

How do I object to the granting of a licence?

(Making a relevant representation)

The Licensing Act 2003 allows Responsible Authorities (Police, Environmental Health etc.), and an individual person or business to make representations to the Licensing Authority about the granting or variation of a Premises Licence.

Objectors will need to demonstrate how they are likely to be affected by the licensable activity at the premises concerned. Common sense will prevail and each application will be judged on its own merits.

What can I object about?

Any representation relating to an application made under the Licensing Act 2003 must relate to a situation which may impact upon one or more of the licensing objectives stated below. If your representation does not relate to one (or more) of the licensing objectives it will be rejected.

- **The prevention of crime and disorder**
- **Public safety**
- **The prevention of public nuisance**
- **The protection of children from harm**
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All objections must be relevant and in line with one or more of the licensing objectives outlined above.

Examples of potential issues which relevant representations might be made are:

**Noise from the premises affecting nearby residences
Criminal damage caused by customers frequenting the premises
The risk of children coming to harm at the premises
Glasses being taken outside of the premises causing safety issues.**

Examples of issues that would not be considered relevant include:

**The premises will be competition to other similar premises
The proposed colour scheme is not in keeping with the area
The premises is a traditional pub and I do not wish it to change
The premises does not have planning permission
The location is not appropriate to the area
Granting a licence will create more traffic, etc. etc.
This is a conservation area and should not be granted a licence.
(This list is not exhaustive)**

Some of these issues may be matters for the Planning Authority or Highway Authority, but they are not licensing matters. Similarly, in order to be relevant, the effect must be likely, not just possible or speculative.

How and when can I object?

When an application is made the applicant must advertise the application in a local newspaper and post a notice outside the premises. The Licensing Authority must also publish a notice on its website. Representations may then be made to the Licensing Authority in writing. It is recommended that you use the relevant representation form when completing the form, please be clear and state that you are actually objecting and merely not commenting on the application. All representations must be received on or before the end of the consultation period. Any that are submitted after this date will be rejected as out of time.

Your representation can be submitted either:

**By Post to : The Licensing Authority
Westmorland and Furness Council
South Lakeland House
Lowther Street
Kendal
LA9 4UF**

Or preferably by

E-mail to: licensing@westmorlandandfurness.gov.uk

Please note that very strict time limits apply to applications and representations. The Licensing Authority must receive any representation **within 28 consecutive days of the application** being made. Following this period the Licensing Authority has 10 working days (usually 2 weeks) to consider whether a hearing will be required. It may be necessary to contact you urgently to discuss your representation and therefore it would be appreciated if you could supply a daytime or mobile telephone number and/or your email address.

All representations (including names/addresses) are made public and you will be asked to attend such a hearing. If you do not attend this hearing less weight will be given to your representation so you are therefore strongly advised to attend.

During the application process you are entitled to withdraw your representation provided this is carried out 24 hours before the hearing date.

What happens if no relevant representation is made?

Where no relevant representations are made, the Licensing Authority **must** grant the licence application subject only to the mandatory conditions, and conditions or restrictions mentioned in the application.

If there are problems once a licence has been granted, can I do anything about it?

Yes you may ask the Licensing Authority to review a licence following an incident at the premises which contravenes one or more of the four

licensing objectives as stated above. It must be remembered that a representation must be evidence based, relevant, and not frivolous, vexatious or repetitious as the Licensing Authority may reject any application for review made on these grounds.