



North Tyneside Council

Representations and Reviews Guidance Notes

Licensing Act 2003

The Licensing Act 2003 introduces a new system of licensing and modernises the rules governing the sale and supply of alcohol and the provision of public entertainment and late night refreshment. These are referred to under the Act as the “licensable activities” and are:

- The sale of alcohol by retail
- The supply of alcohol by or on behalf of a club
- The provision of late night refreshment (after 11pm)
- The provision of regulated entertainment, such as music and dancing.

Among the new types of licences which have been created under the Act are Premises Licences and Club Premises Certificates. These licences will permit the premises to carry out one or more of the licensable activities mentioned above.

The Licensing Act 2003 will enable thorough scrutiny of applications both by experts and by the local residents and businesses. “Responsible Authorities” such as the Police, Fire Authorities, Health and Safety and Environmental Health Authorities, and others, will be notified of every application for a new Premises Licence (where there is no current licence, for example Justices’ Licence or Public Entertainment Licence etc) or variation of existing licences. They will have the opportunity to make representations to the licensing authority about the effect on the promotion of the licensing objectives of the application.

The Act also enables residents and businesses (or their representatives) to make relevant representations about any application for new licences or for variations to current licences. Such persons are referred to as “other persons”. The intention is to give the local community a greater say than ever before in licensing decisions.

For a representation to be relevant it must be one which concerns the likely effect of the application on the promotion of the four licensing objectives. The licensing objectives that each representation must relate to are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

If an Other Person makes a representation it will not be relevant if the licensing authority considers it to be vexatious, frivolous or repetitive.

Responsible authorities and Other Persons will also have the power to apply for a review by the licensing authority of existing licences, on grounds relating to the promotion of the licensing objectives. Such a review can result in the modification of the licence, its suspension, or ultimately, revocation.

How will I know about an application for a premises near where I live?

When applying for, or seeking to vary, a premises licence, an applicant must give notice of their application to each responsible authority. The applicant will also be obliged to advertise his/her application. This involves putting a notice in a local paper within 10 days of applying to the licensing authority and putting a notice up outside the premises on pale blue paper. The notices will include details of the activities and the times that they will be carried out and will be displayed outside of the premises for a period of 28 days.

Any resident or business will be able to make representations to the licensing authority about the application, if they wish to do so. The name and address of where to send representations to is printed on the notices.

If you wish to see further details of the application it can be viewed at the Licensing Section Office, Block C, Killingworth Site, Harvey Combe, Killingworth, Newcastle, NE12 6UB between 9.30am – 4.00pm (please call if you wish to make a specific appointment first).

What form will my representation have to be in?

Your representation must be in writing but can be sent electronically to liquor.licensing@northtyneside.gov.uk and contain details as to why you believe the application to grant or vary a premises licence or a cub premises certificate will undermine a particular licensing objective. North Tyneside Council have produced a form which you may use to send in your representation. The form is available on request from the telephone number printed below. Your representation may only deal with one or up to all four of the objectives, however you will be called upon to back up your representation with evidence. Your representation must not relate to any other issue apart from the licensing objectives.

An example of a representation is if an application had been received to vary the hours of a premises licence from 11pm to 2am. A resident may raise a representation if they believe that the later closing hours would cause a disturbance to their sleep when customers leave the premises. The resident could raise the prevention of public nuisance objective as their reason for raising a representation.

Please note that your name and address will be disclosed to the applicant unless there are exceptional circumstances.

You must make your representation within 28 days of the applicant lodging the application with the Licensing Section. This date will be displayed on the public notice.

What happens if I raise a representation?

If the licensing authority considers that the representations are relevant the Licensing Committee will meet to consider them (unless all agree that this is unnecessary). The Licensing Committee is made up of 15 Councillors who meet in sub-committees of 3 members.

You will be invited to attend the hearing and we will provide you with details about the procedure that is followed by the Licensing Committee. The Licensing Committee will then have choices as to how it proceeds depending upon what is necessary for the promotion of the licensing objectives. It may:

- Decide to grant or vary the licence in the same terms as it was applied for or
- Decide that it is necessary to refuse to issue or vary the licence or
- Decide to grant or vary the licence, but to modify the conditions or
- Exclude from the scope of the licence a licensable activity

If no relevant representations are made the licence or variation must be granted consistent with the application made by the applicant (subject to mandatory conditions).

If any party is unhappy with a decision made by the Licensing Committee there is an opportunity to appeal to the Magistrates Court within 21 days of the decision.

What are relevant representations?

“Relevant representations” is the expression used in the Act for comments including objections to applications etc.

For a representation to be relevant it must::

- Relate to the effect of the grant of the licence on the promotion of the licensing objectives and
- Be made by an interested party or responsible authority and
- Not have been withdrawn and
- Not be ‘frivolous or vexatious’ or, in the case of a review, ‘repetitious’ if made by an other person or
- If it concerns the premises supervisor, be made by a chief officer of police and include a statement explaining the reasons for the objection

What does frivolous, vexatious or repetitious mean?

Frivolous or vexatious will bear their ordinary meaning. The licensing authority must form a view as to whether a reasonable person would consider the observations to be frivolous or vexatious.

In the case of a review of the licence, the Act provides that a review will not be considered if it is termed as repetitive, that it is identical or substantially similar to the grounds for review already made and dismissed by the Licensing Committee. Further, the Act provides that it will be a repetition if a reasonable interval has not elapsed since the earlier review.

**The Licensing Section
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