

## Q&A

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## **What are the licensing objectives?**

The Act provides four objectives. In carrying out its functions the licensing authorities must do so with a view to promoting the objectives. They are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

These **licensing objectives** have been formulated in order to ensure that the carrying on of licensable activities is done in the overall public interest. Any representations made in relation to an application for a provisional statement, a premises licence or club premises certificate (or a variation) or in respect of a review must be about the likely effect of granting the application on the promotion of the licensing objectives.

## **Who can make representations about a licence application or ask for a review of the licence?**

'Interested parties' or 'responsible authorities' can make representations.

Interested parties are any of the following:

- a person living in the vicinity of the premises;
- a body representing persons who live in that vicinity;
- a person involved in a business in the vicinity of the premises;
- a body representing persons involved in these businesses.

Responsible authorities mean any of the following:

- the chief officer of police for the area in which the premises are situated;
- the fire authority for the area in which the premises are situated;
- the health and safety authority for the area in which the premises are situated;
- the local planning authority for the area in which the premises are situated;
- the environmental health authority for the area in which the premises are situated;
- the body recognised as being responsible for protection of children from harm for the area in which the premises are situated;
- with regard to a vessel - the relevant navigation authority, the Environment Agency, British Waterways Board or the Secretary of State; and
- Inspectors of Weights and Measures (trading standards officers).

#### **Can the licensing authority make representations on a licence application or ask for a review of a licence?**

No (except where a premises is situated in more than one area and a different licensing authority is determining the application) the Act does not give the licensing authority considering the application the power to make representation in relation to the application for a premises licence or request a review of a premises licence.

The same provisions apply in relation to club premises certificates and provisional statements.

#### **Can the licensing authority impose conditions on a premises licence?**

If no relevant representations are made, the only conditions that can be imposed are those that are consistent with the applicant's operating schedule and any mandatory conditions provided in the Act. If relevant representations are made, the **licensing authority** may modify or add conditions to the operating schedule if necessary in order to promote the **licensing objectives**.

The same provisions apply in relation to club premises certificates and provisional statements.

#### **What are relevant representations?**

In brief "relevant representations" is the expression used in the Act for comments including objections on 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**;
- be made by an interested party or responsible authority;
- not have been withdrawn;
- not be 'frivolous or vexatious' or, in the case of a review, 'repetitious' if made by an interested party; 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.

The Secretary of State has made **regulations under the Licensing Act 2003** in relation to the making of representations.

#### **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 frivolous or vexatious.

In the case of a review of the licence, the Act provides that for a ground to be a repetition it must be identical or substantially similar to a ground for review already made. For a representation to be a repetition it is identical or substantially similar to one already considered by the authority before it determined an application, or the representation would have been considered but for the fact that they were excluded representations following a provisional statement. Further, the Act provides that it will be a repetition if a reasonable interval has not elapsed since the earlier application or review.

#### **If the local pub, club, restaurant etc is currently open and causing disturbance is it possible to request a review of the licence?**

Yes. At any stage, following the grant of a premises licence, a responsible authority such as the police or the fire authority, or an interested party, such as a resident in the vicinity of the premises, may apply to the **licensing authority** to review the licence if there are grounds relating to the **licensing objectives**.

If an interested party, for example, a local resident, residents' association, or local business applies for a review of the licence, the licensing authority must first consider whether the grounds they have put forward are relevant to the licensing objectives and that they are not vexatious, frivolous or repetitious. If the grounds

comply with these tests, the licensing authority must arrange a hearing to consider them and any relevant representations made.

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