

Representations - Guidance Notes

The Licensing Act 2003 is the law relating to the sale and supply of alcohol, late night refreshment, regulated entertainment and private members and social clubs.

The system is the responsibility of the local council who deal with applications for licences and the regulation of licensed premises to ensure that none of the licensing objectives are adversely affected.

The four licensing objectives are:

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

One of the main aims of the licensing system is the introduction of more proportionate regulations to give businesses greater freedom and flexibility to meet customers' expectations, for example by extending or altering opening hours. The system also aims to provide the necessary protection of local residents whose lives can be blighted by disturbance and anti-social behaviour associated with those visiting licensed premises.

This Guidance Note is designed to assist those people who feel they may be adversely affected by a licensing application to make representations to the Licensing Authority.

Representations

People will be made aware of applications through notices displayed at the premises in question, through notices displayed in the local newspaper and through notices posted on the Council Website www.southkesteven.gov.uk

These notices will include relevant information including time limits for representations to be made and of where the full application details can be viewed.

In most cases representations must be made within 28 days of the application being made.

Representations must not be frivolous or vexatious and must be relevant to at least one of the four licensing objectives.

Representations should:

- Fully explain the nature of the points made,
- Reflect the licensing objectives outlined above, and
- Provide in detail, any evidence relied upon to back up those points.

Concerns or fears about what might happen if the licence is granted cannot be taken into account unless they are evidence based and relate to one or more of the licensing objectives.

It is important to be aware that the Licensing Authority can only base its decision in relation to licence applications on evidence and not mere speculation.

Where empirical evidence is not available, any evidence used in the decision making process should leave the Authority to conclude that there is a very real threat of the fears or the dangers being described actually occurring.

If you wish to make a representation in relation to a licence application you should contact the Council's Licensing Section and obtain the appropriate form or download it from the Council's website.

Please be aware that this form may be viewed by the applicant or by a representative of the applicant. This form will be made available, upon request, to the public. It may also be read out in public at the committee hearing.

If a relevant representation is made, unless any agreement can be reached beforehand, a hearing of the council's licensing committee will be held to consider the representation. At this hearing relevant parties will be invited to comment on the representation made. The interested party may choose to rely on their written representation if they so wish.

After consideration the licensing sub-committee may:

- Grant the application
- Amend the application to promote the licensing objectives
- Reject the application

If you wish to withdraw any representations you may do so confirming this in writing, providing you do so no later than 24 hours before any hearing, or otherwise orally at the hearing.

Appeals

A right of appeal to Grantham Magistrates' Court is provided for the applicant against a decision by the Licensing Authority.

**Licensing Section
South Kesteven District Council
Council Offices
St Peter's Hill
Grantham
NG31 6PZ**

Tel: 01476 406080

Email: licensing@southkesteven.gov.uk

This leaflet has been made as comprehensive as possible. However, in attempting to simplify the law, certain requirements have been omitted. Full details of what you must do are contained within the legislation.

Laws can and do change. This information was accurate when produced, but may have changed since. We must advise that only the courts can give an authoritative opinion of statute law. If in doubt you are strongly recommended to take your own independent legal advice.