Licensing Act 2003 – Guide to making a representation

Criteria

Under the Licensing Act 2003, any person is able to make a written representation in relation to certain types of applications. In order for a representation to be relevant (i.e., valid), it must address the likely effect the granting of the application will have on the promotion of one or more of the licensing objectives:

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

Representations must relate to the impact of the licensable activities carried on from the premises on those objectives listed above. For example, a representation from a local business person about the commercial damage caused by competition from a new licensed premise, would not be relevant. On the other hand, a representation by a business person that nuisance caused by a new premise would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant.

The Licensing Authority is unable to 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 of another person, without reasonable cause).

Making a representation

Relevant representations must be in writing, include a full name and address, and be submitted to the Licensing Authority within the 28 day notice period.

Address: Licensing Team, Great Yarmouth Borough Council, Town Hall, Great Yarmouth NR30 2QF

Or by email to: licensing@great-yarmouth.gov.uk

Late representations cannot be considered.

A copy of the representation (provided it has been accepted by the Licensing Authority) will be sent to the applicant. The representation will also form part of the hearing report, which is a public document.

If a person does not wish to make an individual representation, a representative could submit the representation on their behalf. For example, a local Councillor or other recognised body or association can make a representation.

Hearing

If the Licensing Authority decides that representations are relevant, it must hold a hearing to consider them. The hearing will take place before a Licensing Sub-Committee, which is made up of three elected Members of the Council’s Licensing Committee.

The applicant, and any person who has made a relevant representation, will receive a Notice of Hearing. The Notice will set out the date, time and location of the hearing and gives information in relation to the procedure to be followed on the hearing day.

All parties who have submitted a relevant representation are able to address the Sub-Committee. A representative can attend the hearing and speak on a person’s behalf, provided the Licensing Authority is informed prior to the hearing. If, for any reason, a person is unable to attend the hearing, the Sub-Committee will still consider the written representation.
The Sub-Committee usually announce their decision at the hearing, and written confirmation of the
decision will be sent to all parties following the hearing.

A party can appeal the decision of the Licensing Sub-Committee by giving notice to appeal to the
Magistrates Court within 21 days, beginning with the day on which the appellant is notified by the
Licensing Authority of the decision which is being appealed.