

## **Making objections to licence applications**

Premises licences are granted to a premises to authorise one or more licensable activities. The licensable activities are as follows:

- Sale or supply of alcohol.
- Provision of 'regulated entertainment' (which includes live and recorded music, dancing, indoor sporting events, the performance of plays, and the exhibition of films).
- Provision of late night refreshment (hot food and hot drink) between 11pm and 5am.

A first time licence is a 'new' application. Once a premises licence has been issued applications can be made to 'vary' the licence to amend existing licensable activities or add new ones. These applications to vary follow a similar application process to the applications for new, first time licences.

We are also able to grant club premises certificates to registered members' only clubs to allow club activities such as the supply of alcohol to club members and the provision of regulated entertainment. Like premises licences, club premises certificates can also be varied.

### **How will I know about these licence applications?**

All of the applications mentioned above will be advertised. A blue notice will be placed at or on the premises for a period of 28 days starting with the day after the application was given to the Council. A newspaper advert will also appear in a local newspaper within 10 working days of the application being given to the Council.

Please note that 'Temporary Event Notices' (TENs) relate to one-off events and are subject to different rules. Public objections cannot be made for TENs.

### **How do I find out more about an Application?**

A copy of the Application can be viewed on request at Burnley Contact Centre, Parker Lane Burnley BB11 2DT during the period when representations can be made.

The application cannot be copied or photographed but when it is being viewed notes can be made of the contents by the person viewing it.

## **On what grounds can I make a representation?**

Objections must be based on or one or more of the following licensing objectives:

- Prevention of crime and disorder.
- Public safety.
- Prevention of public nuisance.
- Protection of children from harm.

If having seen the notices mentioned above you are concerned that the grant of the licence would impact on one or more of these objectives you should consider making a representation.

## **How do I make a representation?**

If you wish to object to an application for a licence, you must put your objection in writing and send by post to:

Licensing Office, Burnley Borough Council, Parker Lane, Burnley, BB11 2DT

Or by email to:

[licensing@burnley.gov.uk](mailto:licensing@burnley.gov.uk)

We must receive it within 28 days of the application being made to the Council.

You must include the following information:

- Your name and signature.
- The date you wrote the letter.
- The application that you are opposed to.
- The reasons why you are opposed to the application

Please note that we cannot accept a representation that is

- frivolous (silly or trivial),
- vexatious (done to cause annoyance or distress) or
- repetitious (identical or substantially similar to one already considered by the local authority in an earlier application).

## **Criteria for making a representation**

Under the Licensing Act 2003, any person is able to make written representation in relation to certain types of applications.

However, for a representation to be considered relevant, it must address the likely effect the granting of the application will have on the promotion of one or more of the following licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

Representations must relate to the impact of licensable activities carried on from the premises on those objectives listed above.

Late representations will not be considered and will be returned.

Once a representation has been accepted by the Licensing Department it will ultimately become part of a hearing report, which is a public document.

Unless there are any genuine and well-founded fears of intimidation representations will be published.

## **Disclosure of personal details of persons making representation**

Where a Notice of Hearing is given to an applicant, the Licensing Authority is required to provide that applicant with copies of the relevant representations that have been made.

It is only in exceptional circumstances that personal details (name and address) will be removed from representation correspondence.

The current guidance states withholding such details should only be considered where the circumstances justify such action. If a person making representations considers that this paragraph applies then they must provide written details to support that in their submission.

## **Hearings**

If the Licensing Authority decides that representations are relevant, it must hold a hearing to consider them. In the meantime, the Licensing Authority, the applicant and any person or body who has made representation can negotiate an agreeable way forward, and where written agreement is reached between all parties, the hearing may be cancelled.

The Licensing Authority strongly encourages all parties to mediate, and will assist, where possible, in the facilitation of mediation discussions.

Where agreement cannot be reached, the hearing will take place before a Licensing Sub-Committee, which is made up of three Elected Members from the Council's Licensing Committee.

The applicant, persons making representation, 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.

The Notice will be sent out within the prescribed statutory timescales. Please note that objectors are required to respond to this Notice indicating if they intend to be at the hearing. A report giving details of the application and all valid objections will also be sent to you and the applicant prior to the hearing

All parties who have submitted a representation will be able to address the Sub-Committee. No new grounds of objection may be raised at this stage and parties are limited to speaking to matters outlined in their original representation and response to Notice of Hearing, although detail provided may be expanded upon.

Where you have chosen to use a representative, only they may speak on your behalf. However, Members may still wish to direct questions to applicants, even in cases where they are represented.

Please note that parties will all be given an equal amount of time in which to address the Sub-Committee, but that time period may be limited by the Chairman of the Sub-Committee – for example, where there are numerous objections, speaking time may be limited to 5 minutes, or the Chairman may request, where lots of similar representations have been made, that a spokesperson is nominated.

Please be assured that if for any reason you are unable to attend the hearing, the Sub-Committee will still consider your written representation.

### **At the conclusion of the Hearing**

The Sub-Committee will normally announce their decision at the hearing, and written confirmation will be distributed to all parties following the hearing.

### **Appeals**

If any party is aggrieved by the decision, an appeal may be made to the Magistrates' Court. An appeal has to be commenced by the appellant giving notice of appeal to the designated officer for the magistrates' court within a period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision which is being appealed

### **Public Register of all current Licences**

There is a public register of licences on the Council's website

<https://licensing.burnley.gov.uk/1/WcaHome>

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