

CARDIFF COUNCIL



Making Representations The Licensing Act 2003

What to look out for

Under the Licensing Act 2003, representations may be made regarding applications for

- a new premises licence
- a variation of an existing premises licence
- a new club premises certificate
- a variation of an existing club premises certificate

When applicants want to apply for a new licence, or vary their existing one (for example to put on additional activities or extend their hours), they must advertise the application by:

Placing a notice at or on the premises

- On A4 (or larger), pale blue paper.
- Printed legibly in black ink or typed in a font of at least 16.
- Placed **prominently** at or on the premises where it can be **conveniently** read from the **exterior** of the premises.
- Placed every 50 metres on the external perimeter of the premises abutting any highway (where applicable).

Placing a notice in a newspaper

- Newspaper circulation must be in the vicinity of the premises (or if there isn't a local paper, in a local newsletter or circular).
- Advertisement will be at least once in the 10 days following the application being given to the licensing authority.

Full application details can also be viewed in the licensing authority's "licensing register". A summary is also available on the authority's website www.cardiff.gov.uk. Using the Register, it is possible to check all opening hours; licensable activities and any steps the applicant has volunteered to take to promote the four licensing objectives.

The four licensing objectives are:

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

If interested parties are concerned that granting a licence in the terms it has been applied for is likely to have an effect on the promotion of one or more of these objectives, they

have 28 consecutive days starting on the day after the day on which the application was given to the relevant authority, to make a representation to that authority.

When can a representation be made?

All representations must be about the likely effect of granting the licence or certificate on the promotion of at least one of the four licensing objectives. It would be wise, therefore, to explicitly link any representation to one or more of the objectives.

It will also assist if the representations are specific to the premises and evidence based. Interested parties may, therefore wish to talk to local police beforehand, or document problems themselves by, for example, keeping a diary or photographic evidence of any incidents. Licensing authorities will need to be satisfied that there is an evidential and causal link between the representations made, and the effect on the licensing objectives.

In addition, the licensing authority can only consider representations that are not “vexatious” or “frivolous”.

Who can make a representation?

Responsible Authorities.	Interested Parties.
Police Fire & Rescue Local Planning Authority Enforcing agency for health & safety Enforcing agency for weights & measures Child protection agency	Residents living in the vicinity Representatives of residents in the vicinity Businesses in the vicinity Representatives of businesses in the vicinity

How can a representation be made?

Your representation must be made in writing and received during the representation period. It must relate to one or more of the four licensing objectives. The Act says that representations must not be “frivolous, vexatious or repetitious”.

The Licensing Authority recommends that you submit your representation using the form at the end of this document. This can be printed off, completed and submitted by post to the Licensing Authority, Cardiff Council, Licensing Section, Room 161, City Hall, Cardiff, CF10 3ND. Alternatively you can email your representation to licensing@cardiff.gov.uk or send an ordinary letter to the above address.

Anonymous representations

You cannot make an anonymous representation. This is because the Licensing Authority must be able to determine whether or not you live or operate a business in the vicinity of the premises concerned. The Licensing Authority must make full details of all representations available to the applicant. However, you can ask your local councillor to make a representation on your behalf. The Licensing Authority will still ask the councillor

for your details (in order to be satisfied that you are entitled to comment on the application) but will not pass this information on to the applicant.

Petitions

Any petitions received will be treated as one representation from the person sending it in, supported by the other signatories. Petitions will NOT be treated as individual representations from everyone who has signed.

Things you may want to consider when making representations

- ***If no relevant representations are made, the licence or variation must be granted (subject to the mandatory conditions).***
- It may be helpful to get the backing of other people living, or businesses operating in the vicinity of the premises, or other “responsible authorities”, such as the police or environmental health.
- Look at your licensing authority’s official records about the premises, kept in their “licensing register”. This will show you if other people have made representations, or asked for a review of the premises in the past.
- If you are thinking of raising a petition, it is important to ensure that the licensing authority can determine whether all the signatories are within the ‘vicinity’ of the premise. So, including their addresses and indicating clearly what representation(s) they are all making would be helpful. It would also help if a spokesperson could volunteer to receive details about the hearings etc. from the licensing authority and may be willing to speak on behalf of the petitioners at the hearing.
- If you want to ask another person, such as an MP or local Councillor to represent you, it is advisable to make such a request in writing so that the individual can demonstrate he or she was asked. It will be a matter for the MP or Councillor to decide whether they should agree to your request. They are not obliged to do so, however, most elected representatives are happy to help residents with this sort of issue, and there is no requirement for them to live in the vicinity of the premises in question for them to be able to make representations on behalf of residents that do. Councillors who are part of the licensing committee hearing the application will not be able to enter into discussions with you about the application, outside of the formal hearing, so it is suggested that you do not approach them to try to.
- Consider how you would like the situation to be rectified.

What happens after a representation has been made?

If one or more representations are made and no agreement is reached there will be a public hearing to decide the outcome. At a hearing, three members of the council’s Licensing Committee will consider details of the application and the representations.

The applicant and people who have submitted representations within the consultation period will be invited to the hearing and will be able to speak and ask questions before the councillors make a decision. The councillors can decide to grant a licence as applied for, to grant a licence with revised hours or additional conditions, or to refuse the application altogether.

What can I do if there are problems after a licence has been granted?

The Licensing Act 2003 gives Responsible Authorities and Interested Parties the right to ask for an existing premises licence or club premises certificate to be reviewed. The Licensing Authority has to publicise these requests, for which there is a 28 day representation period. There will then be a public hearing as set out above. There is a range of options available to councillors from leaving the licence unchanged to completely revoking it.

More information

For more information on all aspects of the Licensing Act, please contact:

Licensing Authority, Cardiff Council,
Licensing Section, Room 161, City Hall,
Cardiff, CF10 3ND

Website : www.cardiff.gov.uk – **Environment/Licensing**

Tel: 02920871651. Email: Licensing@cardiff.gov.uk

CARDIFF COUNCIL

Representation Submission Form

Licensing Act 2003 - Representation in respect of Premises Licence Applications



Details of person or body making representation	
Your Name:	
Your Address:	
Phone No:	Email:

Details of premises representation is about	
Name of Premises:	
Address of premises:	
Application No. (if known)	

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of crime and disorder	<input type="checkbox"/> yes
Public Safety	<input type="checkbox"/> yes
Prevention of public nuisance	<input type="checkbox"/> yes
Protection of children from harm	<input type="checkbox"/> yes

Please summarise your concerns about this application:

Please give further details of why you believe this application will have an adverse effect on the licensing objectives

Return your completed form to:

By Post:

Licensing Section
Cardiff Council
Room 161
City Hall
Cardiff CF10 3ND

By Email:

licensing@cardiff.gov.uk