

## PROTOCOL (G) – HOW TO MAKE REPRESENTATIONS

### Representations are Important in the Licensing System

1. In most cases, if **no relevant representations** are made, the Licensing Authority is **obliged to grant** an application for a new licence or an application to vary an existing licence. If there are **no relevant representations**, the Licensing Authority has **no discretion** to decide whether or not an application or variation should be granted. The only exception is for application for **minor variations**<sup>1</sup> where the licensing authority's discretion not to grant it is not dependent on receiving representations.
2. Its power to impose **conditions** is also limited. It can impose the statutory **mandatory conditions** (relating to a designated premises supervisor and authorisation of the supply of alcohol by a personal licence holder (in respect of the supply of alcohol)); prescribed conditions about irresponsible promotions, prohibition of dispensing alcohol directly into the mouth, free tap water, age verification policy (including for off-sales), availability of smaller measures of certain drinks (in respect of the supply of alcohol); restriction of the admission of children (in respect of films); and authorisation of door supervisors (where required). It can only impose **additional conditions** that are consistent with the operating schedule that the applicant submitted with the application.

### Who can make representations?

3. Representations can be made by a **responsible authority**<sup>2</sup> or **any other person**. There is no requirement that you live or work within a fixed distance from the premises.

### Can representations object or support an application?

4. Yes – the term is “representations” and not “objections” or “support”.
5. The Licensing Authority wants your views whether you support or oppose an application. Both points of view will be taken into account and will allow a decision to be taken in the light of all relevant considerations.
6. A sole relevant representation will trigger a hearing. If the only relevant representations are in support, it is possible that the Applicant will ask you to withdraw your representation or agree that a hearing is unnecessary, so that the Licensing Authority can proceed quickly to grant the application.

---

<sup>1</sup> See Protocol E

<sup>2</sup> See Protocol H

### **How will I know about applications that I may be interested in?**

7. Protocol B sets out details of the various steps that will be taken to give publicity to licensing applications. Depending on the type of application, these steps may include:-
  - Site Notice
  - Press Notice
  - Details on the Council's website
  - Notification to responsible authorities
  - Notification to ward councillors
  - Neighbour notification.

### **Is there a time limit for making representations?**

8. Yes – this is **very important**. If you do not submit your representations within the prescribed time limit, it is unlikely that your representations can be considered. Even if in the particular circumstances it can be considered, you will not be a party to the application and will not have a right to appear at a hearing or appeal to the magistrates' court.
9. Protocol B sets out in detail the time limits for making representations. The deadline will be stated in the notices and on the Council's website. Broadly, you will have 28 consecutive days or 10 working days in the case of a minor variation or 7 days in the case of a review following a closure order. The timetable starts on the day after the day on which the application was given to the Licensing Authority.

### **Can I make anonymous representations?**

10. No – you must tell us your name and address. In most cases, these details will be given to the Applicant. In exceptional circumstances, we can withhold these details if you have given us good reason to do so. Protocol C explains this in more detail and what you need to do if you have concerns. It also explains how you can indicate that you do not want to be contacted or how you prefer to be contacted.
11. There is a form attached to Protocol C which you should use to make your representation.

### **How can I make a representation?**

12. Your representation must reach us within the time limit.
13. Your representation must be sent in writing, by email or through the Council's website. You do not have to send us a hard copy of representations made by email or through the Council's website.

### Can you disregard my representation?

14. We can disregard a representation if it does not fall with the definition of a “**relevant representation**”.

- It must be “about the likely effect of the grant on the promotion of the licensing objectives”.
- It must be made within the prescribed time limit.
- It must not have been withdrawn by you.
- If you are not a responsible authority, it must not be, in our opinion, **frivolous** or **vexatious**.
- Only the chief officer of police can make a representation about the identity of the proposed designated premises supervisor.
- There are restrictions on making representations following the issue of a provisional statement if they could have been made in respect of the application for the provisional statement and where there have been no material changes.

15. We will tell you what are our reasons for considering that your representations are frivolous or vexatious.

### What should my representation cover?

16. It must be “about the likely effect of the grant on the promotion of the licensing objectives”. The licensing objectives are:-

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

17. You should look at the full details of the application on our website. You can find out the proposed activities and the opening hours. All applications will have an **operating schedule** which sets out how the Applicant proposes to operate the business and the steps that are proposed to promote the four licensing objectives.

18. You should also look at our **statement of licensing policy** which sets out our approach.

19. Some parts of the city have been designated cumulative impact areas where one of two special policies may apply to the application. It sets out certain presumptions as to how we will approach applications in those areas. But you must note that they only create presumptions. Each application needs to be considered on its merits. Tell us if the premises are in a cumulative impact area and whether you feel that granting the application is likely to add to the cumulative impact. Try to refer to the evidence upon which we relied on in designating the area.
20. You should also look at the **Secretary of State's statutory guidance** on the Licensing Act, which we have to have regard to when making licensing decisions.
21. Remember, explicitly link your representations to one or more of the licensing objectives and/or the Secretary of State's statutory guidance and/or our statement of licensing policy.
22. Tell us as much as you can to explain all the circumstances that led to your representation.
23. Try to be specific to the premises, if this is possible.
24. If you are making representation about cumulative impact in a cumulative impact area, try to state what the effect of the cumulative impact on you is and what is likely to be the effect of the grant of the application.
25. Talk to other people about problems that you fear and see if they have any evidence about it (e.g. the police).
26. Keep a diary or photographic evidence of any incidents that you have experienced.
27. We need to be satisfied about the effect on the licensing objectives and one of the ways that you can help us is to show that there is an evidential and causal link between your representations and the effect on the licensing objectives.
28. Try to get other people living the area, or businesses operating near by, or other "responsible authorities" (e.g. the police, environmental health) to back you and provide you with evidence or make representations themselves.
29. Look on our website about what else is going on the area or what applications have been granted or refused in the past. You can look at the specific property history as well as details about other applications in the neighbourhood.
30. Contact your MP or local councillor to see if they will make representations. However, you should not contact direct councillors who are members of Licensing Committee and who may be responsible for holding a hearing. If they engage in discussions with you outside a formal hearing, they may not

be able to sit on a hearing.

31. If you are unhappy with the proposal, consider whether any amendment or conditions might address your concerns.
32. If you support the proposal, explain how you feel that the proposed application might help to promote the licensing objectives.
33. We hope that you will be willing to discuss your representations with the Applicant, responsible authorities and others who have made representations. That is a way of trying to resolve issues and finding a way forward that might address any concerns. This is addressed further in Protocol C which allows you to inform us as to whether and how you are willing to do that.

**Ask us**

34. Finally, remember, if you are unsure about the procedure, ask us for advice. We cannot write a representation on your behalf. But we will do what we can to assist you in finding your way through this often confusing system.