Remember these must relate to one or more of the Licensing Objectives. You should include examples of any existing problems and (in the case of a new application or variation) explain how you think you are likely to be affected by the licence if granted.

Representations about variation applications should be confined to the subject matter of the variation.

Time Limits for Making Representations

The time period for making representation in relation to a new or variation application or a review is **28 days** starting the day after the application or request for a review is submitted. The last date for representation will be shown on the Notices. Stroud District Council cannot consider any representations submitted after the end of the representation period.

What happens after a relevant representation is submitted

Stroud District Council will acknowledge receipt of your representation.

A hearing date will be arranged and we will write to you with the details and invite you to attend to support your representation. You must respond to this letter to tell us if you wish to attend or whether you intend to send a representative. You do not have to attend the hearing. If you do not attend, your representation will still be considered at the hearing in your absence.

A copy of your representation will be sent to the applicant/licence holder and the hearing panel prior to the hearing. This normally will include your name and address.

If you have fears of intimidation or violence if your personal details are released you should tell us when you submit your representation.

You may withdraw your representation any time up to 24 hours before the hearing date.

The Hearing

The hearing is a public meeting. The hearing panel is made up of 3 Councillors who are members of Stroud District Council's Licensing and Regulation Committee. The applicant/licence holder and all parties that have submitted representation are invited to attend. All parties will have opportunity to address the panel and the panel and other parties may ask questions.

No party may submit new evidence at a hearing without the consent of all parties and no new representations may be made at a hearing.

At the end of the hearing the hearing panel will retire to make a decision. All parties will be sent a copy of the Decision Notice.

Right of Appeal

Anyone who feels aggrieved by the decision of the Licensing Authority at the hearing has a right of appeal within 21 days of the decision being made to the Magistrates Court.

WHERE CAN I GET MORE HELP AND ADVICE?

For further information contact **Stroud District Council's Licensing Section**

The Licensing Section, Stroud District Council, Ebley Mill, Ebley Wharf, Westward Road, Stroud, Glos GL5 4UB

(If you wish to visit the offices in person we advise that you ring first and make an appointment)

Email: licensing@stroud.gov.uk

Phone: 01453 754440

Internet: www.stroud.gov.uk

Fax: 01453 754963