

# **LICENSING ACT 2003**

## **GUIDANCE NOTES**

### **VARIATIONS, REPRESENTATIONS AND APPEALS FOR PREMISES LICENCES AND CLUB PREMISES CERTIFICATES**



## **Variations, Representations and Appeals for Premises Licences and Club Premises Certificates**

Any reference in this leaflet to a premises licence includes a club premises certificate.

A premises licence holder may apply to the licensing authority to vary their licence. Variations could include alterations to the opening times of the premises or changes to the physical shape of the premises covered by the licence. More probably, it will relate to the licensable activities of the licence or conditions attached to the licence.

### **Applications**

*New Premises Licence / Club Premises Certificate* – New applications are required to be advertised.

### **OR**

*Variation of a Premises Licence / Club Premises Certificate* – application to vary existing business practices i.e. change of opening hours, types of entertainment etc. These applications are also required to be advertised.

An application for a new, or to vary a premises licence must be made to the relevant licensing authority and must include the following:

- A completed application form;
- An operating schedule;
- A plan of the premises;
- If alcohol is to be sold, the name of Designated Premises Supervisor must be supplied (unless it is a qualifying club, which is exempt);
- The prescribed fee.

The operating schedule must also include details of all licensable activities which will, if the licence is granted, take place at the premises.

Applicants must send copies of applications to **responsible authorities** and advertise their application for the benefit of **interested parties**. Responsible authorities are:

- The Police;
- The Fire Authority;
- Health and Safety or HSE;
- Environmental Protection;
- Social Services;
- Planning Department.

See list for contact details.

Applicants must also advertise their application for the benefit of interested parties. Interested parties are:

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- Businesses or residents in the vicinity of the premises; and
- People representing businesses or residents.

### Advertising Applications

To advertise the application, the applicant must clearly display a pale blue A4 size Notice immediately on or outside the premises for a 28 day period during which time interested parties may make representations. The Notice should clearly display a brief summary of the application setting out matters such as the proposed licensable activities and the proposed hours of opening, together with information about where the details of the application may be viewed. Also applicants are required to publish the same details in a local paper within 10 days of applying. Notices are to be of similar format to the following:

<p style="text-align: center;"><b>LICENSING ACT 2003</b> <b>NOTICE OF APPLICATION FOR A PREMISES LICENCE</b></p> <p>Notice is hereby given that (a).....</p> <p>has / have applied to the Licensing Authority of London Borough of Haringey for a Premises Licence to permit:</p> <p>(b).....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>for the premises (c).....</p> <p>Situated at (d).....</p> <p>.....</p> <p>A register of licensing applications can be inspected at Licensing Team, Civic Centre, High Road, London N22 8LE.</p> <p>Any person wishing to submit relevant representations concerning this application must give notice in writing to the London Borough of Haringey, Licensing team at the above address, giving in detail the grounds of the representation no later than:</p> <p>(e)...../...../200.....</p> <p>The Council will not entertain representations where the writer requests that his identify remains anonymous. Copies of all representations will be included in the papers presented to the Licensing Authorities Sub Committee and will therefore pass into the public domain.</p> <p><b>Representations must relate to one or more of the four Licensing Objectives: the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.</b></p> <p>It is an offence liable on conviction to a fine up to £5000 under section 158 of the Licensing Act 2003 knowingly or recklessly to make a false statement in connection with an application.</p> <p>Dated this.....day of.....200.....</p> <p>Signed.....</p> <p>Notes: (a) full name of applicant/club: (b) brief description of licensable activities and times (c) name of premises: (d) full postal address of premises: (e) the last date for representation should be written in the format dd/mm/yyyy and calculated as 28days from the date on which the notice is displayed.</p>
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## Representations

*Objection / representations cannot be of a frivolous, vexatious or repetitious nature.*

These definitions relate to the Licensing Act 2003 in the following way:

A *frivolous* representation may relate to an objection made based on no relevant grounds. For example a nearby pub might make a representation about a new pub opening out of fear of competition. In reality this is not a valid representation as it does not concern the 4 licensing objectives of the Act.

Similarly, a *vexatious* representation is based on no relevant grounds, but is also made in an argumentative and/or spiteful manner. For example a person may have been once barred from a pub and when that pub has advertised for a variation on their license the person has made a representation out of spite.

In the case of a review of the licence, the Act provides that for a ground to be a repetition (*repetitious*) 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 there are no relevant representations by either a responsible authority or an interested party, the application must be granted without the need for a hearing.

If a relevant representation is made, there must be a hearing. The Licensing Sub-Committee will then consider the representations. The Licensing Sub-Committee may:

- Vary the licence in the accordance with the application;
- Refuse to vary the licence.

Where there is a request for a review of the licence from a responsible authority or interested party, the licensing authority may hold a hearing. In the case of a review, the Licensing Sub-Committee may:

- Modify conditions (which can be for a temporary basis for up to 3 months);
- Exclude any activity (which can be for a temporary basis for up to 3 months);
- Remove the Designated Premises Supervisor (this is not applicable to Club Premises Certificate holders);

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- Suspend the licence (for a maximum of 3 months);
- Revoke the licence.

The licensing authority may not do anything to reduce the rights guaranteed under the application to convert the existing licence(s) authorisations to a new premises licence. So, for example, it could not reduce the hours of trading to less than the permitted hours under the Licensing Act 1964.

Where the licensing authority fails to make a decision in respect of an application to vary a premises licence from the existing licence(s) under the “grandfather right” arrangements within 2 months from receipt of an application (which fulfils the requirements of the Act and Guidance by the licensing authority) the application will be deemed to have been refused.

### **Appeals**

A right of appeal to the Magistrates Court is provided for the applicant against a decision by the licensing authority not to vary the new licence. The court can:

- Dismiss the appeal;
- Substitute any alternative decision which the Council could have made;
- Send back the case to the local authority with directions to deal with it.

If the Licensing Authority revokes a licence, it will have no effect until the time limit for appeal ends or the appeal is determined by the court.

Appeals can, in some circumstances, be made by an objector.

Appeals must be lodged within 21 days of notification of the decision.

For more related information log onto the Department for Culture, Media and Sports website:  
[www.culture.gov.uk/alcohol\\_and\\_entertainment/licensing\\_act\\_2003/making\\_representations.htm](http://www.culture.gov.uk/alcohol_and_entertainment/licensing_act_2003/making_representations.htm)

## **Contacts**

### ***Licensing***

Licensing Team  
Enforcement Service  
Lee Valley Technopark  
Ashley Road  
Tottenham  
N17 9LN

Tel: 020 8489 8232  
Fax: 020 8489 5528  
Email: [licensing@haringey.gov.uk](mailto:licensing@haringey.gov.uk)

### ***Police***

Metropolitan Police Service  
Quicksilver Patrol Base  
Unit 1  
Quicksilver Place  
Western Road  
Wood Green, N22 6UH  
Tel: 0203 276 0150

### ***Fire Department***

LFEPA  
Fire Safety Regulation: North West  
Area 1  
London Fire Brigade  
169 Union Street  
London SE1 0LL

### ***Planning***

Planning Enforcement  
Environmental Services  
639 High Road  
Tottenham  
London  
N17 8BD

Tel: 020 8489 5508  
Fax: 020 8489 5220  
Email:  
[development.control@haringey.gov.uk](mailto:development.control@haringey.gov.uk)

### ***Health and Safety***

Commercial and Environmental  
Protection Group  
Enforcement Service  
Lee Valley Technopark  
Ashley Road  
Tottenham  
N17 9LN

Tel: 020 8489 5558  
Fax: 020 8489 5528

### ***Social Services Contact***

Insp. Chris Thorpe  
Metropolitan Police Service  
Licensing  
Wood Green Police Station  
347 High Road  
Wood Green  
N.22 4HZ  
Tel: 0208 345 2005