

Date that this representation form must be submitted by

**Licensing Act 2003**

**Representation form and guidance-Other persons**

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 not “objections” but “representations”.

All representations must be relevant to at least one of the licensing objectives:-

* the prevention of crime and disorder
* public safety
* the prevention of public nuisance
* the protection of children from harm

Once an application for a premises licence has been accepted by the licensing

authority, responsible authorities and other persons have 28 days starting on the day after the application is accepted to make representations.

Responsible authorities are the bodies that must be fully notified of applications and

who are entitled to make representations to the licensing authority in relation to the

application for the grant, variation or review of a premises licence.

Responsible Authorities are:-

• Licensing Authority

• Police

• Environmental Protection

• Trading Standards

• Local Safeguarding Children’s Board

• Health & Safety

• Fire & Rescue Service

• Local Planning Authority

• Maritime & Coastguard Agency (if applicable)

• Public Health

As well as responsible authorities, any “other person” can make representations.

It is also possible for a person to request that a representative makes a representation on their behalf – for example, a Member of Parliament or a local ward or parish councillor.

In addition to being relevant, representations must not be vexatious or frivolous and can be rejected on this basis.

If a licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, the applicant and all of the persons/agencies making relevant representations.

In determining an application with a view to promoting the licensing objectives, in the overall interests of the local community, the licensing authority must give appropriate weight to:

* the steps that are appropriate to promote the licensing objectives;
* the representations (including supporting information) presented by all the parties;
* Statutory Guidance;
* its own statement of licensing policy.

Representations must be made in writing and emailed or posted to Licensing Services. They may be amplified at the hearing or may stand in their own right. Additional points, which are not referred to in the original representation received during the 28 day period may not be referred to at the hearing. However if there are any additional documents that refer to the original matters that you wish to be included, these must be sent to Licensing Services at least 5 days before the hearing.

**Planning and other issues**

Unfortunately representations that concern traffic or parking cannot be accepted. This is because the licence holder cannot be held responsible for the use of the public highway outside of the premises. The licensing regime is separate from other local government functions including planning. If a premises licence is granted for the building this will not exempt the licence holder from having to obtain the necessary planning permission. We are therefore unable to accept representations that simply refer to the need for planning permission or refer to parking or an increase in traffic movements. These are issues that are considered when planning permission to use a building for an activity is considered.

It is recommended that representations are made on the following form.

**Representation form- other persons**

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| --- | --- | --- | --- |
| **Full name**  |  | **Title** |  |
| **Home address** |  |
| **Email address** |  |
| **Phone number** |  |

|  |  |
| --- | --- |
| **Name of premises you wish to make a representation about** |  |
| **Address of premises you wish to make a representation about** |  |
| **Type of application (please confirm)** | **New Variation Review** |

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| --- |
| Please add full details of your concerns or support regarding the application and include any evidence to support your representation under the relevant licensing objective.Please use separate sheets if necessary |
| **Prevention of crime and disorder** |
|  |
| **Public safety** |
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| **Prevention of public nuisance** |
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| **Protection of children from harm** |
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| **Are there any steps or conditions which the applicant could take or add to the application which would alleviate your concerns?****If yes – please give details below** |
|  |

If you make a representation, you will be invited to attend a Licensing Sub-Committee meeting where the application will be considered, together with any subsequent appeal proceedings.

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| --- | --- |
| **Are you prepared to attend a hearing?** | **Yes No**Please circle |
| **I acknowledge that my representation will form part of a public document at a hearing,** **(personal telephone numbers, email addresses and signatures will be redacted)** | **Please initial** |
|  |
| **Signature** | **date** |
|  |  |

Licensing Services privacy notice can be viewed on the Council’s website at

[newforest.gov.uk/article/1716/Licensing-Services-privacy-notice](https://newforest.gov.uk/article/1716/Licensing-Services-privacy-notice)

**Please return this form along with any additional sheets / supporting information to : licensing@nfdc.gov.uk or post to**

Licensing Manager

Licensing Services

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