

GUIDANCE NOTE 4

MAKING REPRESENTATIONS: OTHER PERSONS

The Licensing Act makes provision for certain people who are not responsible authorities to make representations on certain types of premise licence and club certificates applications.

Representations are formal issues raised in response to the following types of application:

- a. New Premise Licence / Club Certificate applications e.g. a new public house, restaurant, off licence or social club.
- b. Variations (i.e. changes) to an existing premise licence or club premise certificate e.g. a change of opening hours, or type of licensed activity
- c. Provisional statements e.g. where a new development is being outlined
- d. Applications for a review of a licence or club premise certificate

Representations will only be accepted from individuals, organisations or businesses who feel they may be affected by the application. Applicants can request someone to act on their behalf e.g. a friend, local Councillor, legal representative etc.

If a person feels that the application will or is likely to effect one or more of the four licensing objectives then they can submit their concern (known as a representation) in writing to the Licensing Authority at the following address:-

Licensing
Milton Keynes City Council
Civic
1 Saxon Gate East
Milton Keynes MK9 3EJ

01908 252800

Email: licensing@milton-keynes.gov.uk

The four licensing objectives are:

1. Crime and disorder
2. Public Nuisance
3. Public safety
4. Protection of Children from harm

Representations can only be accepted if they are received by the Licensing Authority within 28 days* following the date of the application concerned. The applicant is also required to advertise the application in a local newspaper and at the premise during this time.

*(The only exception to this is if a premise has been subject to a closure order in which case the period is 7 days or in the case of a 'minor' variation where the period is 14 days)

Copies of the application concerned are also sent to what are termed 'responsible authorities' inviting any representations in respect of the licensing objectives. For most applications the responsible authorities are:

The Police

The Fire Authority

Trading Standards

The Area Child Protection Committee

The Health and Safety enforcement body for the premise

The Public Health body for the premise (normally Environmental Health)

The Planning Authority

The Local Health Board/Primary Care Trust

Details of representations received whether from individuals/businesses or from responsible authorities will normally be passed to the applicant for their consideration so there is no automatic entitlement to anonymity.

If representations are received the Licensing Authority will encourage all parties to consider if the matters raised can be addressed in some way, e.g. by additional controls at the premise.

In the meantime the case will be scheduled for a committee hearing in case a solution cannot be found. The hearing gives an opportunity for parties to make their points to a panel of councillors who will decide the application. The committee are able to grant (perhaps with restrictions), or refuse the application. Any party making representations will be notified of the hearing date so that they can attend.

For any representations to be accepted they need to be relevant to the Licensing objectives and in the case of individuals or businesses they must not be vexatious, frivolous or repetitious.

Even if an application is granted responsible authorities and other persons have the right to request a 'Licence Review' if they feel the premise concerned is not complying with one or more of the Licensing objectives. See Guidance note 6 for details.

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