Guidance on Making a Representation

Under the Licensing Act 2003 objections can be raised against an application for a new premises licence or a variation of an existing licence. It is also possible to trigger a review of an existing licence. The term used in the 2003 Act, regulations, and associated guidance is not ‘objections’ but ‘representations’. All representations must be relevant to one or more of the four licensing objectives:

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

The key documents upon which Local Authorities rely, in their role as the Licensing Authority, is the Guidance issued under section 182 of the Licensing Act 2003 published by the Home Office and the Council’s own Statement of Licensing Policy. These documents can be found at:


Making a representation

Relevant representations must be in writing and submitted by post to Licensing at Cheshire East Council, Licensing Team, C/O Municipal Buildings, Earle Street, Crewe, CW1 2BJ or by email to licensing@cheshireeast.gov.uk, alternatively you can attend one of the Council’s Customer Centres at either Delamere House in Crewe or Macclesfield Town Hall. Your representations must reach us within the 28 day statutory consultation period. Late representations will not be considered. If you are unsure when the end date for consultation is, you can check on the Cheshire East Council website listing current applications for Premises Licence and Variation to a Premises Licence, which can be found at: https://www.cheshireeast.gov.uk/business/licensing/alcohol_and_entertainment/premises_licence_applications.aspx look at the advertising of the application or call Cheshire East Council on 0300 123 5015.

The Licensing Team will initially check your representation to ensure that your comments relate to the premises which is the subject of the application and the Licensing Objectives. If your representation does not relate to one or more of the Objectives and does not relate to the premises or application in question, it will be invalid and rejected. Your representation must also be based on evidence or your experience and not on fear or speculation. Representations which are considered to be frivolous or vexatious will not be considered. Representations relating to competition from other businesses will not be considered.

If your representation is deemed to be relevant or partly relevant, a copy will be sent to the applicant, along with any other representations received. It is important that the applicant is provided with the opportunity to address the comments raised in your
representation. The applicant may offer to change their application to try to satisfy your concerns and the Licensing Authority will facilitate this discussion. This may result in times being reduced or extra conditions being added.

If your concerns cannot be overcome and you choose not to withdraw your representation, the application will be determined at a meeting of the Council’s Licensing Act Sub-Committee (known as a Hearing) and your representation and personal details may form part of the report and recorded decision, which are all public documents. If you do not want your personal details to be released then you will need to provide good reason for this information to be withheld, for example the fear of intimidation of violence. Anonymous representations may not be considered relevant, this is because we would be unable to verify whether they are frivolous or vexatious and we are likely to give them less weight. Additionally, the applicant would not be able to address the concerns raised.

You may also want to approach a representative who may consider attending the Hearing on your behalf. You should not delay in seeking a representative as any representations must be received within the 28 day consultation period. You could ask a local Councillor, a friend or neighbour, any other locally recognised body or association, or legal representative. If you want to be represented, you must notify the Council’s Licensing Section of this at least 5 working days before the Hearing.

**Petitions**
The Licensing Authority will accept petitions, but there are some important factors to consider before organising a petition:

- We ask that the organiser of the petition identifies them self as a central point of contact. We may need to make contact in order to verify certain matters and if we are unable to do this it could invalidate the petition
- Each page of the petition should contain information as to the purpose of the petition so that all persons know what they are signing
- Full names and addresses must be supplied
- All signatories must be made aware that a copy of the petition will be supplied to the applicant and a copy will be contained within the committee papers, so their personal details will become public knowledge.

We will not write to each signatory separately, but instead assume that the organiser will advise each signatory of the hearing date and the final outcome of the application. It is expected that the organiser will represent the signatories at the hearing and to speak for them. When making a decision, the Licensing Authority will give appropriate weight to a petition. Those wishing to make representations should appreciate that the quality of the representations we received is an important consideration when making a decision.

**Hearings**
If relevant representations are made the application will be referred to a Hearing for determination, unless:

- The Council, the applicant, and those who have made representations agree that a Hearing is not necessary
Any representations have been withdrawn
The application is withdrawn

The Hearing will take place before a Licensing Sub-Committee which is made up of three Councillors selected from the full Licensing Committee. All parties (the applicant, objectors/representatives of objectors, and any responsible authority), will receive a Notice of Hearing. The Notice will set out the date, time and location and explains the procedure to be followed at the Hearing. This Notice is usually sent out at least ten days before the Hearing. All parties or a representative will be able to address the Sub-Committee. If there are a number of objectors/supporters present, the Sub-Committee may request that a spokesperson is nominated or apply a time limit to any speakers. The decision-makers will have had the benefit of reading all the documents, including any representations, before the Hearing commences.

Please note that whilst this is a Public Hearing only those who have made valid representation may address the Committee in person. If you have chosen to be represented by someone, they may speak on your behalf. Even if you or your representative is unable to attend the Hearing, the Sub-Committee will still consider your written representation in your absence.

You also have the opportunity at the Hearing to set out your representation and to ask questions of the applicant or their representative. You can also be asked questions by the application or the Members determining the application. You can amplify your representation, but you cannot raise any new issues at the Hearing that you have not previously referred to in your written representation.

Members of the Public and other Councillors must not contact a Member of the Hearing before the date of the Hearing and there should be no lobbying of any decision-maker or any suggestion that you have tried to influence the decision outside of the formal Hearing.

In making decisions the Sub-Committee will take into account all of the written and verbal evidence before them. They also have a duty to take into account the Licensing Objectives set out in the Licensing Act 2003, the Council’s Statement of Licensing Policy and Guidance issued by the Secretary of State. The Committee will normally announce their decision at the Hearing, and written confirmation will be distributed to all parties. If any party is unhappy about the decision, there is a right of Appeal to the Magistrates Court within 21 days of receipt of the decision. The Hearing will be conducted in accordance with the Council’s Procedure for Hearings. However, the Chairman does have discretion to vary this procedure where necessary.