HOW TO MAKE A LICENSING REPRESENTATION
A guidance note for local residents

Criteria for making a representation
Anyone can make a written representation about licensing applications. For a representation to be considered as relevant it needs to state what the likely effect the granting of the application will have on the promotion of the following licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

For example, if you are concerned that the granting of the application will lead to an increase in crime and disorder or public nuisance in the area of the premises, this is a relevant representation, providing you set out the reasons why. If you are concerned the granting of longer hours at the premises will lower house prices; this is not a relevant representation and cannot be considered by the Licensing Authority as it does not relate to one of the four licensing objectives.

The Licensing Authority will not consider representations that are frivolous or vexatious, e.g. a frivolous representation is one that does not have a serious purpose or is not serious in its nature, whilst a vexatious representation is one that is made purely to cause annoyance to the applicant.

Making a representation
Relevant representations must be in writing and submitted to the Licensing Authority. Representations can be submitted by email providing you include your name, mailing address and contact numbers as it is important that we are able to contact you. Your representation must reach us before the 28 day notice period expires. Late representations will not be considered.

If you are unsure when the application was made, you can go to the following website address http://www.plymouth.gov.uk/licensingact and access the list of current applications and the licensing register. Alternatively you can look at the site notice posted outside the premise which advertises the application.

To assist, we have devised a ‘Representation Form’ which you can use if you wish. The form is designed to ensure that you include information that is relevant and will be accepted.

We will check your representation to ensure it is relevant and that your comments relate to one or more of the four licensing objectives. If it does not you will be contacted and advised why.

Assuming that your representation fulfils the criteria, it will be copied and sent to the applicant, along with any other representations received.

Alternatives to making a representation
If you do not want to make your own representation, then you can approach a representative who may consider making the representation on your behalf. You should not delay in seeking a representative as any representations must still be received within the 28 day notice period. You could ask a local Councillor or any other recognised body or association. If you are unsure about whom you can approach in your area please contact us and we will be happy to advise.
If your chosen representation is willing to act on your behalf, you must submit a letter of authorisation to the Licensing Department as part of the representation. You must provide your chosen representative with your name, address and details of the grounds upon which your representation is made. They should then submit written representation to the Licensing Authority replicating the grounds upon which your representation is made.

Please note that all future dialogue and correspondence will be held with your representative, and the Licensing Authority will not be in a position to make direct contact with you. Consequently the Notice of Hearing and any decision letter will also be sent to your representative.

**Petitions**

The Licensing Authority will accept petitions but there are some important factors to consider when organising a petition:

- We ask that the instigator of the petition identifies themselves as a central point of contact. We may need to make contact in order to verify certain matters and if we are unable to do this it could invalidate the petition.
- Each page of the petition should contain information as to the purpose of the petition so that all persons know what they are signing.
- Full names and addresses must be supplied.
- All signatories must be made aware that a copy of the petition will be supplied to the applicant and a copy will be contained within the committee papers, however all personal details will be removed to ensure they do not become public knowledge.
- We would encourage all signatories to submit a separate representation as this could have more impact than one petition.
- A petition or pre-printed letter will usually be treated as one representation regardless of the number of signatories and therefore it is usually better for individuals to make a separate representation rather than add their names to a petition.

The Licensing Authority will not write to each signatory separately but instead expect the instigator will advise each signatory of the hearing date and the final outcome of the application. It is expected that the instigator will represent the signatories at the hearing and to speak for them.

**Hearings**

If relevant representations are made the application shall be referred for a hearing. In the meantime, the Council, the applicant and everyone else who has made representations can negotiate an agreeable way forward.

The hearing will take place before a Licensing Sub-Committee which is made up of three Councillors selected from the Full Licensing Committee.

The applicant, objectors/representatives of objectors, and any responsible authority i.e. the police, environmental health etc. will receive a Notice of Hearing. The Notice will set out the date, time and location and explains the procedure to be followed at the hearing. The notice is usually sent out at least ten days before the hearing and you are required to respond to it.

All parties who have submitted a representation will be able to address the Sub –Committee. No new grounds of objection may be raised at this stage and parties are limited to what they have put in their original representation and response to the notice of hearing, although the detail may be expanded upon. All parties are normally restricted to 20 minutes in order to make their submissions, therefore where there are a lot of objectors/supporters present, the Sub-committee may request that a spokesperson is nominated.

The Committee will not permit cross examination between parties.
Note: whilst this is a public hearing, only those who have made their identity known through their letter of representation may address the Committee in person. Therefore if you have chosen to use a representative only they may speak on your behalf. However Members may wish to direct questions to the person making the application.

Even if you (or your representative) are unable to attend the hearing, the Sub-Committee will still consider your written representation.

In making decisions, the Sub Committee will take into account all of the written and verbal evidence before them. They also have a duty to take into account the licensing objectives set out in the Act, the Council’s Statement of Licensing Policy and guidance given by the Secretary of State.

The Committee will normally announce their decision at the hearing, and written confirmation will be distributed to all parties following the hearing.

If any party is aggrieved of the decision then there is a right of Appeal to the Magistrates Court.

Use of personal data

Plymouth City Council is under a duty to protect the public funds it administers and to this end may use the information you have provided on your application for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Contact details and address to send your representation to:

Licensing Department,
Plymouth City Council,
Floor 6,
Civic Centre,
Plymouth,
PL1 2AA
Tel: 01752 305465
Email: licensing@plymouth.gov.uk

This document should be used as guidance tool. Only the courts can give an authoritative opinion on statute law.

Every effort has been made to ensure this document is both comprehensive and accurate but in an attempt to simplify the law omissions have been made. Please refer to the Licensing Act 2003 and associated regulations for full details of the law.

You should seek your own legal advice on the matters raised in this guidance note.