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## ALCOHOL LICENSING IN YOUR COMMUNITY

## HOW YOU CAN GET INVOLVED?

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# ABOUT THIS TOOLKIT

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This toolkit is designed to help anyone who would like to have a say on how alcohol impacts their community.

It explains how the licensing process works and provides some practical tips to help people who want to get involved.

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Published August 2018

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# SECTION 1: INTRODUCTION TO ALCOHOL LICENSING

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The Licensing Act 2003 supports a number of key aims and purposes and these are vitally important and should be principal aims for everyone involved in licensing work. This includes encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.\*

### Who decides who can supply (sell) alcohol?

The licensing authority (Local Authority licensing department) must have in place a Statement of Licensing Policy (SoLP) which sets out how it will carry out its function in respect of individual applications made under the terms of the Licensing Act 2003.\*\*

### What is licensed and why?

In your locality, everywhere that supplies (sells) alcohol must have a premises licence, including supermarkets, convenience stores, pubs and restaurants that supply (sell) or serve alcohol. These are either permanent premises licences or Temporary Event Notices for specific events (the public cannot object to Temporary Events Notices only the Police and Environmental Health).

### What are the licensing objectives?

The Licensing Act 2003 sets out four statutory objectives. Licensees must demonstrate how they are going to promote these objectives within their application in order to be a responsible retailer. All licensing decisions must also be made with reference to the four licensing objectives (below):

- The prevention of crime and disorder (includes anti-social behaviour / assault / selling alcohol to under 18s / selling illicit alcohol / having registered door supervisors / illegal workers)
- Public safety (the physical safety of people, prevention of accidents and injuries and other immediate harms resulting from alcohol consumption such as unconsciousness or alcohol poisoning, fire safety, appropriate access for emergency services)
- The prevention of public nuisance (noise nuisance / light pollution, noxious smells and litter that affect those living and working near a licensed premises)
- The protection of children from harm (includes harm from alcohol consumption i.e. supplying (selling) alcohol to under 18s / child sexual exploitation / prevention of access to premises that provide adult entertainment / restrictions of access during certain times)

If you are experiencing any of the issues above go to Section 2

### Who are the responsible authorities?

The Licensing Act 2003 lists the responsible authorities (below) and their role is to assess all licence applications, make relevant representations and request review of licences when it is deemed relevant:

- The Licensing Authority
- Chief Constable Police
- Fire and Rescue Service
- Director of Public Health
- Trading Standards Department
- Environmental Health Department
- Planning Department
- Area Child Protection Board
- Home Office

Note: Members of the public can also request that the licensing authority review a licence (see P.10)

### Where can I find the government's guidance?

The government issue the following guidance in respect of alcohol licensing: Revised guidance issued under section 182 (April 2018) of the Licensing Act 2003 can be found by clicking [here](#).

### Where can I find information about alcohol licence applications?

Each council website will have an area that holds all licence applications and you will need to check the site on a regular basis to find out about applications in your area.



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## SECTION 2: WHAT YOU CAN DO IF ALCOHOL IS IMPACTING YOUR COMMUNITY

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There are a number of ways you can have a say about the impact of alcohol in your local community. PLEASE NOTE: If there is a problem that would cause immediate harm to any person you should consider contacting the Police. Any calls to 999 must only be carried out in a genuine emergency.

### Speak to the Premises Licence Holder

In the first instance and if you feel comfortable doing so you may talk to the premises licence holder yourself to discuss the issues you are experiencing. The premises licence holder may not be aware that they are causing any problems and discussing the issue may resolve the problem.

### Get in touch with the licensing authority and / or responsible authorities

If you do not wish to speak to the premises licence holder, seek advice from the licensing authority if you are concerned about the way a premises is being run. You can also report concerns such as noise and criminal activity to the relevant responsible authority (see Section 1). The responsible authority will then decide whether or not to take action against the premises.

### Get in touch with your local councillors

If you have concerns, for example about alcohol-fuelled noisy house parties, litter, the number of off-licences or noise created by pubs and clubs you can speak to your local councillor. They can report problems to the relevant departments within the council. A councillor would also be interested to hear about a well-run business that is valued in the community. To find your councillors contact details click [here](#).

### TOP TIP

If your neighbours also have concerns, suggest they contact their local councillor too. It is important that councillors know the scale of concern regarding alcohol issues within their community.

### Comment on alcohol licence applications (make a representation) and licensing sub-committee

When a business has submitted an application for a new alcohol licence or a variation to an existing alcohol licence there are 28 days to negotiate and / or comment before the licence is automatically issued.

Negotiation and liaison between interested parties (including residents) and the applicant can take place in order that the application can be amended to mitigate any concerns meaning a sub-committee hearing is not required.

If agreement cannot be made then any person has the opportunity to comment on the application in the form of a representation. You do not have to live nearby to make comment. If there are sufficient representations that are relevant the licensing authority will decide whether or not to hold a licensing sub-committee hearing (see P.17).

The hearing panel is made up of three councillors; all parties that have made a representation (including residents) also attend to present their evidence. The Chair ensures the hearing follows correct procedure and the panel makes the final decision on whether or not the licence application will be granted, granted with amendments

or refused. The panel can also add conditions to a licence, where appropriate, to ensure that the premises licence holder runs the premises in accordance with the licensing objectives.

An example of a condition is that the premises must have in place a Challenge 25 Policy (ask to see ID for any person that looks under the age of 25). The sub-committee can only make decisions based on the four licensing objectives (see P.5) and whether or not the application will uphold them.

Your representation should relate to one or more of the licensing objectives.

If you cannot attend a hearing in person you can nominate someone to attend on your behalf. You must inform the licensing department 2 days prior to the hearing.

The nominated person can only speak about your representation and cannot talk about new / different issues. If you cannot attend and have not nominated a representative, then your original representation will be read by the sub-committee but will be given less weight as you are not there for the applicant to ask you questions.

For more information on how to write a representation in relation to an alcohol licence see P.13.

An example representation form can

be found by clicking [here](#).

### Request that the licence be reviewed

If after you have shared your concerns things do not get better, you can provide evidence and make an application for the licensing authority to review the licence of the premises concerned. Suitable evidence includes; a diary / record of events or incidents, sound recordings, a record of complaints made to authorities, supporting statements from fellow neighbours (see P.13 for more information). If there is enough evidence the licensing authority will consider calling the licence into review. A review can only be requested for one premises and not a group of premises. More than one review application must be submitted if more than one premises is involved.

### Check if there are Special Cumulative Impact Policies in place

When a Special Cumulative Impact Policy (SCIP) is in place it creates a "rebuttable presumption" that applications for the grant or variation of premises licences which are likely to add to the existing cumulative impact (anti-social behaviour caused by alcohol / street drinking / begging, noise etc) will normally be refused or subject to certain limitations, following relevant representations.

It is the applicant's responsibility to demonstrate in their operating schedule that there will be no negative cumulative impact caused by their business on one or more of the licensing objectives. There may be a SCIP in place in your area and you will find details of them in the Council's Statement of Licensing Policy. Each Council must have a SoLP and they are available in the Licensing section of your Council's website.

#### Respond to alcohol licensing consultations

The licensing authority has to develop a Statement of Licensing Policy that sets out how it will carry out its work in promoting and upholding the four licensing objectives. This policy must be reviewed and updated every five years and be considered by the Council when making decisions on applications.

The licensing authority must consult various groups when it is developing its policy including the responsible authorities and the public via an online consultation.

#### TOP TIP

You can contact the licensing authority to find out when it will be updating its policy and how you can give your views.

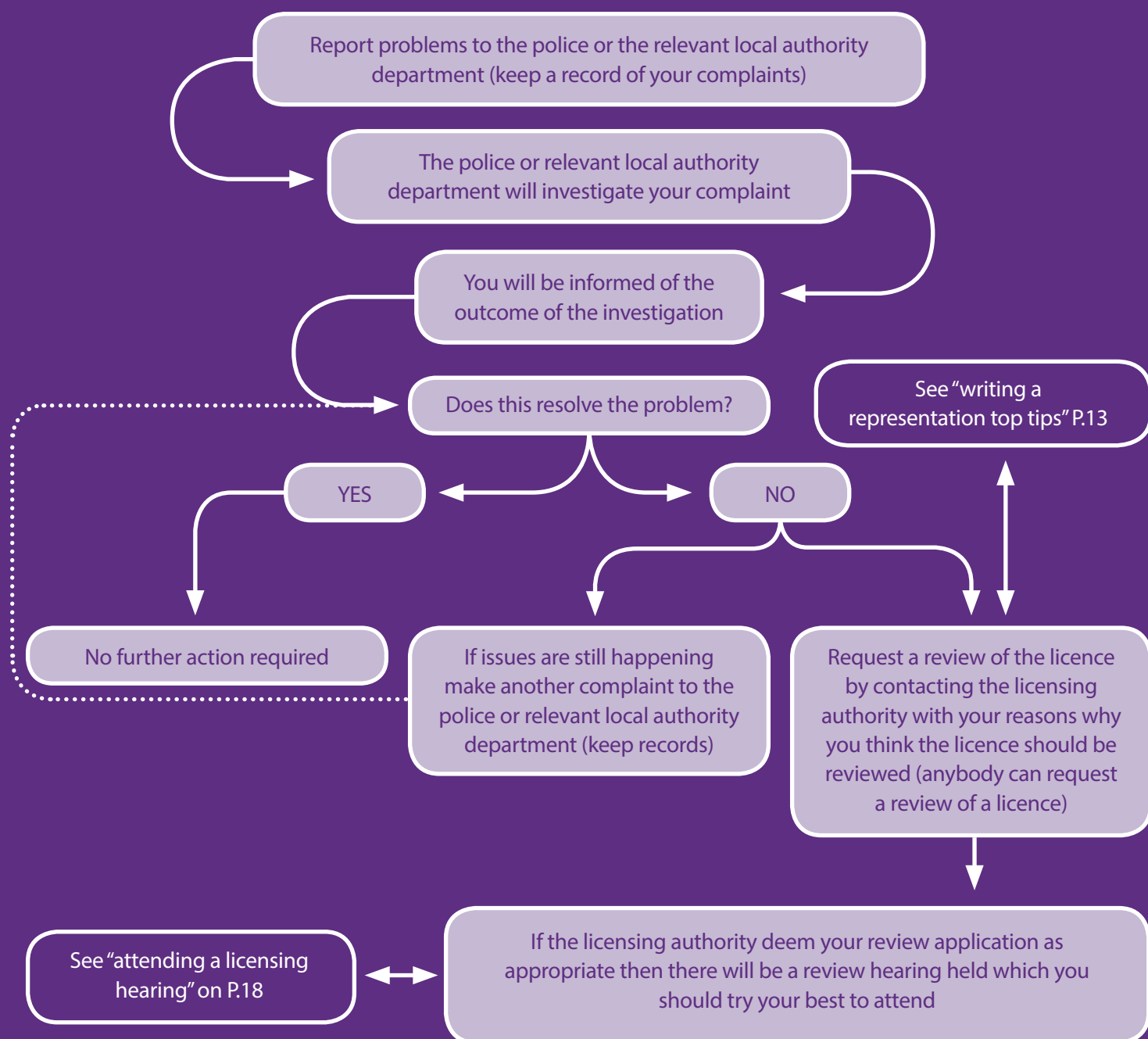
#### TOP TIP

Try to include evidence in your consultation response to support your opinions, such as times you have reported noise disturbances to the Council's Environmental Health section or the police for example (see P.13 for more information).



## HAVING PROBLEMS RELATING TO ALCOHOL OR LICENSED PREMISES?

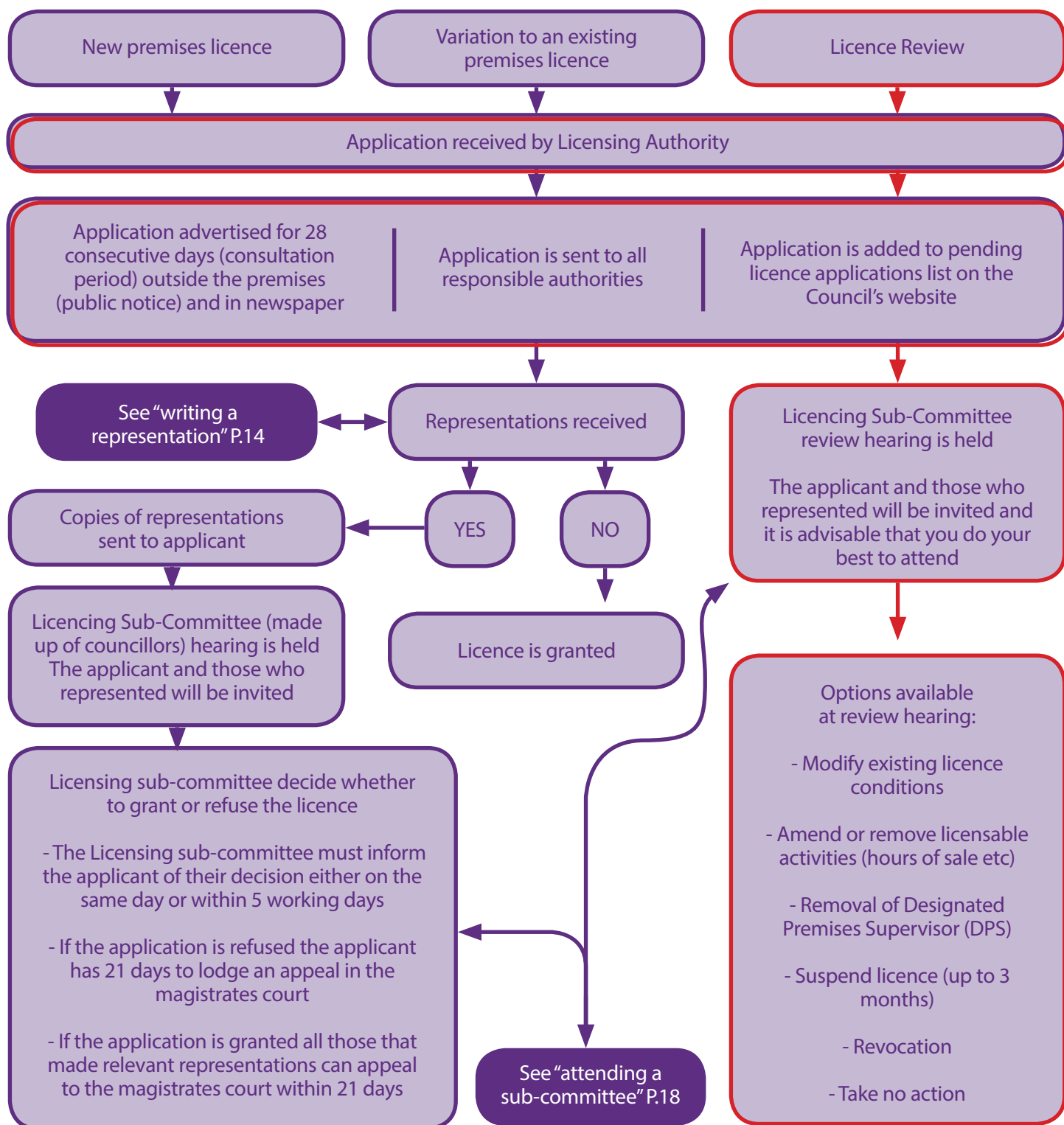
If you are concerned about how a place that supplies (sells) alcohol is operating, there are processes you can use to address this (see below). When a new licence application or full variation application has been submitted the applicant must place a pale blue notice outside the premises or for a minor variation application a white notice.



# STEP BY STEP GUIDE TO COMMENTING ON AN ALCOHOL LICENCE APPLICATION

The licensing authority has to follow strict procedures when considering alcohol licence applications.

The main applications types are for new premise licences / certificate, minor / major variations to existing licences / certificates or licence / certificate reviews.



# WRITING A REPRESENTATION – TOP TIPS

Here are some practical tips for commenting on alcohol licence applications (making a representation).

These tips might also be helpful if you are requesting a review of a licence. A representation can be an email or a letter to the licensing authority. There are various requirements which need to be complied with (including a strict time limit). The licensing authority is required by law to send a copy of your representation to the applicant or their representative. Representations cannot usually be kept anonymous, but there are circumstances where this may be appropriate for instance when you are in genuine fear of violence or where an elected member has applied for a review on your behalf. You must remember however that if your witness statements / evidence include your personal information this will be shared with the licensing sub-committee.

## LOOK AT YOUR LICENSING AUTHORITY STATEMENT OF LICENSING POLICY

This policy sets out what standards the licensing authority expects from applicants. It can be helpful to reference specific sections of the policy within your representation.

## ASK THE LICENSING AUTHORITY FOR ADVICE

Part of the licensing authority's job is to give advice about how and when to make a representation along with what happens at licensing sub-committee hearings.

## LOOK AT THE PROPOSED OPERATING SCHEDULE FOR THE PREMISES

Section 18 of the application form gives applicants the chance to detail how they will uphold the licensing objectives (for example using a challenge 25 policy (ask to see ID of anyone that looks under age 25) and having CCTV). Is there anything else you feel that the applicant could consider?

## ENSURE YOUR REASONS FOR REPRESENTING AGAINST THE APPLICATION ARE CLEAR

The aim of making a representation is to describe how your life / community will be affected and why you are against the application. You must give reasons and not just speculation for your objection and you must base your representation on at least one of the four licensing objectives. Your representation must not be "frivolous" or "vexatious". For example, an application is frivolous if the application lacks seriousness or is particularly trivial or vexatious if it relates to disputes between rival businesses. You will be trying to demonstrate that a grant of the application (at least in the terms requested) is not 'appropriate' for the promotion of the licensing objectives:

- A Prevention of Public Nuisance. This is the most commonly used reason for making a



representation, with most residents complaining that there is already a noise nuisance from a premises while it is open, and that if the premises were allowed to stay open any longer, this would go on until an unacceptably late time. Noise at and after closing time is also a public nuisance problem, as is litter, for example.

- B** Prevention of Crime and Disorder (e.g. fighting, drug problems, disorder etc). You should state what the problems are and whether the police were involved (if you know). You should describe how often problems occur and whether these problems are ongoing.
- C** Protection of Children from harm. This is rarely used but if you believe that, for example, under-age drinkers are being served there then you should set out why children are at risk of being harmed.
- D** Public Safety. If you believe that a pub is overcrowded, for example, or if you believe that there is any other risk to public safety, you should describe the problem in your letter

Issues such as the following should be reported to the Environmental Health Team within the relevant Council. If you are already taking measures such as keeping windows closed, wearing earplugs, turning your television up, then you should outline them in your representation letter. If litter, urination and bottles being left around make your neighbourhood look unpleasant, and makes it less pleasant to live there, you should state this. If you are kept awake by noise from a pub, for example, you should describe the noise you can hear, how loud it is, how often you are disturbed and what the effect is on you, for example disturbed sleep, lack of peace and quiet, or perhaps you have to keep your windows shut in summer and so on. If you or anyone else has reported the issue, you should give details of when. If you have complained to the

management or staff at the premises, you should also give details.

Try and focus your comments on how the application impacts or could impact you and your community. Try to avoid making general statements in case they are considered to be irrelevant.

### PROVIDE ANY EVIDENCE YOU HAVE

If you have evidence to support the points you are making, for example incident numbers or records of phone calls to the police or environmental health, you should give details in your representation. Evidence holds more weight than speculation. Include photos if they would give weight to the representation.

### WOULD YOU SUPPORT THE APPLICATION IF CHANGES WERE MADE TO IT?

Within your representation you can make suggestions for changes you would like the applicant to make in order to address your concerns. This gives the applicant time to consider your suggestions prior to a licensing sub-committee hearing.

### CHECK HOW YOU SHOULD SUBMIT YOUR REPRESENTATION

Representations must be in writing either via letter or email to the licensing authority.

### SUBMIT THE OBJECTION IN THE NAME OF AN INDIVIDUAL

If you are submitting comments on behalf of an organisation or community group it is better for any representation to be signed by an individual but should make clear that the comments represent the views of the organisation or group. The individual could be an elected member, community council leader, citizens

advice, chair of local neighbourhood watch, faith leader etc.

### MAKE SURE YOU SUBMIT YOUR COMMENTS ON TIME

The notice of the application will give the deadline for submitting a representation to the licensing authority. It is important you submit your representation by this date as late representations will not be taken into account. If you do miss the deadline include the reasons why and depending on the reason the licensing authority may still consider the representation.

Include your address and where you live in relation to the premises (e.g. I live directly opposite the pub).

# WRITING A REPRESENTATION

## – THINGS TO WATCH OUT FOR

The licensing authority cannot consider information that does not relate to one of the four licensing objectives (for example traffic problems or planning).

When a licence variation application is made the licensing authority does not have the ability to remove the licence, only to agree or refuse the proposed variation. Your representation must relate to the details within the variation application.

It is better for individuals to write their own representations so that they are not too similar. If you represent regularly ensure that you tailor each representation to the application.

The onus is on the person making the representation to say why the licence application should be refused, rather than on applicants to provide evidence for why their application should be granted, however applicants do need to demonstrate how they will promote the licensing objectives within their application.

If no representations are received against an application by the licensing authority then the application is granted every time.

### THE APPLICANT'S SOLICITORS HAVE CONTACTED ME. WHAT DO I DO?

The Council is required by law to send a copy of your representation to the Applicant or the Applicant's representatives. Sometimes they may contact you to discuss your concerns.

Making a representation means that you become a

party to the application, which brings with it certain rights and responsibilities. For example, you have the right to attend any subsequent hearing and address the Sub-Committee which decides on the application.

Sometimes the Applicant's representatives may suggest a meeting in order to discuss your concerns and examine ways in which they can be resolved. If you are not able or willing to meet, it is still a good idea to respond to the invitation saying so.

Sometimes the Applicant's representatives may propose amending the application to e.g. reduce the hours sought, removing or reducing 'regulated entertainment', or to make the licence subject to conditions which may address your concerns.

The Licensing Act 2003 envisages a partnership approach whereby there is scope for a useful dialogue between parties prior to any hearing to see if any matters can be resolved. This ensures that the hearing is as streamlined as possible and focuses only on matters still in dispute.

### THE APPLICATION WAS GRANTED, AND I AM NOT HAPPY WITH THE DECISION. CAN I APPEAL?

There is a right of appeal for any party to the application. The appeal is by way of complaint to the magistrates' court within 21 days of the decision to grant the licence. The Respondents to an appeal by a resident will be the Council and the Applicant.

It is important to think very carefully about an appeal as there are potential costs implications. It is important to take legal advice before embarking on an appeal.



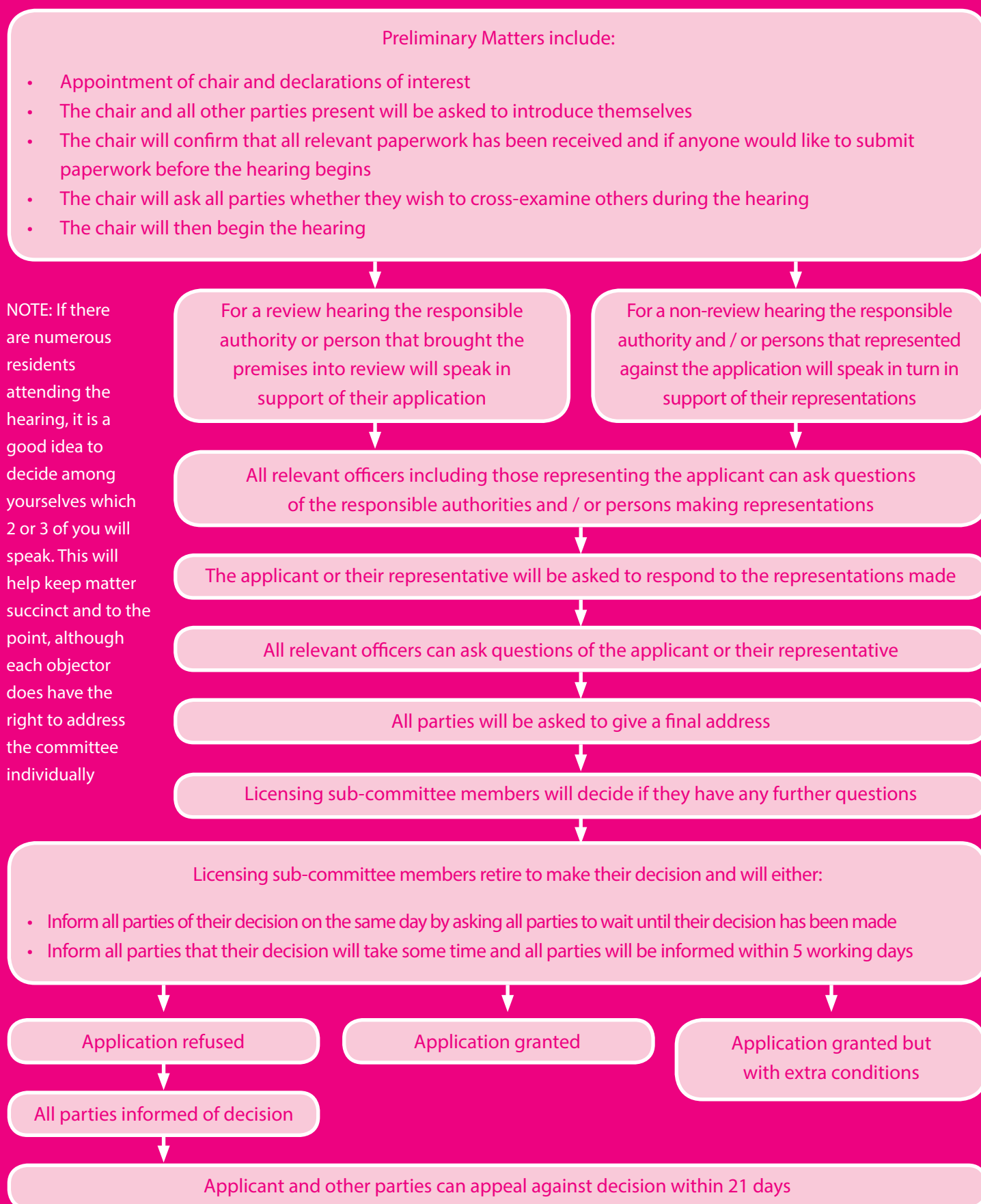
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## SECTION 3: ATTENDING A LICENSING HEARING

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If you have submitted a representation in respect of a licence application or requested the review of a licence / club premises certificate, you will be invited to the subsequent licensing sub-committee (if the licensing authority felt that convening a hearing was appropriate), this is where the licence application or the review application will be considered by the sub-committee.

The diagram below shows a summary of the process the sub-committee hearing will follow.



# ATTENDING A LICENSING SUB-COMMITTEE HEARING: TOP TIPS

Prior to the hearing if you have been approached by the applicant about your representation and felt intimidated please let the licensing authority know as soon as possible.

Ask a member of the licensing team if it is possible to have a copy of the information pack when you arrive at the hearing.

Try to attend a hearing as an observer before the one you will be speaking at so that you can see the layout of the room and experience the procedure. Details of licence reviews can be found on your local council website.


If you cannot attend the hearing let the licensing team know that someone else will be attending and speaking on your behalf.

It is helpful to think about what you want to say and bring notes. Address all of your points the first time you are asked to speak.

If you are struggling to hear the discussions or understand terminology let a member of the licensing staff know.

You cannot introduce entirely new information on the day of the hearing. Make sure if you have any additional evidence you submit it to the licensing authority the day before the hearing at the latest.





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## SECTION 4: ALCOHOL LICENSING GLOSSARY

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# WHO'S WHO IN ALCOHOL LICENSING?

## LICENSING AUTHORITY

The Local Authority's licensing department.

## APPLICANT

This is the person applying for the alcohol licence. They will become the premises licence holder if granted the licence.

## DESIGNATED PREMISES SUPERVISOR (DPS)

Every premises licence that authorises the supply (sale) of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder. The DPS must have a personal licence and be available to contact although does not need to be in the premises at all times.

No DPS named on the licence = No Alcohol Sales.

## AGENT

It is common for an applicant to have someone present their application to the licensing sub-committee hearing. In a lot of cases this is a solicitor or another licensing expert.

## LICENSING MANAGER

This is usually the head of the licensing department and is a neutral party during the licensing sub-committee hearings.

## COUNCIL'S SOLICITOR

This person is employed by the council and gives legal advice to the licensing sub-committee when required.

## LICENSING SUB-COMMITTEE

This panel is made up of three councillors with one acting as Chair. The Chair ensures the hearing follows correct procedure and the sub-committee make the final decision on whether or not the licence application will be granted, revoked or suspended. The panel can also add conditions to a licence where appropriate.

# TYPES OF LICENCE

## PERSONAL LICENCE

The supply (sale) of alcohol may not be made under a premises licence unless there is a DPS in respect of the premises named on the licence who must hold a personal licence. A personal licence means that the individual can supply (sell) or authorise the supply (sale) of alcohol from the premises. The individual must hold the Award for Personal Licence Holders qualification.

## PREMISES LICENCE

A premises licence authorises the use of any premises (which is defined in the 2003 Act as a vehicle, vessel or moveable structure or any place or a part of any premises) for licensable activities defined in section 1 of the 2003 Act (the sale by retail of alcohol; the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club; the provision of regulated entertainment and the provision of late night refreshment). A premise can have more than one personal licence holder.

## CLUB PREMISES CERTIFICATE

Clubs are organisations where members have joined together for particular social, sporting or political purposes. They may then combine to buy alcohol in bulk as members of the organisation to supply in the club.

# TYPES OF PREMISES

## LICENSED PREMISES

Any place supplying (selling) alcohol to the general public must have a premises licence and is called a licensed premises. This could be a supermarket, convenience store, café, restaurant, pub or club.

## OFF-LICENCE

This is a shop supplying (selling) alcohol for people to take away and consume elsewhere. This could be a supermarket or convenience store.

## ON-LICENSED PREMISE

This is a premise supplying (selling) alcohol for people to drink on / in the premises. This could be a pub, club or restaurant.

# LICENSING TERMS

## LICENSING SUB-COMMITTEE HEARING

This is when the licensing sub-committee meet to consider the evidence and decide whether or not grant or revoke licences.

## LICENCE VARIATIONS (MINOR OR FULL)

This is when an existing premise applies to the licensing authority to vary or change the way that it operates. A minor variation could be a minor change in hours of sale or layout of the premises such as moving the bar. A major or full variation would be changing the nature of the business for instance from a restaurant to a pub or making major renovations to the premises.

## REPRESENTATION (RELEVANT)

The guidance issued by the Government states that representations must not be “frivolous”, “vexatious” or “repetitious”. For example, an application is vexatious if it relates to disputes between rival businesses or frivolous if the application lacks seriousness or is particularly trivial. A “repetitious” application for a review is one that is identical or very similar to a previous application for a review which has already been determined.







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SECTION 5:  
CONTACTS

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Guidance issued under section 182 of the Licensing Act 2003 can be obtained from:

Home Office  
Direct Communications Unit  
2 Marsham Street  
London  
SW1P 4DF

Tel. 020 7035 4848  
Fax. 020 7035 4745

[Public.enquiries@homeoffice.gsi.gov.uk](mailto:Public.enquiries@homeoffice.gsi.gov.uk)

List of acknowledgements:

- The Elected members:  
Cllr Paul Brant  
Wirral Councillor
- Community Partners:  
Breckfield and North Everton Neighbourhood Council  
The Clock Community Association  
West Everton Community Council  
Priory Area Tenants and Residents Association  
The members of the Everton and Anfield Police Community Action Group



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Hitched Communities is a not-for-profit organisation bringing together partners to create, test and scale social innovation for some of society's biggest challenges. It also sources and manages social funds from corporates such as Hitch Marketing.

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