



West Wiltshire District Council

Licensing Act 2003

Premises Licences and Club Premises Certificates

LL106

Making a representation about an application for a Premises Licence or Club Premises Certificate

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**This document is dated 24 April 2007. Updated versions may be
available on the Council's website**

Guidance for local residents and businesses who wish to comment on an application for a Premises Licence or Club Premises Certificate

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This guidance is only for premises in the West Wiltshire District Council area. For premises elsewhere the relevant Licensing Authority should be approached for advice.

Licensing law is changing. The Licensing Act 2003 draws together alcohol and entertainment licensing into a simpler system administered wholly by local Councils. West Wiltshire District Council, “the Council”, is one of the new Licensing Authorities. Premises will be able to operate with a single permission to cover both the sale of alcohol and the provision of entertainment. New licences will be required from when the new system fully comes into force. This will be on the so-called ‘second appointed day’, which has yet to be announced but is widely expected to be sometime in November 2005. Until that time the existing system continues.

The new licensing system has four objectives:

These objectives are:

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

No other matters can be taken into account when applications are being considered for approval.

This guidance is for those local residents and businesses that wish to make their views known about an application for a Premises Licence or a Club Premises Certificate. References in **this** guidance to Premises Licences or a “Licence” apply equally to Club Premises Certificates.

If you have an electronic version of this document in pdf (Acrobat) format you are able to use the links to other parts of this guidance document and external websites.

We hope this guidance will provide enough information about representations in relation to an application for a Licence. We would be grateful for any comments you wish to make about this guidance. Further information sources are shown in [Part B2](#). You may also wish to contact our Licensing Team on 01225 776655 or email licensing@westwiltshire.gov.uk .

This guidance note is part of a series that will, in time, cover all areas of the Licensing Act 2003.

A Licence will be required for the following activities taking place on premises:

- The retail sale or supply of alcohol (including via the internet or mail order)
- The wholesale of alcohol to members of the public
- The supply of hot food or hot drink between 2300 and 0500 which include both premises and 'mobile traders'
- The provision of regulated entertainment in the presence of an audience

Regulated entertainment includes:

- Performance of a play
- Film exhibitions
- Indoor sporting events
- Boxing or wrestling events (indoor and outdoor)
- Performing live music
- Playing recorded music (except incidental music)
- Dance performances
- Entertainment of similar descriptions

Notices at the premises and in the local press will give brief details about the proposals for either a new licence or the variation of an existing one. You can view the full application at the West Wiltshire District Council offices during normal office hours. Although you do not need to make an appointment you may want to let us know you are coming so that we can make sure someone is available to speak to you when you view the application. You should contact the Licensing Team on 01225 776655.

Alternatively, or in addition, you are encouraged to contact the applicant direct and discuss the proposals and your concerns.

The application will contain an operating schedule that will detail exactly what is being proposed in terms of activities and when they are to take place. As part of the operating schedule the applicant will have to state any intended control measures considered necessary to promote the licensing objectives. These control measures will, if the application is successful, be placed as conditions on the licence automatically. It would then be an offence not to comply with those conditions. Although applications where there are no representations will automatically be approved the licence will still be subject to the controls the applicant has shown in the operating schedule part of the application.

The licensing system can only deal with the four Licensing Objectives that are contained within the Licensing Act 2003.

These objectives are:

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

The decision on whether to grant an application, refuse it or to allow it subject to conditions will be based solely on these grounds. Other matters such as a moral objection, that there are too many similar premises or a simple dislike of the proposals cannot be considered.

In accordance with Government guidance the Council will not be using the new licensing system to duplicate satisfactory controls that already exist in other legislation such as fire and health and safety.

If you fall into the category of 'Interested Party' you are entitled to make a representation (objection).

An Interested Party is defined as:

- a person living in the vicinity of the premises in question;

- a body representing persons living in that vicinity, for example, a residents' association;
- a person involved in a business in the vicinity of the premises in question; and
- a body representing persons involved in such businesses, for example, a trade association

If you are not an Interested Party you cannot make a representation about an application.

You may wish, before making a representation, to contact the relevant Responsible Authority to discuss your concerns. These include the Police and the Fire Brigade as well as the Council's Environmental Health Department. A complete list of Responsible Authorities is contained in [Part B1](#). It will be considering making it's own representation if it thinks that one or more of the Licensing Objectives will be adversely affected by the proposals. You may wish to ask it to make a representation on your behalf. Remember that if you do decide to make a representation yourself you must do it before the closing date, which will be shown on the Notices.

See [Part A4](#) for details of how to make a representation.

Note

If the Premises Licence or Club Premises Certificate is granted and the activities subsequently cause a problem relating to one of the four Licensing Objectives there is the opportunity to review the licence. Both interested parties and responsible authorities are entitled to request a review irrespective of whether they made a representation when the licence was applied for.

The review would look at how the licensing objectives are being adversely affected. The sub committee hearing the review would have the power to restrict the activities at the premises, impose additional conditions, suspend the licence for up to three months or even revoke it completely.

The Police also have the power to close premises temporarily in certain circumstances.

All representations **must** be in **writing** and **received** by the Licensing Authority by the last date specified on the Notice at the premises or placed in the local newspaper. The Licensing Authority can also advise on that date. This date is calculated as 28 consecutive days starting from the day after the date the application was received by the Licensing Authority.

The address to send representations to is:

West Wiltshire District Council
Licensing Team
Council Offices
Bradley Road
Trowbridge
Wiltshire
BA14 0RD

Note that any representations that are classed as not relevant or are frivolous or vexatious will not be considered.

Your representation should:

- Include your name and address.
- Include the name and address of the premises you are making a representation about.
- Be relevant to the four Licensing Objectives and no other matters.
- In relation to licence variations must only relate to the variation and not the existing licence.
- Explain in as much detail as necessary what problems you believe will arise from the proposals.
- Be complete, as no new matters can be considered at hearings. You will only be permitted to make use of additional documents and information to support your representation at the hearing if all parties agree. You can however supply additional documents and information providing we receive it before the closing date for representations to be made.

Note that your name and address will be available for the applicant and others to see and that representations cannot be made anonymously.

If you make a representation then a hearing will be called when a committee of Councillors will hear both sides of the case. You will be invited to that sub committee hearing where you will be asked questions about your representation. You may also be permitted to ask the applicant questions relevant to the application. The committee will be looking to see whether there is a reasonable likelihood of one or more of the licensing objectives being significantly affected.

You may wish to include suggestions for licence conditions that would deal with the problems you are concerned about. You could also specify opening hours that you would find acceptable. You can also include photographs if you think it would help explain your concerns. Remember that where there are adequate controls in other legislation, such as health and safety and fire, the Council's policy would be not to consider these as a licensing issue.

Responsible Authorities

Applications will be sent to the following Responsible Authorities.

Chief Officer of Police

Wiltshire Police
West Wiltshire Licensing Officer
Wiltshire Constabulary
Divisional Police Headquarters
Semington Road
Melksham
Wiltshire SN12 6QQ
Telephone 01225 703444 Ext 417

Local Fire Authority

Wiltshire and Swindon Fire Authority
Trowbridge Fire Station
Fire Safety Department
Hilperton Road
Trowbridge
Wiltshire BA14 7JB
Telephone 01225 756500
Trowbridge.firesafety@wiltsfire.gov.uk

Body responsible for matters relating to the protection of children from harm

Wiltshire County Council
Childrens & Families Branch
Department of Children and Education
County Hall
Bythesea Road
Trowbridge
Wiltshire BA14 8JB (please mark envelope "Licensing Act 2003")
Telephone 01225 713000

Local enforcement agency for Health and Safety

Where the enforcing authority for Health and Safety is West Wiltshire District Council:

West Wiltshire District Council,
Health & Safety Team
Bradley Road
Trowbridge
Wiltshire BA14 0RD
Telephone 01225 776655
Fax 01225 770313, e-mail: environmentalhealth@westwiltshire.gov.uk

Where the enforcing authority Health and Safety is the Health and Safety Executive:

Health & Safety Executive
4th Floor The Pithay
All Saints Street
Bristol BS1 1ND
Telephone 01179 886000

The local authority with responsibility for Environmental Health

West Wiltshire District Council
Environmental Protection Team
Bradley Road
Trowbridge
Wiltshire BA14 0RD
Telephone 01225 776655
Fax 01225 770313, e-mail: environmentalhealth@westwiltshire.gov.uk

The local planning authority

West Wiltshire District Council,
Planning Department
Bradley Road,
Trowbridge
Wiltshire BA14 0RD
Telephone 01225 776655

The local authority with responsibility for Weights and Measures

Chief Trading Standards Officer
Trading Standards Department (Weights and Measures)
Wiltshire County Council
Area Office, The Chestnuts
Bythesea Road
Trowbridge
Wiltshire BA14 8JG
Telephone 01225 713000

In addition where the application relates to a vessel:

The Environment Agency
2 Rivergate,
Temple Quay,
Bristol BS1 6EH
Telephone 01225 9001700

British Waterways Board
Harbour House
West Quay
The Dock
Gloucester
Telephone 01452 318000
Southwest@britishwaterways.co.uk

Maritime and Coastguard Agency
19 Spring Place
105 Commercial Road
Southampton
SO15 1EG

The following are available from the HMSO web site www.hmso.gov.uk:

- The Licensing Act 2003 (2003 Chapter 17)
- Explanatory Notes to the Licensing Act 2003
- The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005
- The Licensing Act 2003 (Transitional provisions) Order 2005 (2005 No 40)
- The Licensing Act 2003 (Fees) Regulations 2005
- The Licensing Act 2003 (Fees) (Amendment) Regulations 2005

The following are available from the DCMS website www.culture.gov.uk in the alcohol and entertainment section:

- Guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State for Culture Media and Sport.
- Application forms
- Further guidance on the licensing system.

Additional information and other guidance notes in this series are contained on the Council's website www.westwiltshire.gov.uk. Follow the link to 'Licensing Act 2003' or 'New Licensing Act'.

You will also find;

- The Licensing Policy.
- Up to date list of address and contact details for Responsible Authorities and other useful organisations.
- Any updated version of this guidance.