

## **CRAVEN DISTRICT COUNCIL**

### **Making representations**

Representations should be made in writing to the Licensing Authority where the premises are situated. Craven District Council will also accept representations by email. The interested party must ensure they include their name, address and contact details if making a representation by email.

Please be aware that the Licensing Act 2003 requires all parties that wish to make a representation against an application ensure that their name and addresses are included in the letter of representation to make it valid.

Your name and address are required so that the Licensing Authority and the applicant or their representation can validate that the person making the representation qualifies to make the representation in terms of living or working in the vicinity to the premises concerned.

In exceptional cases an interested party can request the Licensing Authority to withhold their details. In any event the original letter must contain the information required.

All letters will be put out into the public domain and some will end up in reports that will be able to be viewed on the website.

If you attend a hearing these are normally voice-recorded but the meeting may be filmed for live or subsequent broadcast via the Council's website or social media and can be viewed online by anyone who wishes to log on and view them..

All representations must be about the likely effect of granting the licence or certificate on the promotion of at least one of the four licensing objectives. It would be wise, therefore, to explicitly link any representation to one or more of the objectives.

It will also assist if the representations are specific to the premises and evidence-based. Interested parties may, therefore wish to talk to local police beforehand, or document problems themselves by for example keeping a diary or photographic evidence of any incidents.

Licensing Authorities will need to be satisfied that there is an evidential and causal link between the representations made and the effect on the licensing objectives.

In addition, the Licensing Authority can only consider representations that are not "vexatious" or "frivolous".

## **What does a frivolous or vexatious representation mean?**

“Frivolous” or “vexatious” will bear their ordinary meaning. Whether representations are frivolous or vexatious will be for the Licensing Authority to determine. For example, the Licensing Authority might find the representations were vexatious if they arise because of disputes between rival businesses or they might be frivolous representations if they plainly lacked seriousness.

Interested parties cannot make representations anonymously, even if somebody else (e.g. a local MP or councillor) is making the representation on their behalf. This is because, for example, the Licensing Authority needs to be satisfied that the person making the representation is not being vexatious.

It is also important that an applicant is able to respond to a representation, for example, if they believe that it isn't a “relevant” representation. If interested parties are concerned about possible intimidation, they could consider asking the police, or another appropriate Responsible Authority to make a representation on their behalf.

## **Things you may wish to consider when making representations:**

- If no relevant representations are made, the licence or variation must be granted (subject to the mandatory conditions). Please see [Guidance on mandatory licensing conditions - GOV.UK \(external link\)](#)
- It may be helpful to get the backing of other people living or businesses operating in the vicinity of the premises or other “Responsible Authorities”, such as the police or environmental health.
- If you are thinking of raising a petition, it is important to ensure that the Licensing authority can determine whether all the signatories are within the ‘vicinity’ of the premise. So, including their addresses and indicating clearly what representation(s) they are all making would be helpful. It would also help if a spokesperson could volunteer to receive details about the hearings etc. from the Licensing Authority and may be willing to speak on behalf of the petitioners at the hearing.
- If you want to ask another person, such as an MP or local Councillor to represent you, it is advisable to make such a request in writing so that the individual can demonstrate he or she was asked. It will be a matter for the MP or Councillor to decide whether they should agree to your request. They are not obliged to do so, however, most elected representatives are happy to help residents with this sort of issue, and there is no requirement for them to live in the vicinity of the premises in question for them to be able to make representations on behalf of residents that do.
- Councillors who are part of the Licensing Committee hearing the application will not be able to enter into discussions with you about the application outside of the formal hearing, so it is suggested that you do not approach them to try and influence them.

- Consider how you would like the situation to be rectified.

### **What happens after a representation has been made?**

If the Licensing Authority considers that the representations are relevant (ie are from an interested party and are not frivolous or vexatious), it must hold a hearing to consider those representations - unless all parties can come to an agreement beforehand, and agree that a hearing is unnecessary. For example, the Licensing Authority may offer to try and resolve matters via a negotiated agreement outside a formal hearing. You will need to decide if this is appropriate for you, but you can, of course, insist upon the hearing.

The Licensing Authority will write to you to inform you of the date and time of the hearing and will explain the format of the hearing.

If an applicant withdraws their application after a hearing date has been arranged, the Licensing Authority will let them know that the hearing has been cancelled. Interested parties should be aware that if they make representations about an application that is later withdrawn, and the applicant makes a new, amended application, their representations will not automatically be taken forward.

Any amended application would need to be re-advertised as set out above. Interested parties will then have the opportunity to decide whether to make representations about the new application.

### **Licensing Committee Hearings**

Interested parties who made representations are required to give notice to the Licensing Authority at least 5 working days before the start of the hearing, stating:

- Whether they will attend the hearing in person
- Whether they will be represented by someone else (e.g. councillor / MP / lawyer)
- Whether they think that a hearing is unnecessary (if, for example they have come to an agreement before the formal hearing)
- If they want another person to appear at the hearing (not to represent them), a request for permission for the person to attend, and details of their name and how they may be able to assist the authority in relation to the application

Interested parties must let the Licensing Authority know as soon as possible (by a notice no later than 24 hours before the start of a hearing, or orally at the hearing) if they wish to withdraw their representation.

Hearings will generally be held in public, unless the Licensing Authority decides it is in the public interest to hold all, or part of the hearing in private. The Licensing Authority shall ensure that a record is taken of the hearing. You can download the agenda and minutes of

the Licensing Sub-Committee meetings from our Council Meetings page. If you attend a hearing these are normally voice recorded but this meeting may be filmed for live or subsequent broadcast via the council's internet site and can be viewed online by anyone who wishes to log on and view them.

Hearings will normally take the form of a discussion and will be led by the Licensing Authority, which will consist of three local authority elected councillors (this will be the Licensing Sub-Committee drawn from a full Licensing Committee)

The Licensing Authority will explain the procedure to be followed. It will determine any request for additional persons to appear at the hearing. It will consider evidence produced in support before the hearing and can consider evidence produced by a party at the hearing, but only if all parties agree.

Further evidence can also be produced if this was sought for clarification of an issue by the authority before the hearing. Cross-examination of one party by another during a hearing is not allowed, unless the Licensing Authority thinks it necessary.

The parties are entitled to address the authority and will be allowed equal time to address the authority and, if they have been given permission by the authority to do so, they will be given equal time to ask any questions of any other party. The authority will disregard any information it considers to be irrelevant.

NB - A hearing can still go ahead in the absence of any party (e.g. applicant or interested party).