

Licensing Act 2003 Guidance

Making representations about a licence application

Consultation on licence applications

Under the Licensing Act 2003, when someone applies for a new licence or to vary an existing one (for example, to extend opening hours or add licensable activities), there is a 28-day consultation period during which the public and responsible authorities can submit written representations (comments or objections) about the application.

The 28-day period begins the day after the licensing authority receives a valid application.

During consultation the applicant must:

- Display a pale blue notice on the premises that is clearly visible from the outside of the premises for the full 28-day period.
- Advertise the application in a local newspaper or similar publication.

Both the public notice and the press advertisement must include information about the application and state the last date on which a representation can be made.

Any individual (not just local residents) or responsible authority (such as the police or environmental health) can submit a representation if they believe the application could negatively impact one or more of the four licensing objectives. The licensing objectives are:

Prevention of Crime and Disorder

This objective concerns any criminal activity, disorder, or anti-social behaviour occurring on the premises or resulting from its management. Note that licence holders or applicants are generally not held responsible for the behaviour of individuals once they have left the premises.

Public Safety

This refers to the safety of individuals on the premises. Considerations include fire safety, electrical systems, lighting, building structure and capacity, and the availability of first aid.

Prevention of Public Nuisance

This objective relates to potential disturbances such as operating hours, noise, vibrations, lighting, or litter originating from the premises.

Protection of Children from Harm

This involves safeguarding children from harmful activities taking place on the premises while they are present. The law already includes specific protections preventing the sale of alcohol to those under 18.

Speculation and unsubstantiated claims cannot be considered. A representation can be set aside by the licensing authority if it considers its content to be 'frivolous' (of a minor nature) or 'vexatious' (causing undue annoyance, or is obviously unreasonable).

Matters that do not relate to the impact the licensable activities may have on the four licensing objectives will not be considered.

How to submit a relevant representation

To be valid, a representation must be made in writing to the licensing authority within the 28-day consultation period, and relate to one of the licensing objectives.

Late submissions will not be accepted and will be returned.

We encourage you to use our Representation Form, which is designed to help ensure your comments are relevant and meet the necessary legal requirements.

If you are unable to use the form, you may send your representation by email or letter. However, it must include the following information:

- Your full name and address
- Your contact details
- A clear explanation of which licensing objectives your representation relates to

If any of this information is missing, your representation will be considered invalid and returned.

Alternatives to making your own representation

If you prefer not to make a representation yourself, you can appoint someone to act on your behalf—such as a local councillor or another trusted individual.

If your chosen representative agrees to represent you, you must provide a signed letter of authorisation for them to submit alongside the representation to the licensing authority.

You must also give your representative your full name, address, and a clear outline of the grounds for your representation. The representative should then submit a written representation to the Licensing Department, reflecting the same grounds you have identified.

On behalf of a group

If a representation is being submitted on behalf of a group—such as a parish council or residents' association—evidence of the group's decision to make the representation must be provided along with the submission.

This could be a formal document, such as meeting minutes, confirming that the group has agreed to object and authorising the representation.

Submitting a petition as a representation

If you are organising or submitting a petition as part of a representation, please ensure the following requirements are met:

Named Contact:

The organiser of the petition must clearly identify themselves as the central point of contact. This person may be contacted by the licensing authority to verify details. Failure to provide a contact will result in the petition being invalid.

Purpose of the Petition:

Every page of the petition must clearly state its purpose, so that all signatories understand what they are supporting.

Signatory Details:

Each signatory must include their full name and address.

Disclosure to Applicant:

All signatories must be informed that, if the petition forms part of a valid representation and is not withdrawn:

- A copy will be provided to the applicant, and
- It will be included in the committee papers for the hearing.

Communication and representation:

The licensing authority will not contact each signatory individually. Instead, the named contact is responsible for:

- Informing all signatories of the hearing date and final decision, and
- Representing the group at the hearing and speaking on their behalf.

Withdrawing your representation

You may withdraw your representation at any time during the consultation period, and up until the date of any scheduled hearing to determine the application.

You must let the licensing authority know as soon as possible (in writing no later than 24 hours before the start of a hearing, or orally at the hearing) if you wish to withdraw your representation.

If you are withdrawing your representation in writing, include your full name and contact details to ensure your original representation can be properly identified and removed from the process.

Hearings

A hearing will be held if there is a valid, unwithdrawn representation—unless all parties involved agree in advance that a hearing is unnecessary.

In some cases, the licensing authority may seek to facilitate a negotiated settlement to resolve concerns without the need for a formal hearing. You will need to decide whether such a proposal is acceptable. If you choose not to accept it, your representation will proceed to a hearing.

If a hearing is scheduled, you will receive written confirmation of the date, time, and format of the hearing (a Notice of Hearing). The Notice of Hearing will be sent to you at least five working days before the hearing takes place.

If the applicant withdraws their application after a hearing has been arranged, we will notify you that the hearing has been cancelled—wherever possible. However, applications can be withdrawn up to 24 hours before the hearing, so in some cases, it may not be possible to provide prior notice of cancellation.

Please note:

If you make a representation regarding an application that is later withdrawn, and the applicant later submits a new or amended application, your original representation will not automatically carry over. You would need to submit a new representation in response to the new application if you still have concerns

Before the hearing

Any person making a representation is required to give notice to the licensing authority at least five working days before the start of the hearing, stating:

- whether they will attend the hearing in person
- whether they will be represented by someone else such as a friend, Councillor or lawyer
- whether they think that a hearing is unnecessary (if, for example they have come to an agreement before the formal hearing)
- if they want another person to appear at the hearing (not to represent them), a request for permission for the person to attend; the person's name; how the person may be able to assist the authority in relation to the application

The Notice of Hearing includes a form that can be used to advise the licensing authority.

Disclosure of representations to the applicant

When a Notice of Hearing is issued, the licensing authority is required to provide the applicant with copies of all relevant representations received.

Please note that personal details are only withheld in exceptional circumstances.

If you have concerns about your personal information being disclosed to the applicant, you should clearly explain these concerns and the reasons in your written representation.

The applicant may choose to contact you to discuss your concerns and seek to resolve the issues raised. If you are satisfied with the outcome of those discussions, you may withdraw your representation at any time.

At the hearing

Hearings are conducted before a panel of three councillors from the Licensing Committee. They are generally held in public, unless the panel decides that all or part of the hearing should be held in private for reasons of public interest.

Speaking at the hearing

You may only speak at the hearing if you have completed and returned the Notice of Hearing form, which will be sent to you if your representation is deemed valid.

If you do speak at the hearing, you will not normally be allowed to add any information that was not included in your initial representation. You should, therefore, make sure you include anything you feel is relevant in your initial representation submission so that it can be considered at the hearing.

Attendance at the hearing is not mandatory, but the hearing is your opportunity to present your case directly. If you choose not to attend, the hearing will still go ahead in your absence. Your representation will be considered in your absence.

Hearing procedure

At the start of the hearing, the panel will explain the procedure to be followed. The panel will consider:

- Any evidence submitted in advance of the hearing (representations, etc.).
- Additional documentary evidence presented at the hearing, provided all parties agree to its inclusion.

Please note:

Cross-examination of other parties is not normally permitted. However, all parties have the right to address the panel and may ask questions through the chairperson.

Possible outcomes

Following the hearing, the licensing authority will decide aimed at promoting the licensing objectives. The panel may:

- Grant or vary the licence as applied for
- Refuse to issue or vary the licence
- Grant or vary the licence with amended or additional conditions
- Exclude a licensable activity from the licence
- In the case of a premises licence, refuse to specify a person as the designated premises supervisor

A decision is usually announced at the end of the hearing and confirmed in writing. This written decision will include details of your right to appeal if you disagree with the outcome.

Appeals

Both the applicant and anyone who has made a representation have the right to appeal the decision of the licensing panel.

An appeal must be lodged within 21 days of receiving the written notification of the decision.

Appeals are made to the Magistrates' Court and result in a full re-hearing of the application.

While the licensing authority cannot award costs against any party who makes a representation or requests a review, the Magistrates' Court does have the power to award costs for or against any party involved in the appeal.

Contact

Licensing
Worcestershire Regulatory Services
Wyre Forest House
Finepoint Way
Kidderminster, DY11 7WF

Email: enquiries@worcsregservices.gov.uk

Telephone: 01905 822799