

## LICENSING ACT 2003

### REPRESENTATIONS BY INTERESTED PARTIES

This leaflet consists of two parts. The first part provides information and guidance on making a representation. The second part is the representation form, which on completion should be signed in ink and returned to the Licensing Authority. 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 or typed in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

#### **Part 1**

##### **Introduction**

The Licensing Act 2003 enables “Interested Parties” such as residents and businesses in the vicinity of the premises or club applying for a new licence or variation to a licence or certificate to make “relevant representations”.

For a representation to be relevant it must:

- be made by an “interested party”; (see note 1 on page 2)
- not have been withdrawn;
- if made by an interested party, must not be 'repetitious, frivolous or vexatious' and
- be received by the Licensing Authority within the statutory time limits. (see notes 4 & 5 on page 2)
- relate to one or more of the **licensing objectives**.

The four Licensing Objectives are;

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

If a relevant representation is made, the Licensing Authority must hold a hearing to consider the representation(s), unless all parties agree by giving a notice in writing that they consider a hearing is unnecessary. (*Section 18(3)(a) Licensing Act 2003*)

If a hearing is held all relevant parties will be given the opportunity to attend that hearing and invited to comment at the hearing on their representation, but they may if they wish choose to rely on their written representation.

Any person or body that makes a representation will have the opportunity to attend any subsequent hearing relating to that representation before the Licensing committee. Please note that for the purposes of effective administration of the licensing hearing, where there are a number of representations or where there are repetitive representations on a common theme, the council may ask for a spokesperson to be selected from amongst those making representations to present the comments to the committee. Your individual written representations will still be presented to the committee.

If you wish to withdraw any representations you may do so confirming this in writing, providing you do so no later than 24 hours before any hearing, or otherwise orally at the hearing.

## **Appeals**

Anyone who feels aggrieved by the decision of the Licensing Authority has a right of appeal to the Magistrates Court.

## **Guidance Notes**

- 1) An Interested party is any of the following:
  - a person living in the vicinity of the premises;
  - a body representing persons who live in that vicinity; (Parish/Town Council, Residents Association)
  - a person involved in a business in the vicinity of the premises;
  - a body representing persons involved in these businesses.(i.e. Chamber of Commerce, Pub Watch, Association of Convenience Stores etc.)
- 2) Interested Parties will be made aware of applications through notices displayed at the premises/club in question and through the public notice in the local newspaper. These notices must include relevant information relating to the application and information indicating where the full application details can be viewed.
- 3) Representations may be made on behalf of an 'interested party' by a representative e.g. MP, solicitor, Ward or Parish councillor or a friend.
- 4) Representations must be in writing and may be made at any time during the 28-day period starting on the day following the day on which the application was given to the Licensing Authority.
- 5) In the case of a closure order issued by the Police, representations may be made during the seven day period that follows the notice being given to the Licensing Authority by the Magistrates Court, starting on the day after the day the notice was received
- 6) If your representation is deemed 'valid' it may be copied and viewed by the applicant or a representative of the applicant. It may also be read out in public at any subsequent hearing
- 7) The term 'vicinity' is not defined in the act, however Cheltenham Borough Council's Licensing policy defines 'vicinity' as; ***'the immediate area around licensed premises.'***
- 8) No new evidence may be presented at a hearing without the consent of all parties.
- 9) No new representations may be made at a hearing.

**More information on the Licensing Act 2003 is available on our web site at [www.cheltenham.gov.uk](http://www.cheltenham.gov.uk) or from the Department of Culture, Media & Sport at [www.culture.gov.uk](http://www.culture.gov.uk)**

### **PLEASE NOTE:**

*This is an advisory document. Cheltenham Borough Council does not accept any responsibility whatsoever for loss sustained in reliance on anything contained within the document. Nothing in this document is intended to negate the responsibilities of any person in respect of relevant legislation and standard of care.*

*The contents of these pages are provided as an information guide only. They are not a full and authoritative statement of the law and do not constitute professional or legal advice. Any statements on these pages do not replace, extend, amend or alter in any way the statutory provisions of the Licensing Act 2003 or any other legislation made under it or statutory guidance issued in relation to it.*

*No responsibility is accepted by the Council for any errors, omissions or misleading statements on these pages. The Council has made every effort to ensure that the information in these pages is correct and accurate.*

**LICENSING ACT 2003 -REPRESENTATION FORM (INTERESTED PARTY)**

**On completion this form and any additional sheets or other accompanying documentation should be returned to; The Licensing Team, Public Protection Division, Cheltenham Borough Council, PO Box 12, Municipal Offices, Promenade, Cheltenham, Glos. GL50 1PP. e mail: [licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk)**

Please indicate in which capacity you are making this representation by ticking a box below;

- A person living in the vicinity of the premises
- A body representing a person in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A body representing a business in the vicinity of the premises

  
  
  


**Contact details (of person completing form)**

<b>Name:</b>	
<b>Name of the organisation/body/person you represent.</b> (If appropriate)	
<b>Your full Postal Address or that of the organisation or body you represent</b>	
<b>Post Code</b>	
<b>Daytime contact telephone number</b>	
Email address - If you would prefer to correspond via email, please enter your email address. (optional).	

**Details of person/body making representation (if different from above)**

<b>Name of the person/organisation/body.</b> (as appropriate)	
<b>Full Postal Address of the person/organisation or body making representation</b>	
<b>Post Code</b>	
<b>Daytime contact telephone number</b>	
Email address - If they would prefer to correspond via email, please enter their email address. (optional).	

**Premises/Club Details**

Name of premises/club you are making representation about:	
Name of Applicant for Licence (if known)	
Postal Address:	
Post Code:	

**What are you making a representation about?**

Please indicate which part of the licence/certificate application you are making a representation about
(eg crime, disorder, noise, disturbance etc)

**Which of the Licensing Objectives does your representation refer to?**

(Note: Your representation must relate to one or more of the four Licensing objectives. Please indicate the objective(s) your representation relates to.)

Licensing Objective	Please tick ✓ for Yes	Licensing Objective	Please tick ✓ for Yes
The prevention of crime and disorder		Public safety	
The prevention of Public nuisance		The protection of children from harm	
Information on the Licensing Act 2003 and the Act's objectives is available from the Department of Media, Culture and Sport and on their website at <a href="http://www.culture.gov.uk">www.culture.gov.uk</a> .			

Please indicate the distance (in metres) between your address and the premises subject of your representation:	
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**What are your concerns?**

Please provide full details of your concerns regarding the application and include or enclose with the form any evidence you may have in support of it.  
*(Please continue on a separate sheet if necessary)*

Please use the box below to suggest any suitable conditions that if agreed in advance of a hearing by the applicant would allow you to withdraw your representation or that the committee could add to the licence (if granted) that would remedy your concern. You may also use this box to enter details of any other matters not commented on elsewhere relating to your representation that you would like the committee to take into account.  
*(Please continue on a separate sheet if necessary)*

<b>Signature:</b>	
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<b>Capacity:</b>	
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<b>Date:</b>	
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