



## **GREEN PARTY INFORMATION BULLETIN – LICENCE APPLICATION**

*You may have heard about the new Licensing Act which allows licensed premises a greater flexibility in opening hours and is now in force. Under the new Act all pubs, restaurants, cafes and bars etc can apply for variations in permitted hours and activities.*

### **Making representations to Licence Applications under the Licensing Act 2003**

#### **1) How can I find out when a pub or club has submitted an application for a new licence or extension to their existing licence?**

Where people apply for premises licences, club premises certificate (private club), provisional statements (like a provisional licence) or variation (for instance an extension) they must:

- Advertise the application on the premises for 28 days from the day after application – A4 or larger, pale blue notice – prominently on premises, where it can be conveniently read.
- Publish a notice in a local newspaper – on one occasion within two weeks after making application.

Also, the Council publicises recent applications: Follow the link on the Council's website: <http://www.brighton-hove.gov.uk/site01.cfm?request=c1112701>

#### **2) Who can make representations (objections)?**

Applications are granted unless there are 'relevant' representations from 'interested parties' or 'responsible authorities'. Interested parties are: residents, businesses, and residents' and business associations, in the vicinity of the premises. Responsible authorities are: Sussex Police, East Sussex Fire and Rescue Service, Council (Planning, Environmental Health, Child Protection, Trading Standards).

Names and addresses of those making representations will usually be disclosed to applicants.

#### **3) On what grounds may an objection be made:-**

a) prevention of crime and disorder, b) public safety, c) prevention of public nuisance and d) protection of children from harm. The Council is not allowed to entertain any other type of representation. Where applicants are applying for 'grandfather rights', only the police may raise objections as the council/licensing justices have already declared the existing licenses as satisfactory.

#### **4) How can I object most effectively?**

The Council will have to be able to justify and defend its decisions. Therefore, if you have been affected by a licensed premises, for instance: crime and disorder, antisocial behaviour, risk to safety, noise or pollution, underage drinking, then it is important that a complaint is made to the responsible authority at the time. That way there may be evidence to found a refusal or impose conditions. It is possible that one of the responsible authorities may also make representations.

#### **5) Once a licence is granted, what can I do if there are problems?**

Firstly, depending on the nature of the problems, complain to the appropriate authority – there may be straightforward remedies. Secondly, interested parties and responsible authorities can apply to the council for a review of a licence. Sanctions include: modification of conditions, exclusion of a licensable activity, suspension (up to 3 months) or revocation of the licence. Evidence will be key.

#### **6) What happens to representations once made?**

On receipt of a valid representation a copy is sent to the applicant in order to facilitate discussions on the matters raised. If the person making the representation and the applicant cannot resolve the issues (i.e. the representation is withdrawn

because the applicant has agreed to appropriate licensing conditions or the objector no longer considers it necessary) a hearing is triggered. This is where the Licensing Sub-committee will determine the application and all interested parties are invited in advance. They will receive a copy of the report being presented as well as some guidance on procedures; attendance is not compulsory as the report will contain the details of the representation(s).

**6) I want to comment on this application. What do I do?**

- Quoting the application reference, write to Environmental Health & Licensing Service, Bartholomew House, Bartholomew Square, Brighton BN1 1JP Tel: 01273 294429
- And/or send your comments via email to [ehl.safety@brighton-hove.gov.uk](mailto:ehl.safety@brighton-hove.gov.uk)
- And/or contact the Green Party office –contact information below

**The Licensing Act 2003 does not require the Council itself to inform residents of the Licensing Applications, but instead requires the Applicants to display a notice on the application premises and place a public notice in a local newspaper.**

**This letter is an initiative from Green Party to inform residents of the administrative process and should not be considered as legal advice.**

**For further information or to make a comment please contact:  
Brighton & Hove Green Party, The Eco-Centre, 39 - 41 Surrey Street, Brighton BN13PB  
Tel/Fax: 01273 766670**

**Website: [www.brightonandhovegreenparty.org.uk](http://www.brightonandhovegreenparty.org.uk)  
E-mail: [info@brightonandhovegreenparty.org.uk](mailto:info@brightonandhovegreenparty.org.uk)**