



How to Make a Representation on a Licence Application

The purpose of this guidance is to offer assistance to members of the public wishing to make representations (objections) about a Licensing Act 2003 application.

The Licensing Act 2003 gives premises that sell alcohol, provide entertainment and/or provide late-night refreshment greater flexibility to operate their business.

It also gives local residents more opportunity to comment on proposals to alter licensed premises.

The guidance will explain who can make a representation, how these representations are to be made, and the format for making these representations.

Who can comment ?

The Licensing Act 2003 defines those who can make representations as a responsible authority or any other person.

“Responsible Authorities” include bodies such as the police, fire service, enforcing authority for health and safety, planning authority, environmental health, bodies responsible for child protection, trading standards and other specified authorities. The Licensing Authority themselves can also make representation against any licence application.

“Any other person” includes an individual, body or business regardless of their physical proximity to the premises concerned.

When do you comment ?

For a new or variation premises/club certificate application:-

Once an application is submitted to the Licensing Authority, there is then an opportunity for both Responsible Authorities and any other person to submit representations to the Licensing Authority. The representation period lasts for 28 days commencing the day after the day it was received complete and correct by

the Licensing Authority (10 working days if the application is for a minor variation).

To initiate a review of the premises:-

At any stage following the grant of a premises licence, a Responsible Authority or any other person may ask the Licensing Authority to review the premises licence because of a matter arising at the premises in connection with any of the four licensing objectives. However the Licensing Authority will assess any request for a review to ensure there is a reasonable interval between hearings, on similar grounds, and that the request is not repetitious.

How do you comment?

Representations should ordinarily be submitted to the Licensing Authority in writing, however it is permissible to initially send a representation by email, provided a signed hard copy of the representation follows this up forthwith.

All representations must be addressed and sent to;
Licensing Team Leader
Mansfield District Council
Civic Centre
Chesterfield Road South
Mansfield
Notts
NG19 7BH

A form is available on this page of the web site which may assist you or you can write a letter. You should include your name (including title), address and your contact details (please include a day and evening telephone number).

What is a relevant representation?

The Licensing Act 2003 is very prescriptive about what is a “relevant” representation. Please note that the Licensing Authority can only take into consideration your comments that specifically relates to the likely detrimental effect of the grant of a licence application on the promotion of at least one or more of the licensing objectives. These are;

- Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- Protection of children from harm.

A representation must therefore be considered as “irrelevant” if it does not relate in any way to the licensing objectives e.g. the premises is in a conservation area.

The Licensing Authority must, by law, consider such representations as “irrelevant” and as such would not be able to have regard to it.

Please note that as part of the licensing process your name and address will be disclosed to the applicant.

What Happens Next?

The Licensing Authority will determine whether your representation is relevant, i.e. relates to one or more of the licensing objectives.

The Sub Committee (Panel of Elected Members/Councillors) will make a judgment on the application based on the representations received from the Responsible Authority and/or ‘any other person’ i.e. local residents and responsible authorities and the applicants proposals in their Operating Schedule.

The applicant for the licence and any objectors can address the Sub Committee before any decision is made. It is likely that there will be some discussion between all parties present (Sub Committee, applicant, local residents) on whether the steps the applicant is suggesting in the Operating Schedule will alleviate some of the residents concerns.

If you can’t attend in person, the Sub Committee will still consider your written representation. If you do attend you will be able to amplify your case, or you may elect a person to represent you e.g. a solicitor or a friend.

At the hearing the Sub Committee will decide whether to grant the application as it stands, grant it with conditions (to control matters raised in representations) or refuse the application.

Please Note:

This document should be used as a guidance tool. Only the Courts can give an authoritative opinion on statute law. Every effort has been made to ensure it is both comprehensive and accurate but in an attempt to simplify the law omissions have been made. Please refer to the Licensing Act 2003 and associated regulations for full details of the law. You should seek your own legal advise on the matters raised in this guidance.