

LICENSING ACT 2003
HOW TO AVOID AND DEAL WITH
REPRESENTATIONS

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LICENSING ACT 2003 **HOW TO AVOID AND DEAL WITH REPRESENTATIONS**

- Every application for a new premises licence, and all but very minor variations to existing premises licences, may attract representations from either a 'responsible authority' (such as the Police, the Fire Authority, and the Environmental Health Department) or an 'interested party' (a person living or involved with a business in the vicinity of the premises).
- Even seemingly innocuous applications can attract representations which necessitate a Council Sub-Committee hearing and serve to cause frustrating delays. However, steps can be taken to minimise this risk, for example:
 - Provide further information. Sometimes representations are received because local residents are fearful as to what is proposed. Whilst the Licensing Act 2003 (Premises Licences etc) Regulations 2005 do not require applicants to provide much detail when advertising applications it can sometimes be advantageous to display further information next to the blue notice. We can help you with this.
 - Consult with the responsible authorities and interested parties. Generally speaking, it is advisable to speak with the responsible authorities before making any application. This can serve to ensure that any areas of potential concern are addressed in the application, thus avoiding representations being made. Care needs to be exercised because conversely, speaking with local residents prior to making an application can be risky since it might only serve to alert them to an application that they might otherwise have missed! Based on our considerable experience in this field of work, we can advise you what is best for your application.
 - Embrace your local community. Local residents can be your best customers. The better you treat them, the more likely they are to support the application. Local residents can make positive representations. Even a petition supporting an application can be useful, but remember to ask that supporters note down their addresses to prove that they live in the local area. Sometimes you may be faced with a petition against your application. We can advise you how to deal with that situation.
 - Come up with new initiatives. We can review with you particular problems which already exist in the area and suggest initiatives you might care to introduce to improve your standing with the local community and the police – essential if you want to trade with a licence free from onerous conditions.
 - Show that the representation is irrelevant, frivolous or vexatious. We can help you to use the licensing procedures and processes to your advantage by persuading the licensing authority to disregard completely any such representation.

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- With lawyers independently recommended for their “*real talent in liaising with authorities, officials and councils*” and “*understanding all the licensing processes to the core*”, we are ideally placed to manage licence and variation applications in such a way as to reduce the risk of representations and maximise the prospects of success.

Need to know more?

Ask us. “*Truly proactive practitioners, well versed in licensing law, greatly knowledgeable and utterly dependable in fighting its clients’ battles ...*” – *Chambers Guide to the UK Legal Profession 2008*. For information/advice on alcohol or entertainment licensing matters, gaming, betting, lotteries or remote gambling, please contact:

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This document is not intended to be a comprehensive review of all developments in the law or practice, or to cover all aspects of those referred to. Readers should take legal advice before applying the information contained in this publication to specific issues or transactions.

Joelson Wilson LLP

July 2008