

LICENSING ACT 2003

Representations

Under the Licensing Act 2003 objections can be raised against an application for a new premises licence or a variation of an existing licence. The term used in the 2003 Act, regulations, and associated guidance is 'relevant representations'.

In brief 'relevant representations' is an expression used in the Act for comments, including objections on applications. For a representation to be relevant it must relate to the effect of the grant of the licence on the promotion of one or more of the four licensing objectives:

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

The key documents upon which Local Authorities rely is the Guidance issued under section 182 of the Licensing Act 2003 published by the Home Office and the Council's own Statement of Licensing Policy. These documents can be found at: www.gov.uk/government/publications/section-182-of-the-licensing-act-2003-amended-guidance

Making a relevant representation

Any persons and responsible authorities can make representations to the licensing authority, if they wish to do so. Representations must be made in writing to Licensing at Wokingham Borough Council, Environmental Health & Licensing, Council Offices, Shute End, Wokingham, Berkshire, RG40 1WW or by email to licensing@wokingham.gov.uk

Your representations must reach us within the 28 day statutory consultation period.

Your representation must relate to the premises which is the subject of the application and the Licensing Objectives. If your representation does not relate to one or more of the Objectives and does not relate to the premises or application in question, it will be invalid and rejected.

Your representation must also be based on evidence or your experience and not on fear or speculation. Representations which are considered to be frivolous, vexatious or relating to competition from other businesses will not be considered.

What happens next?

If your representation is deemed to be relevant a copy will be sent to the applicant. The applicant may offer to change their application to try to satisfy your concerns.

If your concerns cannot be alleviated and you choose not to withdraw your representation, the application will be determined at a meeting of the Council's Licensing Sub-Committee and your representation and personal details will form part of the report and recorded decision, which are all public documents.

The Hearing

The Hearing will take place before a Licensing Sub-Committee which is made up of three Councillors selected from the full Licensing Committee. The applicant, objectors / representatives of objectors, and any responsible authority, will receive a Notice of Hearing. The Notice will set out the date, time and location and explains the procedure to be followed at the Hearing.

In making decisions the Sub-Committee will take into account all of the written and verbal evidence before them. They also have a duty to take into account the Licensing Objectives set out in the Licensing Act 2003, the Council's Statement of Licensing Policy and Guidance issued by the Secretary of State.

The Decision

The Committee has five working days to make their decision and written confirmation will be distributed to all parties. If any party is unhappy about the decision, there is a right of Appeal to the Magistrates Court within 21 days of receipt of the decision.

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Representations

Details of the representee:

Name

Address.....

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Postcode.....

Telephone Number

Email address

Please note the Council is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations made.

Details of the application to make representation(s) on:

Application Reference Number.....

Name of Premises

Premises Address.....

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Postcode.....

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Under the Licensing Act 2003, for a representation to be relevant it must be one that is about the likely effect of the application on the promotion of the four licensing objectives.

Please give details of your representation(s) and include information as to why the application would be unlikely to promote any of the following objective(s):

The Prevention of Crime and Disorder:

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Public Safety:

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The Prevention of Public Nuisance:

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The Protection of Children from Harm:

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Signed:.....

Date:.....

Please send completed form to Environmental Health & Licensing, Wokingham Borough Council, Council Offices, Shute End, Wokingham, Berkshire, RG40 1WW