

Licensing Act 2003 Guide to Making a Representation

1. I have become aware of a licensing application for a premises licence in my area, can I make a representation against it?

The Licensing Act permits any person to make a relevant representation in support of, or objecting to, a premises licence application. There is no requirement for you to live within a certain distance or have a particular interest, but for comments to be taken into account they must fall within the scope of being 'relevant' under the Act.

2. What is meant by 'relevant' representation?

'Relevant representation' is the formal method available to a person who wishes to have a say on licence applications made under the Licensing Act 2003.

For a representation to be 'relevant' under the Licensing Act 2003, it must:

- a) be submitted to the Licensing Authority;
- b) be received by the Licensing Authority before the end of the 28-day consultation period; and
- c) relate to the likely effect of the grant of an application on the promotion of the 'licensing objectives' specified in the Licensing Act 2003.

No two applications are the same. As every business is different and there are many types of application and licensable activities, to produce a 'relevant representation' it is essential you understand precisely what an application seeks before deciding whether to respond to it.

3. How can I find out more about an application?

The Council maintains a Public Licensing Register containing details of applications and licences. If you contact the Council's Licensing Team we can provide more information about the application and will confirm the date by which representations must be received.

The Licensing email inbox is monitored during all office hours, so email is the fastest and surest way to make your enquiry, however full contact details are provided at the bottom of this page.

4. I understand what the application is for and wish to submit a representation.

Remember, to be 'relevant' a representation must clearly explain the likely effect of the grant of the premises licence on one or more of the four licensing objectives, which are:

- the prevention of crime and disorder;
- the prevention of public nuisance;
- the protection of children from harm; and
- public safety.

Concerns must be clearly expressed or identified in the body of the representation. There is no requirement for you to produce a recorded history of problems at a premises to support your representation, in fact it is recognised that this would not be possible for new premises.

However, case law established through the Licensing Act advises that speculation and unsubstantiated claims cannot be considered.

The representation must explain the basis, or grounds, for the concern raised and certain parts of the Council's Licensing Policy

https://go.walsall.gov.uk/licensing_act_2003_statement_of_licensing_policy and Government Guidance, issued under Section 182 of the Act, [Government Guidance](#) may assist in assuring that your representation is as effective as possible.

5. Are there any concerns that are inadmissible or may not be considered?

Yes, there are.

Although an area may have some localised social issues that cause valid concerns for residents, there is often existing legislation in force and other enforcement mechanisms available for dealing with them.

For this reason, the Licensing Act makes clear that certain considerations may not form the basis of relevant representations in relation to licensing applications.

They include:

- Limited parking provisions;
- Unmet demand;
- The possible effect the grant of an application may have on property value;
- Moral or ethical views of the sale or consumption alcohol;

In respect of each of these issues, such considerations may not be influence the determination of applications made under the Licensing Act 2003.

Representations based on the above concerns cannot be taken into account.

6. What happens after the Licensing Authority receives my representation?

The Council is required by law to:

- Consider content of the representation to establish whether it meets the criteria, described above, for being relevant; and
- Send a copy of your representation to the applicant or their representative. Representations cannot usually be made anonymously; however current Walsall Council practice is not to include contact details.

All representations submitted, and not withdrawn, will form part of the Licensing Sub-Committee report, which is a public document.

7. I have my representation. Where do I send it?

Representations must be received by the Council within 28 days beginning on the day after a valid application is received by the Council.

A representation can be submitted in the following ways:

By email, to licensing@walsall.gov.uk

If you don't have access to email, you can send your representation, or deliver it by hand through the Civic Centre letterbox, to the following address:

Licensing Team
Walsall Council
Civic Centre
Darwall Street
Walsall
WS1 1TP

Representations can also be made by post but remember that they must be received within the 28-day period to be relevant.

We would advise submitting an objection by email as the most reliable and effective method of serving such an important communication.