

FAREHAM

BOROUGH COUNCIL

LICENSING ACT 2003 – REPRESENTATION FORM

To make a representation in respect of an application for a Premises Licence or Club Premises Certificate please complete the following form. For representations to be considered relevant they must relate to one or more of the four "Licensing Objectives" (listed below).

Please note all representations will be made available for applicants to view. If you make a representation objecting to the application it is likely that you will be called upon to attend a hearing and present your objection before a Licensing Panel.

Personal Details	
Name	Christopher Brown
Address	268 Hunts Pond Road, Fareham,
.....
Postcode:	PO14 4PF
Contact telephone Number.....	07521881818

Licence application you wish to make a representation on	
You do not need to answer all of the questions in this section, but please give as much information as you can:	
Licence number	
Name of Applicant:	Pub & Grub Co Ltd
Name of Premises:	Sir Joesph Paxton
Premises Address (where the Licence will take effect):	
.....	270 Hunts Pond Road, Fareham
.....
.....	Postcode:
.....	PO14 4PF

Reason/s for representation
Under the Licensing Act 2003, for a representation to be relevant it must be one that is about the likely effect of the application on the promotion of the four licensing objectives.
Any representations that are considered to be vexatious or frivolous will not be considered.
Fill in reason/s for your representation in the space provided under each Licensing Objective it relates to.

The Prevention of Crime and Disorder

Public Safety

The Prevention of Public Nuisance

If live music is permitted in the garden, then would it be permitted the entire time the garden is open? Under the same amendment the garden would remain open until 23:00.

We have two young children, who would be disturbed by music outside our house when trying to sleep.

Can live music be kept to before 20:00?

The Protection of Children from Harm

I, Christopher Brown, hereby declare that all information I have submitted is true and correct.

Signed: [Redacted Signature] Dated: 13-Aug-2020

Please send completed form to:

The Licensing Team
Fareham Borough Council
Civic Offices
Civic Way
Fareham

PO16 7AZ

Licensing Act 2003 Guidance: How to Make a Licensing Representation

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. By way of an illustrative example: "...a representation from a local business person about the commercial damage caused by competition from a new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant."¹

Please also be aware that the Licensing Authority will not consider representations that are frivolous or vexatious. The former category refers to representations that display a lack of seriousness in purpose or nature, whilst the latter relates to representations which appear to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause of justification.

Any person who is aggrieved by a rejection of their representation on either of the above grounds may lodge a complaint via the Council's complaints procedure.

Making a representation

Relevant representations must be in writing and submitted to the Licensing Authority within the 28-day notice period. Late representations will not be considered and will be returned.

If you are unsure when the application was made, you can view the following website http://www.fareham.gov.uk/licensing_and_inspections/licensing/premlicensing.aspx and follow the link near the bottom of the page 'Register of current applications and reviews requested'. Alternatively, you can look at the site notice posted at the premises which advertises the application. If you would like information about licences already in force please contact the Licensing Team at Fareham Borough Council on 01329 824373.

We have prepared a 'Representation Form' which can be used to assist you when making representations. The form is designed to help extract the type of information which is required to ensure the representation is relevant and therefore, can be accepted.

¹ Amended Guidance issued under Section 182 of the Licensing Act 2003 – October 2012

Alternatives to making a representation

If you do not want to make your own representation, then you may wish to consider approaching a representative who may consent to make the representation on your behalf. For example, you may wish to ask a local Councillor or any other recognised body or association. If you are unsure about whom you can approach in your area, please contact the Licensing Team.

If your chosen representative is willing to act on your behalf, you must submit a letter of authorisation to the Licensing Department as part of your representation. You must provide your chosen representative with your name, address and details of the grounds upon which your representation is made. They should then submit written representation to the Licensing Authority replicating the grounds upon which your representation is made.

Please note that all future dialogue and correspondence will be held with your representative, and the Licensing Authority will not be in a position to make direct contact with you. Consequently, the Notice of Hearing and any decision notice will also be sent to your representative.

Petitions

When organising/submitting a petition as part of your representation, there are some important factors to bear in mind:

- We ask that the instigator of the petition identifies themselves as a central point of contact, as we may need to make contact in order to verify certain matters and if we are unable to do so this 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 for each signatory must be provided.
- All signatories must be made aware that where representations are made and not withdrawn, a copy of the petition will be supplied to the applicant and a copy will be contained within the committee papers.

The Licensing Authority will not write to each signatory separately but instead expects that the instigator of the petition will advise each signatory of the hearing date and the final outcome of the application. It is also expected that the instigator will represent signatories at the hearing and will speak for them.

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 will be removed from representation correspondence.

We would refer you to Government Guidance on this matter, which states:

“In exceptional circumstances, persons making representation to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.”

Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.

For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.

The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.²

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 Panel, which is made up of three Elected Members from the Council's Licensing and Regulatory Affairs 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 you are required to respond to this Notice.**

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 Panel, but that time period may be limited by the Chairman of the Panel – 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.

The Panel will not permit cross examination between parties.

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

² Amended guidance issued under Section 182 of the Licensing Act 2003 – October 2012

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

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.

Contact Details:

Licensing Team
Fareham Borough Council
Civic Offices
Civic Way
Fareham
PO16 7AZ

01329 236100 (switchboard) 01329 824373 (direct line)

Email: Licensing@fareham.gov.uk

The advice in this document should not be regarded as a definitive statement of the law – it is our current interpretation only, and may be subject to change Only the Courts can give an authoritative opinion on statute law.