

Making Representations

The people or organisations that can make representations about a licensing application are defined in the Licensing Act 2003 and statutory instruments as "interested parties" and "responsible authorities".

- An Interested party is defined as any of the following:
- A person living in the vicinity of the premises.
- A body representing persons living in that vicinity.
- A person involved in a business in that vicinity.
- A body representing persons involved in such businesses.
- An elected member of Newcastle City Council.

"Vicinity" is not defined in the Licensing Act 2003, but has its normal meaning. In accordance with the statutory guidance, the Licensing Authority will consider representations from those who can demonstrate that they are (or, in the case of new premises, are likely to be), affected by disorder and disturbance occurring (or potentially occurring) on the premises subject to the application or immediately outside the premises.

The bodies defined as a responsible authority are:

- Northumbria Police.
- Tyne and Wear Fire and Rescue Authority.
- The enforcing authority for the purposes of the Health and Safety at Work etc. Act 1974 (Health and Safety Executive or Newcastle City Council).
- The local planning authority (Newcastle City Council).
- The local authority for which statutory functions are exercisable in relation to minimising or reducing the risk of pollution to the environment or harm to human health (Newcastle City Council).
- Newcastle Safeguarding Children Board (Newcastle City Council).
- The local weights and measures authority (Newcastle City Council).
- In relation to a vessel, the navigation authority, which is the Environment Agency, British Waterways Board or the Maritime and Coastguard Agency

Representations from any interested party, or their authorised representative, should be evidentially based and ideally supported by attendance at any hearing into the application. The Licensing Authority will need to be satisfied that there is an evidential and causal link between the representations made, and the effect on the licensing objectives.

Representations do not have to be objections and may articulate a view that the licence will have a positive impact on one or more of the licensing objectives.

Interested parties cannot make representations anonymously and they must include their full address in their letter.

A representation will only be accepted by the Licensing Authority if it is in writing and it is relevant. Representations may be sent electronically (email). The Licensing Act 2003 defines a "relevant representations" as a representation which is about the likely effect of the grant of the premises licence on the promotion one or more of the licensing objectives, or is made by

the police and relates to the identity of the person named in the application as the proposed premises supervisor.

Representations which are regarded as being frivolous or vexatious will not be considered. Persons whose representations are considered frivolous or vexatious will be notified of this within 20 days of receipt or before the determination of the application to which the representations relate.

Petitions for or against an application will be accepted if they comply with the following:

- Each page outlines the main issues of concern, which must relate to at least one of the licensing objectives.
- All signatories must live in the vicinity of the premises subject to the application.
- A column must be available for each person who signs the petition to add why they feel the application will have a negative or positive impact on one or more of the licensing objectives.
- Each person must write their full name and address, the date and their signature.
- One signatory must be identified as a contact. That person (only) will be notified by the Licensing Authority of any hearing and must inform the other signatories.

Representations which are made outside of the period prescribed by the Secretary of State in regulations (28 consecutive days starting on the day after the day on which the application was given to the Licensing Authority) will not be accepted.

A party who wishes to withdraw their representation, which has previously be made, may do so by giving notice to the Licensing Authority no less than 24 hours before the hearing. If the representation is to be withdrawn at less than 24 hours notice, the person making the representation must do so at the hearing.

Disclosure of representations

Where there is to be a hearing to determine an application, the Licensing Authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made. It is important that an applicant is able to respond to a representation, for example, if they believe that it is not a "relevant" representation.

Where the Licensing Authority considers that an interested party has a genuine fear of intimidation as a result of their representation, it may decide to withhold some or all of the interested party's personal details from the applicant, giving only enough details (such as street name or general location within a street) which would allow an applicant to be satisfied that the interested party is within the vicinity of the premises. This is in accordance with the statutory guidance issued under section 182 of the Licensing Act 2003.